

# **MEETING OF THE PARLIAMENT**

Thursday 22 February 2007

Session 2

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## Scottish Parliament

Thursday 22 February 2007

[THE DEPUTY PRESIDING OFFICER opened the meeting at 09:15]

### Road Tolling

**The Deputy Presiding Officer (Trish Godman):** Good morning. The first item of business is a debate on motion S2M-5598, in the name of David Davidson, on road tolling.

09:15

**Mr David Davidson (North East Scotland) (Con):** This debate is about Tavish's toll tax. The Scottish Conservatives have secured the debate to provide an opportunity for all MSPs to respond to the well-publicised proposal by the Scottish Executive's Minister for Transport to introduce unique tolls on Scotland's roads at an early date—not that his Executive-approved amendment states that with the same urgency. The Scottish Conservatives have consistently been the only party in Scotland that is against tolls. The revenue-neutral Scottish road pricing scheme proposed by an Executive minister simply cannot happen. It is a fiction.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the member take an intervention?

**Mr Davidson:** Not at this time.

Tavish Scott's proposal that the United Kingdom Treasury should give up control of fuel duty taxation will not be given serious consideration. Will we really see empty, English-based lorries, buses and cars queuing up at Gretna to fill up on cheap Scottish fuel? The Gretna gas-guzzling congestion that that would cause would have more effect than Hadrian's wall had in the days of the Romans.

Tavish Scott wants Scotland to go it alone on this matter. He wants Scotland to be a guinea pig in an experiment. We Scots do not want that. The tax-raising Liberal Democrats will tax anything—moving or not—from land to carrier bags and from hotel bedrooms to caravans. On top of that, they would foist a 6.5 per cent increase in taxation on households.

**Mike Rumbles:** Will the member take an intervention now?

**Mr Davidson:** No, thank you.

**Mike Rumbles:** Will he take an intervention at all?

**Mr Davidson:** When the time comes for the minister.

Scotland will not tolerate that any more than it will tolerate the Labour road pricing scheme that is being promoted at Westminster.

This morning, the Federation of Small Businesses in Scotland published a paper stating clearly that pay-as-you-go will price Scotland's small businesses off the road, because they do not make unnecessary road journeys—they make journeys only to service their clients and their businesses. The same holds true for other Scottish businesses.

The RAC Foundation for Motoring paper on road charging showed that more than 1.8 million motorists throughout the UK have petitioned the Prime Minister to register their anger about the introduction of road pricing. We Conservatives, too, have successfully launched our own anti-road tolls campaign, at [www.scotlandsaysnototolls.com](http://www.scotlandsaysnototolls.com). Most important, though, when asked by the RAC whether the Government would limit its scheme to a handful of the most congested roads, 84 per cent of respondents would not trust the Government to stick to its promise. Motorists believe that road pricing would result in yet another new stealth tax. The Scottish Conservatives see road tolling as a direct hit on the least well-off motorists in Scotland. Those who would be hit are people who live in rural areas and need to get to work, and pensioner householders with limited income, whose only means of transport is the motor car. Let us be honest: Tavish's toll tax, as he has proposed it, would add enormous costs to Scottish business and people in work, as well as to those motorists who, as taxpayers, have already paid for Scotland's roads.

**Mike Rumbles** rose—

**Mr Davidson:** It is hypocritical of the Lib-Lab pact and the Scottish National Party to say yes to tolling nationally then to become vehement opponents of the local proposals that they helped to vote for in the Transport (Scotland) Act 2001. I remind members of that act, and those parties in the chamber that supported it and who then, within weeks—

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Since we are intent on historical accuracy, am I right in saying that the Tories voted for the Transport (Scotland) Act 2001?

**Mr Davidson:** We voted against part 3. Mr Ewing's friend, Mr Crawford, was vehement in his support for part 3, but followed it up with an anti-tolls campaign—I believe that it was in Fife. As far as the Liberal Democrats are concerned, the words "Willie Rennie" and "Dunfermline by-election" should prove my point. Indeed, Alistair

Carmichael MP, the Liberals' transport spokesman at Westminster, accused the Prime Minister of a lack of leadership on road tolls. Mr Carmichael stated:

"To convince the public of the case for road user pricing, he must give a guarantee that it will be a different tax, not an extra tax. Taxes need to be greener and fairer, but not higher."

The Tavish tax would be higher. The Liberal Democrats cannot have it both ways. The RAC report indicated clearly that the people do not trust the minister on the issue.

Bruce Crawford said:

"It should be for local authorities to decide, following appropriate consultation, whether schemes are viable and suitable to their circumstances."—[*Official Report*, 20 December 2000; Vol 9, c 1190.]

Today, however, the SNP amendment makes no mention of the SNP's support for councils setting their own toll charges, nor does it mention removing bridge tolls, which I thought was SNP policy. What are we to believe is the new SNP policy position? No doubt Mr Ewing will enlighten us in due course.

What I find amazing is the direct attack on civil liberties, which appears to be supported by the Scottish Green Party. The Green party clearly supports the principle of the spy in the sky. Where will it end?

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I am most grateful to the member for finding the time to give way.

On 8 February this year—just a few days ago—Mr Murdo Fraser said:

"If the minister had listened ... he would have heard me saying that we support national road pricing in principle."—[*Official Report*, 8 February 2007; c 31913.]

Would it be fair for that quotation to appear on the Conservatives' website?

**Mr Davidson:** I have little doubt that my colleague will respond to that.

As far as I am concerned, if there is a debate it should be a national debate. This morning, Mr Scott should say how he can defend a unique tax on Scotland—a tax that only Scottish motorists will pay, because only Scotland will be the guinea pig. I find it hard to believe that Mr Scott thinks that Scotland is a region of the United Kingdom that is amenable to being a guinea pig.

The Scottish people need to know members' positions in the debate. Two parties—Labour and the Liberal Democrats—are in power, and the other—the SNP—has aspirations to be in power. Let us have some honesty. Is it tolls or not? Should motorists pay more? Should Scotland suffer this price of devolution? Will we see

encouragement for enterprise and employment, and help for those who rely on the car, or is this simply yet more taxation? This is an opportunity for every member to decide where they stand. Do they want increased taxation on Scottish motorists? If so, they should support Tavish Scott. If they do not, they should join us in the lobby at 5 o'clock and vote against him.

I move,

That the Parliament opposes the introduction of any additional nationwide charges for using Scotland's existing roads and calls for the repeal of Part 3 of the Transport (Scotland) Act 2001.

09:24

**The Minister for Transport (Tavish Scott):** This is a great opportunity to debate the issue. I particularly thank my good friend Fergus Ewing for inviting me so vigorously to join the debate; I did not know he cared. I am genuinely touched by that.

I welcome the opportunity to deal with the scaremongering and utter misinformation from the Tories. Mr Davidson accuses me of proposing a toll tax. Not only do the Tories have form when it comes to poll taxes, but Murdo Fraser's position, as Jeremy Purvis has just shown, is also for a toll tax. That would be Murdo's toll tax. If David Davidson wants to misrepresent my position, I will misrepresent Mr Fraser's position.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The Conservative party has never said that it objects in principle to a national road pricing scheme. What differentiates us from the minister is that the minister wants a unique tax in Scotland alone. Is that not his position?

**Tavish Scott:** No. That is not my position, but I am very pleased that the Conservatives have put on the record in Parliament their support for road user pricing. We all heard that and it is on the record. The Scottish National Party heard it, the Liberal Democrats heard it, Labour colleagues heard it and even Conservative back benchers—who are a little bit quiet at the moment—heard it.

Let me be crystal clear. Must we tackle congestion on Scotland's roads? Yes. Will Scotland's economy grow if the country's roads are gridlocked? No. Does this Government want higher taxes on motorists? No. Did members hear me? I said no. Will there be a road pricing pilot if that means extra motoring costs with no alternatives? No. Do we need a proper, balanced discussion of the options that are open to the country to tackle those issues? I believe that we do, and I think that Murdo Fraser believes so, too; he admits, and has just confirmed, that his position and that of the Conservatives is to support road user pricing in principle.

**Mr Davidson:** Will the member give way?

**Tavish Scott:** No. Mr Davidson did not give way to Mr Rumbles, although he was asked four times to do so. Mr Davidson can hardly expect to jump to his feet now and intervene.

We want to tackle congestion, not to penalise motorists.

I am disappointed but hardly surprised by the Tories' failure to provide any real alternative in their motion. Mr Fraser has once again confirmed that they have such an alternative, which is the debate that the whole chamber wants to have on road user pricing.

We will take the climate change challenge seriously. We will consider using road pricing—with the UK Government and using our devolved powers—as a mechanism to address traffic congestion. The solution to congestion and climate change is not more motoring taxes. People will not accept that, but they will consider a balanced approach. They will consider road user pricing charges if they are balanced by cuts in motoring taxation.

A BBC poll on Tuesday asked what would make road user pricing acceptable. In response, 55 per cent said that it would be acceptable if the money raised was invested in public transport, while 53 per cent said yes to road user pricing if the money raised was used to cut other road taxes. When the Secretary of State for Transport was asked by the BBC on Tuesday whether, in the light of that poll, the UK Government would reduce other road taxes, he said:

"We've said this is obviously an issue we would have to look at in the years before making a decision about a national road-pricing scheme."

I welcome that statement.

**David McLetchie (Edinburgh Pentlands) (Con):** It is meaningless—like Tavish Scott's.

**Tavish Scott:** Mr McLetchie can barrack me as much as he likes. Road pricing as a replacement cost, not as an additional cost—as Mr McLetchie tried to say on Radio Scotland; I listened to him carefully this morning—could be a win-win for Scotland. For the avoidance of doubt, I re-emphasise the words "replacement cost", not "additional cost". There is congestion in our cities—I think that most rational people would accept that that is the case—so people need real alternatives to the car.

We are investing record amounts in public transport. We are building new rail lines and investing in the provision of bus and tram services—all of which will help to reduce congestion—and we will invest more. Under road pricing, we can tackle congestion by giving people better public transport choices.

**Jeremy Purvis:** The minister will recall the debate in the Parliament on 8 February, during which Murdo Fraser for the Conservatives said:

"indeed, the principle of a road pricing scheme is one that many people in our party find attractive".—[*Official Report*, 8 February 2007; c 31896.]

Will the minister name those in the Conservative party who are finding it attractive this morning?

**Tavish Scott:** We know that Mr Fraser finds it attractive, but the rest of them are not looking too comfortable at the moment. However, it is not for me to speak for the Conservatives. I am sure that they will provide clarification in the fullness of time.

In rural Scotland, the car is still a necessity, not a luxury, and congestion is not the problem. Therefore, rural motoring should become cheaper under a road pricing scheme. That would recognise that public transport choices are not so readily available.

Mr Davidson raised one fair point, so let me deal with the serious concern that Big Brother would be watching us. Road pricing need not intrude on personal privacy—that would depend on the system that was chosen. There are options that respect personal freedom and which do not track a vehicle's every move. The concerns are legitimate, but those options would not infringe on privacy.

Congestion and the reliability of journey times are increasing problems. In 2005, almost a quarter of all peak-hour journeys in Scotland were reported as being delayed by congestion. Yesterday, we published a report on congestion data. It found that in the most congested parts of the trunk road network, traffic was increasing at one and half per cent per annum, while congestion was increasing at four and a half per cent per annum—that is three times the rate of increase for traffic.

We must look at the options for developing the economy. It is sensible that transport policy considers road user pricing, but above all that must mean that we tackle congestion while not penalising motorists.

I move amendment S2M-5598.2, to leave out from "opposes" to end and insert:

"welcomes the Scottish Executive's massive increase in funding for public transport since 1999; notes the growing problem of traffic congestion in Scotland and the impact this has on the economy and the impact of pollution on health and the environment; notes the lack of an alternative from the opposition parties to tackling congestion; notes that the Executive does not support penalising motorists, and believes that the potential benefits of all new measures to tackle congestion, such as road user charging, need to be fully assessed, tested and evaluated in order to keep Scotland moving."

09:30

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The SNP is opposed to a system of road tolls. Over the past few weeks, a debate has been led by the Prime Minister and by Mr Scott, in which a total lack of any detailed policy has come from either source. The Prime Minister, in response to the 1.8 million people who have signed the online petition, stated that

“stories about possible costs are simply not credible, since they depend on so many variables yet to be investigated, never mind decided.”

The Prime Minister does not have a clue what the road pricing policy would mean in practice and the Liberal Democrats, who wish to pilot such a scheme in Scotland, have not begun to spell out what it would mean in practice. The technology and logistical problems cannot be addressed for 10 years, so the policy cannot be introduced for 10 years. I thought that Governments were supposed to govern for the period for which they were elected, not to concentrate on a time five years after that. They may as well pilot space travel for the general public.

The SNP would tackle congestion in practical and effective ways, two of which are spelled out in our amendment. First, we would build on the existing park-and-ride schemes and establish more of them, particularly around cities—around Edinburgh and, in particular, around the ring road. We would also establish park-and-ride schemes at stations. That is happening. Only in that way will we encourage motorists to leave their cars at home.

Secondly, we would encourage flexible working and home working. The total distance travelled on Scotland's roads for the past two years has been 43,000 million kilometres. Some commentators estimate that we could cut between 5 and 10 per cent of that figure if we were to establish effective flexible working and home working. That could lead to between 2,000 million and 4,000 million kilometres of journeys by car being taken off our road. That is a practical and effective measure that we can put in place. That is why the SNP, unlike the Prime Minister, the Executive and the Liberal Democrats, will establish that policy.

**Mike Rumbles:** I thank Mr Ewing for giving way, unlike the Conservatives. Is he seriously suggesting that the SNP's solution to congestion and the ever-rising number of cars on our roads is more park-and-ride schemes and more flexible working? Is that it?

**Fergus Ewing:** Absolutely not; we want to go further. This evening, I shall travel to Glasgow to speak at a posh dinner. [*Interruption.*] For some reason, minister, I was invited as the keynote speaker. I will be taking the train.

**Members:** Hooray!

**Fergus Ewing:** Thank you.

I will take the train precisely because, having driven that road many times this year, I know what a problem congestion can be. Part of the problem is the unpredictability—one does not know whether the journey to Glasgow will take about an hour and a half or two or three hours. Therefore, if one has to attend a function or go to a meeting, the train is more effective. That is why the SNP wants to establish the Waverley phase 2 programme, which the Executive has ditched. Experts have established that unless we go ahead with phase 2 of Waverley, our rail system, if all the plans were to go ahead, will be at gridlock very soon—early in the next decade. We want more people to follow my example and take the train. We also want to have more capacity on the train between Glasgow and Edinburgh. In contrast, the Scottish Executive's policy will effectively create gridlock on Scotland's rail system in the next decade at the very time when more drivers will wish to follow my example and take the train.

**Murdo Fraser:** Will the member give way?

**Fergus Ewing:** Do I have time, Presiding Officer?

**The Deputy Presiding Officer:** If Mr Fraser is very brief.

**Murdo Fraser:** The SNP's amendment does not delete the part of our motion that calls for the repeal of part 3 of the Transport (Scotland) Act 2001. Do SNP members now accept that they were wrong to support part 3 of that act, and that they were wrong to attack us for opposing it?

**Fergus Ewing:** The SNP is wholly opposed to additional taxation on the roads and to road tolls. When we are in government, we will scrap the Forth road-bridge tolls. We are not prepared to allow a piece of legislation to remain on the statute book that could be used to put a charge of £4 or £10 on the Forth road bridge by the back door, as is reported in the Dunfermline papers today. We are not willing or prepared to see that happen, which is why we will support the deletion of that part of the 2001 act.

The Tories gave Scotland the poll tax, and the Liberal Democrats would give Scotland the poll tax on wheels, but the SNP is against Scotland being used as a testing and experimentation ground. I am therefore happy to move the amendment in my name.

I move amendment S2M-5598.1, to insert at end:

“believes further that full fiscal powers should be transferred to the Scottish Parliament in respect of taxation of motorists; notes that levels of taxation levied on motorists by successive Labour and Conservative



governments have consistently been, or been among, the highest in Europe; considers that a variety of measures is needed to tackle levels of congestion, including more use of park and ride schemes as well as the use of flexible working and home working, and supports the further expansion of public transport in Scotland to provide people in Scotland with more alternatives to car use."

09:36

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** As a responsible motorist, I resent the Tories' motion because it ducks the problem of congestion that I, as a motorist, and many others in this country face. In essence, the Tories want to run the economy from a traffic jam and keep Britain gridlocked. I am fed up of sitting in Mr Davidson's traffic jams; I want to get Britain moving again. Perhaps Mr Davidson's real fear is of a toll on bandwagons rather than on motorists.

Mr David Cameron said in 2005:

"Overall, the CBI estimates that the costs to employers of transport congestion are around £20bn a year."

In the same speech, he went on to say:

"Britain now needs ... the introduction of advanced traffic management methods including new solutions for road charging based on usage and the time of day."

That looks and smells like road user charging to me. So there we go—£20 billion a year is the cost to business in the United Kingdom. Every year in which we fail to act on congestion means more money wasted, fewer jobs and a less competitive Scotland.

Those are not the only costs. In 2000, air pollution caused more than 32,500 premature deaths in the UK. There is a public health crisis.

**Phil Gallie (South of Scotland) (Con):** Will the member take an intervention on that point?

**Mr Ruskell:** I do not have time.

We are faced with two choices. First, there is the predict-and-provide model of trying to build our way out of the 21 per cent increase that was predicted by Audit Scotland. We know that that cannot be done. We cannot go on building bigger capacity, because more trunk roads generate more traffic. Therefore, we are left with the second option of providing alternatives to the car and a sensible system of demand management, investing in public transport, and tackling specific congestion problems with specific schemes.

Spending on the M74 and the Aberdeen western peripheral route will do nothing to get people out of their cars. Railway stations in Fife are abandoned when they could provide alternatives for people crossing the Tay and Forth bridges by car.

The Executive must lead on demand management.

**Phil Gallie:** Will the member give way on the point about the M74?

**Mr Ruskell:** I do not have time.

I want the minister responsible for transport in the next parliamentary session to stand up for congestion charging proposals with a bit of Ken Livingstone's spirit. It does not matter whether that minister is Tavish Scott, Fergus Ewing, Mark Ballard or whoever, support and direction need to be given to the regional transport partnerships to consider what schemes could deliver demand management alongside ring-fenced investment in public transport. If congestion charging is successful in Scotland, as it has been in London, and if it delivers the benefits that people can experience every day on their way to work, it could pave the way towards the introduction of a broader national charging scheme.

**Fergus Ewing:** Will the member take an intervention?

**Mr Ruskell:** I do not have time.

The minister has said that it will be a decade before any national scheme is available. The scheme will require internal tracking devices in vehicles that will be monitored by satellite, and there is no indication that such technology will be available or that it will work. Of course, there are also civil liberties concerns about tracking individual vehicles that need to be tackled.

Now is the time for us to act on tackling congestion, using the tools for congestion charging that are available to us under the transport legislation that is in place. This is not the time to defer action for another decade; it is time to take action.

I move amendment S2M-5598.3, to leave out from "opposes" to end and insert:

"notes that traffic congestion creates a huge burden for society in terms of delays, ill-health and social exclusion; notes that "the CBI estimates that the costs to employers of transport congestion are around £20 billion a year"; recognises that any long-term strategy to reduce congestion and climate changing pollution will require the provision of quality public transport alternatives to car use together with a sensible and appropriate system of demand management; notes the failure of the Scottish Executive to provide leadership over the City of Edinburgh Council's proposal for a congestion charging scheme and the Executive's plans for massive investment in new road capacity; notes that new road capacity has been shown to generate more traffic; notes that studies indicate that the introduction of nationwide road pricing is at least 10 years away; therefore calls on ministers to work with regional transport partnerships to consider the introduction of congestion charging and smart charge schemes at specific pinch points and congested areas of the road network, and believes that, in the immediate term, the Executive must reallocate funding for new road schemes to invest in public transport and cancel plans for new trunk roads that will generate increased traffic such as the M74 extension and the Aberdeen Western Peripheral Route."

09:41

**Bristow Muldoon (Livingston) (Lab):** Today's debate, initiated by the Tory group of MSPs, is surely one of the most blatantly opportunistic attempts at populism that we have seen in this Parliament—and that is saying something. However, the attempt is doomed to failure because, in their opportunistic rush, the Tories have failed to take into account the public statements made by their own national leadership.

The Scottish Tories ask the Parliament to oppose the introduction of any additional nationwide charges for using Scotland's existing roads. I have checked out the new petition on the Tories' website and, interestingly, it quotes several politicians, including the Prime Minister, the First Minister, and the Secretary of State for Transport. Strangely, it does not quote any of the senior Conservatives at Westminster who have spoken on the issue.

To be helpful to Conservative members, I found a few of those quotations. Mark Ruskell has just used one of them, but it is a good quote, so it is worth using it again. A certain David Cameron MP said:

"Britain now needs a concerted programme of road building"—

I do not think that Mark Ruskell would agree with that aspect of the quotation, which goes on

—"accompanied by the introduction of advanced traffic management methods".

The Tories should listen carefully to the next part of the quotation, which makes reference to

"including new solutions for road charging based on usage and the time of day."

Beyond that, a certain George Osborne MP said in December:

"we are sympathetic to the concept of road pricing".

He was followed by Chris Grayling MP, who wrote in *Local Transport Today*:

"Demand management is an option and we will look very seriously at road pricing."

I do not think that the voting public will be fooled by the Tories' duplicity and the Tories will be rejected again in May.

**Alex Johnstone (North East Scotland) (Con):** What does the Labour Party say?

**Bristow Muldoon:** The Labour Party's position is to—

**Members:** Aha!

**Bristow Muldoon:** I am setting out the position—I do not know why Tory members are surprised about that.

The Labour Party's position is to take congestion and its consequent impacts on the economy and the environment as serious issues that require serious consideration.

First, we seek to alleviate congestion, particularly in and around Scotland's major cities, through an ambitious expansion of public transport projects, and by giving the travelling public alternatives in going about their daily lives. Capacity has expanded on several main commuter lines including the Fife circle, Bathgate to Edinburgh, Dunblane to Edinburgh and the key Edinburgh to Glasgow service. As a result of that extra capacity and the recent economic growth, the number of rail passengers has grown by almost 50 per cent in the past 10 years.

There has been investment in a number of important bus projects including park-and-ride and concessionary fare schemes. Although the long-term decline in bus usage has been arrested and there have been increases in usage in some recent years, buses are still carrying 6 per cent fewer passengers than they were 10 years ago. However, buses can probably play a big role in the alleviation of congestion in the years ahead.

We are developing and implementing ambitious plans, including the Edinburgh and Glasgow airport rail links, the reopening of the Airdrie to Bathgate railway line, the Stirling-Alloa-Kincardine line and the Edinburgh trams. Of course, this is where SNP members' inconsistency lets them down. They talk about public transport being part of the solution to congestion, but they show lack of support and ambition by withdrawing their support for EARL and the Edinburgh trams. That shows that they are inconsistent and duplicitous on the issue of transport.

If we look to the future, the trend is still towards increased congestion, even with our investments in public transport. If we want to continue our economic growth as well as reduce our carbon emissions, we have to consider other issues. Part of that is the debate on the role of motoring taxation. If we are to debate the adoption of a charging system for road use in the future, we should consider that along with all the existing forms of motoring taxation and ensure that any new form of taxation is fair to motorists, contributes to tackling congestion and allows the UK and Scottish economies to grow.

**Fergus Ewing:** Will the member give way?

**Bristow Muldoon:** I am sorry, but I was given only four minutes.

I believe that the Executive's amendment strikes the right balance between looking to the long term and making investment here and now to give people genuine opportunities. We should reject

the Tory motion and the shallow and inconsistent opportunism that it represents.

09:45

**Christine Grahame (South of Scotland) (SNP):** I do not know what it is about boys and cars—there should be a testosterone tax. I may be wrong, but I think that I will be the only woman to speak in the debate.

I was one of the 1.8 million people who signed the e-petition to which Tony Blair responded. In his response, he says that road pricing is “a complex subject” and that we need

“a full and frank debate”.

We have been here before. We have had full and frank debates about Trident and nuclear power when the Prime Minister had already made up his mind—their purpose was to soften up the electorate for decisions that had already been made. Even when Blair gets a response, as was the case with Iraq when it was discovered that there were no weapons of mass destruction and we went to war anyway, we know what his position is. No one is fooled—a full and frank debate is being held just to soften up the electorate.

Douglas Alexander, who is a self-confessed disciple of Margaret Thatcher, has made clear his support for the proposed tax. Together with his unlikely lieutenant Mr Rumbles, the Government's Minister for Transport, Tavish Scott, wants to pilot the idea in Scotland. Good grief. What an image. Who would want to board a plane that had Tavish Scott at the controls with Mike Rumbles navigating?

I will be fair by contrasting what Tavish Scott says as a Liberal Democrat with what he is allowed to say as a Government minister—we all know that he is two-hats Tavish. As Liberal Democrat transport spokesperson, he said:

“we would replace Brown's blunt motoring taxes with a fairer UK-wide scheme”—

I did not know that he was standing for Westminster—

“which does what it is meant to—tackle congestion and meet ... climate change.”

The Liberal Democrats cannot do that, of course. Their amendment says that such schemes

“need to be fully assessed, tested and evaluated in order to keep Scotland moving.”

That is typical Lib-Dem speak. As a Government minister, Tavish Scott cannot advocate the measures that he proposes as Liberal Democrat transport spokesperson. The Lib Dems are in Government, but at the same time they are not really in Government. Why the Labour Party lets them get away with it after what happened in the

Dunfermline and West Fife by-election is a mystery to me. I do not know what dark secrets they hold that allow them to keep Labour in its place.

I thought that I was already paying a road tax through my fuel duty and my car tax. When the fuel tax escalator was first introduced, it added 3p to the price of a litre of fuel and tax accounted for 72.8 per cent of the total cost. That figure has risen to 81.5 per cent. People who live in rural parts of the Borders pay far more than others pay for petrol. The minister said that the proposed new tax will not impact on rural areas because there is no congestion, but that is not true. People who live in rural areas have to use motorways to commute to hospitals in central locations, so they will have to pay the new tax. We are talking about a triple whammy.

It will be interesting to find out what happens when the real consultation takes place on 3 May, when voters in the Scottish Borders and other rural areas at last have the chance to get shot of the hypocritical Liberal Democrats who stand on one corner and say one thing then stand on another corner and say something else. I urge Labour members to come out of their shells and have a go at the Liberals; they know perfectly well that the Liberals are seeing them off day after day on television and in the newspapers. Tavish Scott has been found out—he cannot hide under his Viking hat any longer.

09:49

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The Liberal Democrats are against further taxation—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Mike Rumbles:** The Liberal Democrats are against further taxation. I could go on repeating that line for the next four minutes because some members refuse to listen. If they listen, they might learn something. We are against further taxation, we are in favour of fairer taxation and we are in favour of environmental taxation. Unlike the Tories—such as Murdo Fraser and David Davidson, who are sitting beside each other—who are all over the place on the issue, we believe that engagement in the debate offers a great opportunity to rebalance the way in which we tax our motor vehicles. We want to move away from vehicle excise duty and fuel duty and to reconfigure the money that the UK Government receives, so that more of it comes from a tax on congestion. The Liberal Democrats support that move on the condition that it must be made on a revenue-neutral basis.

**Murdo Fraser:** Mr Rumbles has been careful to stress that the Liberal Democrats' proposal should

be adopted on a revenue-neutral basis. However, all the estimates suggest that the set-up costs of a national road pricing scheme would run into hundreds of millions of pounds. How can it be revenue neutral? Who will pay the cost? Is not it the case that there will have to be an additional tax to pay the running and set-up costs?

**Mike Rumbles:** I can do no better than to quote a certain Murdo Fraser, who said:

"If the minister had listened to my speech, he would have heard me saying that we support national road pricing".— [Official Report, 8 February 2007; c 31913.]

Two weeks is a long time in politics, so Murdo Fraser might have changed his mind since then.

Congestion charging must not be implemented as a money-making exercise for the Government. To put it simply, the great British public does not trust the Government in London to deliver such a revenue-neutral scheme. They do not trust Gordon Brown to alter our taxation system in a fair way. They view the whole debate as being a prelude to a money-making exercise by the Government. While we are on the subject, let us remember that it was the Conservative party that introduced the fuel tax escalator, so let us hear no more of its opposition to such proposals.

Reference has been made to the 1.8 million people who registered their protest about road pricing on number 10's website. I am not surprised by that. It is a manifestation of how unpopular our UK Government is—people do not trust it.

Few people, other than Conservatives such as David Davidson, dispute the need to slow the rate of increase of the number of cars on our roads and of car use in order to combat climate change and to end the worst congestion in urban areas. The Liberal Democrats suggest a system of fair road pricing which, if it were implemented properly, would provide a win-win situation for urban and rural motorists alike.

**Peter Peacock (Highlands and Islands) (Lab):** I know that Mike Rumbles is a stickler for Liberal Democrat policy. One of the sad aspects of my recent illness was that I spent time reading other parties' policy documents. I read the Liberal Democrats' policy document 75, which is about fairer, simpler and greener taxes. It provides a comprehensive explanation of the Lib Dems' tax position. Does it remain Lib Dem policy?

**Mike Rumbles:** I listened carefully to what the member said, but I am afraid that he must contribute to the debate.

**Fergus Ewing:** Will the member give way?

**Mike Rumbles:** I have given way several times already. [Interruption.]

**The Deputy Presiding Officer:** Mr Ewing, please.

**Mike Rumbles:** We favour a system that makes road use more expensive where it needs to be more expensive—in our congested urban areas—and less expensive in our non-congested largely rural areas. That would represent a win for our rural motorists who need to drive, because the cost of driving would be reduced, and a win for our urban motorists, who could drive on less congested roads.

There are concerns about the attachment of satellite navigation tracking devices to our cars, which could allow Big Brother to watch our every move. The Liberal Democrats support the development and trialling of a far less intrusive passive technology system for road pricing.

The solution to ever-increasing congestion on our roads is a fair system of road pricing. The problem is that people do not trust the present UK Labour Government to proceed with road pricing on that basis. We have to take people with us on this. [Interruption.]

**The Deputy Presiding Officer:** Order.

**Mike Rumbles:** We must persuade people that we can have a system of road pricing that is fair to all. That is why I am heartened by the BBC poll that shows that 53 per cent of people would back the Liberal Democrats' proposal if it resulted in other taxes being cut. Most people support what we advocate. We want to tackle congestion, but we do not want increased taxation; we want fair taxation.

09:55

**David McLetchie (Edinburgh Pentlands) (Con):** Two years ago this month, the citizens of Edinburgh voted in a referendum on a proposal from the Labour-led City of Edinburgh Council to introduce a congestion charging scheme. The statutory powers to introduce such schemes were, of course, conferred on Scottish councils by part 3 of the Transport (Scotland) Act 2001—a measure that was supported in Parliament by Labour, Liberal Democrat and Scottish National Party members; that part of the bill was opposed only by the Scottish Conservatives. With that backing, the City of Edinburgh Council pressed ahead with its scheme and £9 million was spent on propaganda to persuade people in Edinburgh that congestion charging would be good for them. Tens of thousands of people were denied the right to vote in the ballot because they were not on the register that was used for that purpose, and the question that was asked conspicuously failed to meet the tests that have been laid down by the Electoral Commission for framing referenda questions. Despite all the efforts to bully, cajole and con

people in the city into supporting the congestion charging proposal, the people of Edinburgh said no by a margin of nearly three to one.

One would expect that, in the face of such overwhelming evidence of the unpopularity of the proposition, the Government would listen to the voice of the people and direct its energies at other ways of managing traffic on our roads. Not a bit of it. Let us fast-forward a year and consider the proposition that a variable tolling regime should be introduced on the Forth road bridge. In April 2005, through his officials, the then Minister for Transport, Liberal Democrat Nicol Stephen, instructed the Forth Estuary Transport Authority, or FETA—it sounds like a cheese but it is a transport authority—to replace the current flat-rate toll with a road user charging scheme. Being the good little quango that it is, always obedient to ministerial commands, FETA duly produced a very sophisticated road pricing scheme for the bridge.

By that time, Mr Tavish Scott was in post as Minister for Transport and Telecommunications and Nicol Stephen had moved on to higher obscurity. More significantly, and sadly, the untimely death of Rachel Squire MP led to the Dunfermline by-election. Surprise, surprise—the Liberal Democrats suddenly flip-flopped, just as they had in the Edinburgh congestion charging referendum. Notwithstanding the fact that it was their minister who had ordered FETA to produce a road pricing scheme, opposition to that scheme became the centrepiece of the Liberal Democrats' campaign in the by-election. The rest is history. Mr Scott went into hiding for four weeks and the Liberal Democrats made fools of the Labour party.

After those two results on either side of the Forth estuary, one would have thought that would have been that. Not a bit of it. Having come out of hiding—albeit now disguised with a beard—Mr Scott decided that it was time for the smack of firm Government. Emboldened by support for road pricing being voiced by the Labour Government at Westminster, Mr Scott finally swallowed the brave pill and said that we needed to make road charging happen more quickly in Scotland. Apoplexy reigned.

**Jeremy Purvis:** Will David McLetchie give way?

**David McLetchie:** I am sorry, but I am enjoying this.

The First Minister went spare. In a response to Annabel Goldie last week, he said that the Scottish Executive would not support any pilot scheme in Scotland. However, if we examine the text of the Executive's amendment we see that, instead of ruling out in straightforward terms any suggestion that Scotland should trial such a scheme, the amendment says simply that new measures such as road user charging

“need to be fully tested ... and evaluated in order to keep Scotland moving.”

That contrasts with the straightforward assertion in our motion that there should be no additional charge on Scotland's motorists for using our roads. What could be simpler than that, and why cannot the Executive say it? The problem with any scheme of assessment, testing or evaluation is simple: Where will such testing and evaluation take place and who will be the guinea pigs? Perhaps we will be told that in the course of the debate—Mr Rumbles might care to volunteer his constituents in West Aberdeenshire.

As roads are clearly a devolved responsibility, we assert the right of the Scottish Parliament to say no to tolls in Scotland and to make an unambiguous statement to that effect to any United Kingdom Government, by virtue of the Sewel convention. We, in Scotland, can and should say no to road tolls. They are a regressive tax that would place further burdens on our motorists, who already pay the highest fuel tax in Europe—which, in itself, is a form of road pricing. The Scottish Conservatives have said no, no and no again in Parliament for the past eight years. None of our opponents can claim the same consistency. On 3 May, voters in Scotland will have an opportunity to stop the tolls at the polls—it is an opportunity that they should seize with alacrity.

10:00

**Mark Ballard (Lothians) (Green):** When I have foreign guests to stay with me in Edinburgh, they often ask two questions. First, why is congestion on the roads in the UK so bad? Secondly, why is our public transport system so poor? I reply that they have, in fact, answered the questions. We need to deal with congestion because of the impact that it has on our economy, on health, on social exclusion and on the climate.

As Mark Ruskell laid out clearly, we cannot build our way out of congestion. The only way to tackle congestion is investment in public transport together with demand management. I thought that the message was getting through to the Conservative party that we need a system of demand management. I had thought that was why, on 8 February, we heard about Murdo Fraser's support for it. We have heard the quote from David Cameron, giving his support for it, and Chris Grayling MP, the Westminster Conservative transport spokesperson, has said that

“the Conservatives are looking at road pricing options to come up with something more sensible than anything the Government is currently putting forward.”

That is the challenge for the Conservatives, and that is what I hoped that the debate would be

about—the Conservatives' more sensible approach to demand management.

What is the Conservatives' more sensible approach? It is to say that we are never going to have demand management in Scotland. What absolute nonsense. If the Conservatives say that they want a more sensible scheme of demand management, they should come forward with it instead of giving us this nonsense about being able to tackle congestion without demand management. As has been said, it is nothing more than an attempt at a pre-election bribe. The Conservatives are telling people what they would like to hear, not the truth about how we must tackle congestion.

I welcome Tavish Scott's support for demand management, I welcome Bristow Muldoon's genuine commitment to the expansion of public transport and I welcome Fergus Ewing's support for park-and-ride schemes, home working schemes and the upgrading of Waverley station. However, I would say to Fergus Ewing that, without demand management, although investments can be made and there can be park-and-ride schemes, we will not do anything to bring down the huge increase in traffic and congestion.

**Brian Adam (Aberdeen North) (SNP):** Is Mark Ballard saying that, as far as the Greens are concerned, access to the roads should be rationed according to people's ability to pay?

**Mark Ballard:** We will have to ration access to roads, and that will be done either through queuing and congestion—which is what the SNP's proposals would lead to—or through a sensible system that deals with congestion where it occurs. More queues is not a solution to congestion.

Although I welcome Tavish Scott's commitment to demand management, I point out that the Government cannot do that at the same time as it is pouring billions of pounds into new road schemes. There is a massive contradiction in that. We know that more roads like the M74 and the Aberdeen western peripheral route will generate more traffic, so that cannot be a solution.

On local congestion charging schemes, Mark Ruskell was right to say that a decade will pass before there is a national system. That is why we must support brave councillors such as those in Edinburgh who promote congestion charging schemes. It is why we must support FETA when it proposes a system of smart tolls to end the ridiculous situation whereby a heavy goods vehicle is charged less than a bus is charged to cross the Forth bridge.

Ultimately, it comes down to what is stated in the Eddington report. Rod Eddington is no great friend of the environment movement, but he has stated:

"Climate change demands a different policy context for transport decisions: prices must reflect the true costs to the environment"

and to society. That is what it comes down to. We need a sensible system of demand management and we must build better public transport. We must end the idea that we can build our way out of congestion and we must reject the Tory nonsense about being able to tackle congestion without demand management. I urge members to support the amendment in my name.

10:05

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** When the great Mahatma Gandhi visited Britain in the 1930s, a journalist asked him what he thought of western civilization. He replied that he thought that it would be a very good idea. I feel the same about an integrated transport system. It would be a very good idea.

Honestly, no party can yet claim to have developed a mix or balance of transport policies that includes, crucially, a role for the private car. The public will never accept any national transport strategy that does not include a role for the private car.

The Greens and their pressure group friends are anti-car, although certain rural-based Green MSPs—realistically, but perhaps hypocritically—sometimes use cars. In fact, the Greens are against all roads. That is bad news for buses and for the vans and lorries that service most of our economy.

**Mark Ballard:** I have just made a speech in favour of a sensible system of road pricing, so how can Charlie Gordon say that I am against roads?

**Mr Gordon:** Listen and you will learn.

It is true that, unlike railway passengers, motorists in the UK do not pay the full economic costs of their road use if we factor in the costs of congestion, pollution and accidents. Technical innovation could mitigate traffic emissions, but traffic congestion is a different challenge. That is the main focus of today's debate.

However, we need to keep congestion in perspective. Apart from known pinch points such as the Forth road bridge, congestion in Scotland is mainly an urban problem. Even then, 60 per cent of commuter journeys every morning into central Glasgow are by public transport. That is what happens even under the unregulated system that the Tories left us with.

Untrammelled car commuting into city centres is unsustainable, so the urban dimension of tackling traffic congestion requires a range of responses. We need to encourage people to work from home, to walk, cycle or take public transport to work or to

park and ride to work. We can also regulate the price of city-centre parking, which is the main demand management tool that is used by Glasgow City Council. Of course, local authorities also have the power, which Parliament granted under the Transport (Scotland) Act 2001, to introduce congestion charges. That approach was tried by the City of Edinburgh Council.

In my view, Glasgow City Council is right to set its face against congestion charging. The city is served by the UK's second-largest public transport system. The price of parking in the city centre allows servicing of offices and shops while the all-day parker—that is, the car commuter—is priced out. Glasgow has a motorway through its centre, so a purely local scheme of congestion charging is pointless. In addition, a Glasgow congestion charge would give a competitive advantage to out-of-town shopping malls, which offer free car parks.

Most of the components of an integrated transport system are actually to hand in Scotland. Most important, there is an on-going commitment to investment in public transport by the Labour-led Executive. Spending on transport has increased to £1.6 billion from its very low base of £300 million, although I accept that we need more investment.

We can get there if we benchmark ourselves against best practice elsewhere. Since 1990, I have looked at traffic and transport systems in some 40 cities in Europe and North America. None of them had a congestion charge, but they all had world-class public transport systems. The best of them had ring roads to keep through-traffic out of the city centre. That is what the completion of the M74 will do for Glasgow and it will also fulfil national objectives. That is why we will not negotiate its cancellation under any circumstances.

10:09

**Brian Adam (Aberdeen North) (SNP):** We have had a very enjoyable debate this morning. It is clear that members have engaged with the subject not merely in a light-hearted way but with some seriousness.

It is a great pity that Mr Gordon's very sensible speech is unlikely to be appreciated by the current leadership in his party. He gave a sensible analysis of the situation as we find it today and of what realistically we need to do if we are to solve some of the problems. On ring roads, I agree with him that the Greens do a great disservice to themselves and to the electorate by their absolute opposition to any kind of new road building.

**Mike Rumbles:** They propose a horse-and-cart economy.

**Brian Adam:** Indeed. We cannot ignore the fact

that the internal combustion engine exists and that people have the right to choose to use it.

Where we have difficulties is with managing demand. Demand management is a nicer way of referring to road user pricing, road user charging and road tolls, levies or taxes. Currently, motoring is probably more heavily taxed in the UK than it is anywhere else in Europe. That is perhaps why, as Mr Rumbles so eloquently put it, there is no trust in the Labour Government. The Government has used a series of such indirect taxes—stealth taxes—to finance its plans.

**Jeremy Purvis:** Does the member agree that the debate on congestion pricing was perhaps started about 10 years ago when Alex Salmond criticised the Government by saying:

"If they had any imagination, the Government would think carefully about congestion pricing".—[*Official Report, House of Commons*, 23 January 1995; Vol 253, c 101.]?

**Brian Adam:** We all need to think about how we deal with congestion. If the only solution to congestion is to regulate demand through pricing, we are in considerable difficulty. We will never persuade the public that we are serious about tackling congestion and that we are not just adding more taxes. The problem with the way in which the debate has been conducted at national level is that people no longer trust the Government because there has been a heavy shift towards indirect taxes, especially motoring taxes. That has happened especially during the time since Mr Salmond made that point. As my colleague Christine Grahame rightly said, in recent times fuel duty has risen, as a percentage of the overall cost, from the low 70s to the low 80s.

The SNP has suggested a number of measures that can be taken now that involve greater commitment to public transport. We have taken the hard decisions on the capital investments that need to be made to encourage improvements in our public transport system. In particular, we believe that we need significant investment in Waverley station. Phase 2 at Waverley is absolutely crucial for ensuring that we can provide the trains to which our Green friends referred. If more people are to be able to get access to Edinburgh and Dundee from Fife, we can provide that only by increasing the number of paths that are available so that we have a genuine increase in the provision of public transport.

The amendment in the name of Fergus Ewing offers a sensible approach, which I will support at 5 o'clock.

10:14

**Tavish Scott:** The executive director of the RAC Foundation for Motoring wrote the other day:

“Parliament is right to debate road pricing. Our research shows that motorists accept the principle that it could be fairer to pay for the roads according to the amount of time spent driving in congestion rather than the current system of taxing fuel and vehicle ownership. But the government needs to change the way the debate is presented.”

In fairness, the reference is to the United Kingdom Parliament, but we should have no less a debate here in the Scottish Parliament.

I thank those members—notably Charlie Gordon and, in fairness, Brian Adam—who have entered today’s debate with a positive spirit. The only party that has not been up for the debate is the Conservative party, because, as Mark Ruskell rightly said, it simply wants to jump on an anti-toll bandwagon. However, I will point out its hypocrisy in a moment, when I quote what all its spokesmen have said on the subject.

Mr Ewing pointed out a number of alternatives to our scheme, which I thought were rather modest. However, I thank him for his praise of First ScotRail, which I will be sure to pass on. Mr Ewing makes the right decision about transport choices in taking the train to Glasgow. Of course, under the Liberal Democrat-Labour Government, the number of rail passengers has risen by 28 per cent, and investment in rail has been and will continue to be considerable.

**Fergus Ewing:** Does the minister agree that the problem is that unless we go ahead with phase 2 of the Waverley improvements, which the Executive used to support, we will not see the increase in the hourly paths maximum from 28 to 32 that is essential if we are to have expansion, more rail routes and more frequent routes in the next decade?

**Tavish Scott:** I strongly believe in expansion, as Mr Ewing knows. The strategic projects review gives us the opportunity to consider those issues carefully—Mr Ewing shakes his head, but it does—and it will happen, because of the timing issues. We have been over those issues in recent times and I am sure that we will go over them again.

Jeremy Purvis quoted Alex Salmond from 1995. The point is that, since 1995, congestion has got worse, our climate change challenges have increased and petrol prices have risen, mostly because of the Tory fuel tax escalator—that is why Alex Salmond was right in 1995.

I want to ensure that I quote Mr Ewing accurately, when he said in *The Herald* on 20 February that road pricing was “plainly a possible system”. I agree with Mr Ewing, so I hope that we can have a reasoned cross-party debate.

Christine Grahame made a good knockabout speech that was great fun, but I will make two points about it. First, the SNP, and Christine

Grahame in particular, are against the Edinburgh airport rail link, so she would deny the people whom she represents in Edinburgh and the Borders the opportunity to get to Edinburgh airport by train.

**Christine Grahame:** Will the minister give way?

**Tavish Scott:** No. Those of us who have argued strongly for EARL believe that it will be a great improvement for Scotland. Although the SNP used to support the proposal, it is now against it. We will take no lectures from Christine Grahame about that.

My other point—

**Stewart Stevenson (Banff and Buchan) (SNP):** We support a rail link to the airport, but not the Executive scheme.

**Tavish Scott:** Stewart Stevenson has not been here for the debate, so why does he not be quiet?

Rightly and fairly, the First Minister is asked every week about matters that are the responsibility of his Government, but the SNP also asks about matters that are not his responsibility. The suggestion that I cannot have a view about powers for this Parliament is absolutely ridiculous.

I say to the Tories that they should be careful what they say about e-mails and petitions. I am grateful to *The Sun* newspaper for the following quotes. Quite fairly, that paper has been keen to ensure that my e-mail address is in the public domain rather more than it might have been otherwise. I received two messages from a gentleman called Frank—it would not be fair to give his e-mail address, although I have it here. In his first message, on 20 February, he said:

“Hopefully the whole country will see that it’s another tax-raising idea—as if we haven’t been taxed enough.”

He e-mailed me back the very next day to say:

“Apologies for my email yesterday, I take back everything I’ve said. I based my opinion on a biased media article.”

Come on, the Tories, we need to get some real analysis into the debate.

**Murdo Fraser:** Will the minister give way?

**Tavish Scott:** I will come to Murdo Fraser in a minute. Many members, including Charlie Gordon and Mark Ruskell, referred to some real analysis, but let me deal with the Tories. I thought that there was a bit of back-bench Tory rebellion on the matter—Annabel Goldie kept her head down, but David McLetchie ripped up Murdo Fraser’s policy.

It is important to examine the views of David Cameron, to whom Bristow Muldoon rightly referred, Chris Grayling, George Osborne and, of course, the deputy leader of the Scottish Tories. I will put their words firmly on the record. Let me start with the former Prime Minister John Major,



who I note represented his party last night as Margaret Thatcher's bronze plaque was unveiled in the members lobby in the House of Commons.

**Murdo Fraser:** It was a statue.

**Tavish Scott:** I do apologise—it was a statue. How could I have made that mistake?

John Major said in 1994:

"I do not expect to have people dancing in the streets in delight at the concept of road pricing but if you look at the environmental problems, you can see the impetus behind the policy and the necessity."

Chris Grayling said just a couple of months ago:

"I do think that an element of road pricing and the increased use of road charges will be a part of the strategy of any future Government".—[*Official Report, House of Commons*, 5 December 2006; Vol 454, c 223.]

I liked the other Chris Grayling quote from 6 April last year:

"I've said very clearly I regard Conservative transport strategy for the next three years as being pretty much a blank sheet of paper."

Murdo Fraser has rewritten that strategy.

**Murdo Fraser:** Can we just get some clarity here—is it or is it not the policy of the Scottish Executive that we need to make road pricing happen more quickly in Scotland than in the rest of the UK? Yes or no?

**Tavish Scott:** No, it is not. As I said at the outset of the debate, and as I repeat now, road pricing can work only if there are alternatives and not just increasing motoring taxation. I thought that I made that position absolutely clear at the start of the debate. I have made it clear again now.

Murdo Fraser had a good try at deflecting me from Tory quotes, which is fair enough. I have a quote from David Cameron, who Bristow Muldoon mentioned, but I will finish with Murdo Fraser. I apologised for my intervention on his speech a couple of weeks ago—[*Interruption.*] We will be interested to listen to his speech in a moment. He said:

"If the minister had listened to my speech, he would have heard me saying that we support national road pricing in principle."—[*Official Report*, 8 February 2007; c 31913.]

Let us have clarity now about the Tories' and Murdo Fraser's toll tax.

10:21

**Murdo Fraser (Mid Scotland and Fife) (Con):** The background to this debate, as we know, is the 1.8 million objections on the Downing Street website to the road pricing scheme proposed by number 10 and Douglas Alexander.

We lodged the motion for this morning's debate in the hope that we would get some detail from the

Minister for Transport, Tavish Scott, and the Liberal Democrats, in the form of Mr Rumbles, on exactly what they propose, but not a word of detail did we hear. Even when I challenged Mike Rumbles with a simple question about the cost of the proposed scheme and how it would be implemented, he could not answer. Mr Rumbles said that people were queueing up behind the Liberal Democrat scheme. If he had only looked over his shoulder at the Labour benches, he would not have seen a single person nodding in support of what he had to say.

**Mike Rumbles:** Is the member aware that, according to a BBC poll, 53 per cent of the British public support the Liberal Democrat position? We have to address the issue, which has to be revenue neutral. The proposed scheme is well supported.

**Murdo Fraser:** As the RAC Foundation for Motoring poll found, nobody believes the Government when it says that the scheme will be revenue neutral, and I do not think that we can trust what the Liberal Democrats say on the matter.

As Christine Grahame said in an eloquent contribution, like the rest of the country, Labour members are fed up with the duplicity of the Liberal Democrats. They are pro bridge tolls in Edinburgh and anti bridge tolls in Dunfermline. Despite this debate, we are none the wiser about whether we are talking about a Liberal Democrat or a Scottish Executive proposal.

**Tavish Scott:** Will Mr Fraser give way?

**Murdo Fraser:** I will make some progress and then give way. Tavish Scott said about road charging in an interview published on 7 February:

"We need to make it happen more quickly in Scotland".

On 13 February, a Scottish Executive spokesman told that fine organ, the *Daily Mail*:

"The Transport Minister is in favour of the introduction of road user charging as a way of combating congestion. This should be done as part of a UK approach."

Then, on 15 February, Annabel Goldie challenged Jack McConnell at First Minister's question time about whether it was the official policy of the Lib-Lab pact to make road charging happen more quickly in Scotland. The First Minister said no.

**Tavish Scott:** Will the member give way?

**Murdo Fraser:** I will give way in a second. Now, we see the minister's amendment, on behalf of the Executive, the end of which states that the Executive

"believes that the potential benefits of all new measures to tackle congestion, such as road user charging, need to be fully assessed, tested and evaluated in order to keep Scotland moving."

What is the policy?

**Tavish Scott:** When looking at the timing of such issues, it is important that Mr Fraser reads out the full quotes, which, as usual, he did not. If he believes what he reads in the *Daily Mail*, he is a better man than I am.

**Members:** Oh!

**Tavish Scott:** I do not read the *Daily Mail*, so if that is what it said, that is what it said.

I set out our position at the beginning of the debate and in response to an intervention from Mr Fraser. However, we now need some clarity from the Tories. Does Murdo Fraser support David McLetchie's position or not?

**Murdo Fraser:** Mr Scott cannot get away with denigrating a fine publication such as the *Daily Mail*. I was simply quoting what an Executive spokesman told the newspaper, not the spin that it might have put on such a statement.

We know that the amendment is simply a fudge to protect the Executive, as does everyone else. Indeed, it is perfectly clear from the demeanour of the Labour members sitting behind the minister that they know it too.

Despite the denials, we have learned this morning that Tavish Scott wants Scotland to go it alone. Such a proposal is ludicrous, because it would require the devolution of fuel duty and road tax to Scotland and the implementation of border controls to prevent people from down south from driving to Scotland to fill up on duty-free petrol. It would turn Gretna into the biggest petrol station in Europe.

I want to deal with the issue that has been exercising the Liberal Democrat members all morning: my own party's position on the matter. We have never said that, in principle, we would oppose an affordable and workable national road pricing scheme. However, as David Cameron, Chris Grayling and I have said all along, none of the current road pricing proposals is acceptable or workable. We simply cannot go down that road at this stage—unlike the Liberal Democrats, who, despite the fact that Tavish Scott's proposals do not meet any of the criteria, are determined to push ahead with the policy.

We do not support tolls, because they are a regressive tax and, despite what Mike Rumbles says, they are not revenue neutral. They would involve huge set-up costs that would have to be paid for. If there was a resulting fall in the tax take and therefore in income to the Exchequer, the motorist would have to pay higher costs.

In fact, no one believes the Government's claim that such tolls are revenue neutral. For example, in its poll, the RAC Foundation for Motoring asked the simple question:

"Research has found that the majority of motorists would support tolls on 10% of the most congested roads provided that there was a reduction in fuel duty. How confident are you that the Government would stick to this promise?"

Zero per cent of respondents said that they were "Very confident", 16 per cent were "Fairly confident", 49 per cent were "Not very confident" and 35 per cent were "Not at all confident". That means that 84 per cent of respondents did not believe that tolls would be revenue neutral, because they cannot trust Governments north or south of the border.

As for the SNP, it has made a massive U-turn this morning. After all, it supported part 3 of the Transport (Scotland) Bill in 2000. Mr Ewing might well smile at that—he knows that I am right to highlight this issue, because Bruce Crawford attacked us for opposing part 3. However, there is more joy in heaven over one sinner who repents than over all the other righteous persons, and I am delighted that Mr Ewing, who is blushing manfully on the SNP front bench, now accepts that we were right. I welcome the SNP's conversion to the stance that we have always taken against local congestion charges.

Tavish Scott's proposal is unworkable in practice and undesirable in principle. No one believes that it would be anything other than an additional tax on motorists. The public can show its support for our stance on this issue by visiting our website [www.scotlandsaysnototolls.com](http://www.scotlandsaysnototolls.com) and joining the thousands of others who have already signed up. Tonight, the Parliament can vote to kick out Mr Scott's ludicrous proposal and consign Tavish's tolls to history.

## Criminal Law (Double Jeopardy)

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S2M-5613, in the name of Annabel Goldie, on double jeopardy.

10:29

**Miss Annabel Goldie (West of Scotland) (Con):** Usually, in chamber debates on the Scottish criminal justice system, more seems to divide the parties than to unite them. However, in speaking to the motion in my name, I hope that we might all find some common ground.

Over the decades, other jurisdictions have tended to borrow from and copy many of our distinctive Scottish legal system's excellent attributes. This morning, I suggest that we look to borrow from our neighbours south of the border a change to the criminal law of England and Wales that was effected by the Criminal Justice Act 2003. That legislation abolished double jeopardy, which is the rule that a person who has been acquitted or convicted of an offence cannot be charged with the same offence again.

After the tragic murder of 18-year-old Stephen Lawrence in 1993, Sir William Macpherson was commissioned to conduct an inquiry into the Metropolitan police's investigation of the murder. His report not only delivered a damning assessment of the institutional racism in policing, but made numerous recommendations aimed at improving attitudes to racism. For example, recommendation 38 stated:

"consideration should be given to the Court of Appeal being given power to permit prosecution after acquittal where fresh and viable evidence is presented."

In 2001, the Law Commission in England recommended that it should be possible for the Court of Appeal to have the power, in murder cases only, to quash an acquittal if reliable and compelling new evidence of guilt emerged and if a retrial would be in the interests of justice.

Because I want to focus this morning on the general principle—we can leave the detail for another day—I have phrased my motion in broad terms. Indeed, it virtually restates what was in the Labour Party manifesto for the 2005 general election, which is why I am somewhat disappointed by Johann Lamont's amendment. Labour support for what was an electoral commitment two years ago appears to be wavering.

That said, I understand that, in principle, the Scottish National Party supports the abolition of double jeopardy.

**Stewart Stevenson (Banff and Buchan) (SNP):** The member represents our position

correctly. However, will she lighten my darkness as to whether in Scotland, as has always been the case in England, someone can be retried if the jury is corrupted?

**Miss Goldie:** Mr Stevenson raises an interesting and important point that is worthy of consideration in the broader debate. However, it is not really part of the case that I am presenting to the chamber this morning.

Double jeopardy was an historical safeguard for the acquitted accused, as it ensured that a fresh prosecution could not be raised. Of course, such an approach derived from the days when evidence was either of an oral or tangible character, in which case it existed and was produced for the trial, or it did not exist. In the days before advanced technology, all available evidence was obtained after a crime was committed, and that complete body of evidence constituted the prosecution case. We now live in an age in which forensic science has become much more sophisticated and, even after many years have elapsed, it might be possible to find new evidence that is robust and might be probative of an individual's involvement with or connection to a crime.

Given Sir William Macpherson's recommendation and the subsequent change to the law of England and Wales, there is an imperative to consider such a change to the law in Scotland. The public will find it unacceptable that, faced with the possibility of a new prosecution, victims and their families are given an entitlement to justice in England and Wales that they are denied here. It is our duty in this Parliament to ensure that victims and their families in Scotland receive the same entitlement.

I fully accept that a rigorous assessment process would have to be gone through before any new prosecution could be raised, which is why I suggest that evidence would have to be not only new but compelling. Interestingly, I have tried to help the minister in the way that I have phrased my motion, because I felt that the wording in the 2005 Labour Party general election manifesto was too broad to be safe. We must be clear that there are two significant criteria in the proposal, and that they would need to be satisfied. In Scotland, the appropriate mechanism would be that the Lord Advocate would require to seek the consent of the Scottish court of criminal appeal to bring a new prosecution.

We would also need to consider what crimes should be competent for fresh prosecution. In England and Wales, schedule 5 to the 2003 act contains a lengthy list of qualifying offences. The matter should be the subject of thorough debate and it should, perhaps, encompass the issue that Mr Stevenson raised. I accept that, at

Westminster, my party thought that the offences should be restricted to murder and rape, but in Scotland culpable homicide is a serious criminal charge, as are arson and certain offences that are prosecuted under statute. The offences that would be included would require careful consideration, but that is a matter of detail. Today's debate is about the principle.

I submit that, under the criminal law of England and Wales, victims and their families enjoy an entitlement to see justice done. I want victims and their families in Scotland to have a similar entitlement.

I move,

That the Parliament agrees that the criminal law of Scotland be changed so that persons acquitted of serious criminal charges can be tried again if new and compelling evidence comes to light.

10:35

**The Deputy Minister for Justice (Johann Lamont):** Many of us in the Parliament have come to criminal justice issues through direct experience of the justice system or because our constituents have come to us with their concerns. Our experience of the system and our reactions to it are shaped by people's—often bad—experiences of it. In the short time for which I have been in my job, I have been on a steep learning curve. I now know what *tholed assize* means. That, in itself, makes it worth while for the Conservatives to bring the matter to the chamber.

**Miss Goldie:** Will the minister take an intervention?

**Johann Lamont:** No. [*Laughter.*] I will not let the member push my level of understanding of the phrase "*tholed assize*".

The *tholed assize* or double jeopardy rule is long established in Scots criminal law. Annabel Goldie is right to say that, as with other areas of the legal system, some people find it difficult to understand why the system developed in the way that it did. If they have direct experience of it, they perhaps feel that it is unfair. The rule is simply that, when somebody has been prosecuted and acquitted, they cannot be retried for the same crime. The principle is based on the view that the state cannot persistently prosecute someone for the same crime. We can understand the logic of that.

The Conservatives' motion seeks to allow retrial in Scotland for certain serious offences if compelling new evidence comes to light. It does not seek to abandon the rule entirely, but proposes that it should be changed in certain circumstances. As has been said, the view has been shaped by the development of forensic

science and the fact that the law has been changed in England and Wales.

As Annabel Goldie suggested, we should not create the impression that getting rid of double jeopardy would involve only a simple decision. A lot of work would need to be done to investigate the matter first. Furthermore, making that change is not the only way in which we can show our commitment to victims in the justice system.

The change to the law in England and Wales was not introduced as a result of a whim by the Home Office; it arose from the Macpherson inquiry into the death of Stephen Lawrence. In that case, a private prosecution was brought, but it failed. The double jeopardy rule meant that it was not possible to bring a fresh prosecution. The Macpherson report recommended that consideration be given to reforming the law of double jeopardy. In turn, a consultation paper was issued.

In my research for this debate, I was interested to find that only one question about the double jeopardy rule has been asked in the Scottish Parliament. In 2002, my colleague Brian Fitzpatrick asked the Scottish Executive for its response to the white paper "*Justice for All*". At that time, the Executive made a commitment to keep a close eye on developments. There has been no further parliamentary pressure on the matter since then.

Following the white paper, the UK Government developed the provisions in the Criminal Justice Act 2003, which allows retrial for various serious offences including murder, rape, drug offences and terrorism, and not just for murder, as the Law Commission recommended. The provisions came into force in April 2005. Since then, only one case has been retried and it resulted in a conviction for murder.

The changes to the double jeopardy rule in England and Wales were subject to extensive research, deliberation and consultation. If we were to consider making changes in Scotland, we would need to do the same. We would have to recognise—others in the chamber know a great deal more about this than I do—the significant differences between the criminal justice systems north and south of the border. Private prosecutions are far less likely in Scotland. Indeed, I can recall only one case—*X v Sweeney* in 1982—of a private prosecution. Our evidential base is a lot tougher and our majority system in the jury is different. Those are important aspects of the Scottish legal system and we would need to reflect on them.

Annabel Goldie and others know that the Administration is not averse to reforming the criminal justice system when there is a proven

need to do so. Our record over the past four years speaks for itself. We have implemented a coherent and unprecedented reform programme and put victims at the heart of the criminal justice system. We might want to discuss double jeopardy and pursue the matter, but the Executive has pursued practical change, including victim support via witness services, the protection of vulnerable witnesses and changes to protection for the victims of sexual offences. Only recently, under my watch, we dealt with trials in absence in the sheriff court. Sadly, the Conservatives were found wanting. They could have done a little to protect victims and witnesses, but they chose not to support the radical steps that we took.

**Miss Goldie:** I am trying to establish whether the Executive is still sympathetic to the proposal in my motion or whether it has departed from the position that the Labour Party held two years ago. It made a clear commitment in its 2005 manifesto. Is it now retreating from that?

**Johann Lamont:** Not at all. There is clearly an issue. Annabel Goldie identified it and members throughout the Parliament understand it. However, if we are to act on that and make changes, we have to consider the matter in the context of Scots law rather than saying, "It happened in England and Wales, so it should happen here." The member knows that the Executive has been radical in challenging some matters that previously were regarded as fundamental. People said that they could never be changed. They said, "It's not possible to move on that," or, "This is the way things have always been." If we consider the matter in a future Administration, we will need to do so in the context of Scots law and a rigorous review of the implications, given the way in which the legal system in Scotland works.

The critical point is that we cannot consider the matter in isolation. We should be judged on our actions on the range of issues that we have examined to support victims in the justice system. Rather than taking the matter in isolation, we should consider the approach that the Executive has taken over time. That is reflected in our amendment.

I move amendment S2M-5613.1, to leave out from "agrees" to end and insert:

"recognises the issue of the double jeopardy rule in the operation of the criminal justice system; recognises that this issue must not be seen in isolation, but instead should be considered within the wider context of the Scottish Executive's ongoing reform and modernisation programme; commends the Executive's commitment to placing the needs of victims at the heart of the criminal justice system and its achievements over the last four years in fundamentally modernising and reforming that system, including the introduction of the Victim Information and Advice Service across Scotland and the Victim Notification Scheme, and further recognises that any decision on the future of double jeopardy should be taken within the context of Scots law."

**The Presiding Officer:** We have some time in hand for the debate, so if members want to make six-minute speeches, that is fine.

10:42

**Mr Kenny MacAskill (Lothians) (SNP):** I listened with interest to Miss Goldie's well-balanced speech. We are happy to support her motion. She correctly pointed out that what we are discussing today is the principle of the matter. We considered lodging an amendment that would add the caveats that Miss Goldie and the minister mentioned, but they relate to the generalities rather than the specifics.

Today, we are debating whether there is a manifest injustice in our legal system and whether—to use another legal phrase that Ms Lamont might well know—a lacuna or a clear gap exists. The matter has been remedied south of the border. Like Miss Goldie, I think that, in many instances, our jurisdiction serves us much better than the jurisdiction south of the border would, but it is clear that progress has been made in England and Wales that has not been replicated here. On that basis, we support the general principle that there is a manifest injustice and a gap in our law. That is why we are happy to support the motion.

I agreed with a great deal of what the minister said. The tone and tenor of her position are acceptable. The matter cannot be seen in isolation. It is but one aspect to be considered if we are to deal with changes in the law, but it is an important aspect and a clear point of principle is involved.

The minister is correct to say that great progress has been made in dealing with witnesses and the victims of crime. The Lord Advocate is not here to take the plaudits, but a great deal of credit should go to her, because the work involved not just changing legislation but changing attitudes and the culture that existed in a system where victims and witnesses were simply part of the machine. They were to do as they were told. What mattered was the aura or mystique of the police procedure, the fiscal's procedure or the courts' procedure. Thankfully, that has begun to change. There is still a further distance to be travelled, but we have to accept that.

Although I accept a great deal of what the minister said, I am disappointed that the Executive is not prepared to adopt the principle. The questions about how we should address the issue, such as whether the Scottish Law Commission should consider it and whether we should have a single act of Parliament or include the measure in a broad all-encompassing act that deals with a variety of matters, are for the Administration that is

in place after 3 May. However, we accept that the matter must be addressed and we will do so.

The minister was correct to say that certain details must be addressed. We cannot simply allow a procedure in which the Crown, after incompetence or negligence, is given as many chances as it likes to get prosecutions right. That is not what we suggest. We cannot allow prejudice or minor matters to clutter up our courts. The suggestion that such cases should proceed after a request by the Lord Advocate to the court of criminal appeal has a great deal of sense. I agree with Miss Goldie that that is where we should head.

Two types of circumstance arise that lead to a significant problem of manifest injustice. The public cannot understand the law or why legislators do not change it. The first is when a person is acquitted but it then becomes clear that they committed the crime, because they say they did it and they are dining out on the fact that they did it. They can be prosecuted for perjury and perverting the course of justice, but there is a cathartic element to the court procedure for victims and for those who have suffered an injustice—they want a conviction. If it is clear that somebody committed a crime but was acquitted because they lied blatantly, we should not simply be able to punish them for lying; we should be able to return to the case, put the clear facts before a new jury and allow it to decide, so that there can be justice. If somebody commits a murder and persuades a jury, through whatever means, that they did not do it, but it later becomes clear that they did commit the murder, we should be able to prosecute them again. A failure to do so is a manifest injustice.

The second type of circumstance arises because we live in the 21<sup>st</sup> century and have made great strides in technology, particularly with DNA. There have been debates, discussions and disagreements in the Parliament about when and how we should use new scientific technology, but technology has changed the parameters of crime enforcement. We can now prosecute crimes that we could not prosecute before and we now have information that was not available before. In some instances, that information shows that somebody committed an offence but denied it, and was acquitted because there was insufficient evidence before the jury to obtain a conviction. We will fail as a legislature if we do not say that the benefits of modern technology should apply to the judicial system and the system of justice in our country. That is why we should allow retrials.

We will have to debate and decide on the specifics, but the incoming Administration can deal with that. The matter could be considered by the Scottish Law Commission, a committee or some other body. However, today, we should address

the general principle that Miss Goldie has rightly raised. Something is manifestly wrong when somebody who commits an offence and is acquitted, either as a result of lying or because information is not available at the time, cannot be prosecuted again if further information becomes available. The proposal is not about pursuing a witch hunt or vendetta against individuals; it is about allowing justice to be served and to be done.

The issue is not simply a matter for lawyers, because the current situation brings the whole system into disrepute. The public cannot understand why somebody who says clearly that they committed a crime should not be prosecuted again or why, if new information becomes available in a case, a person cannot be tried again. The proposal is about justice and giving the public faith in our judicial system. The Parliament will fail if we do not take on board the principle that Miss Goldie has correctly brought to our attention.

10:49

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** The minister's point that there has been only one parliamentary question on the issue since the Parliament was established highlights the fact that there has not been a clamour for a review, in the Parliament or in society at large. Nevertheless, the issue requires proper and full consideration. In England and Wales, the double jeopardy provisions of the Criminal Justice Act 2003 came into force in April 2005.

On 11 September 2006, William Dunlop became the first person to be convicted of murder after previously being acquitted. He had twice been tried for the murder of Julie Hogg in 1989, but two juries failed to reach a verdict and he was acquitted formally in 1991. Some years later, he confessed to the crime and was convicted of perjury. His case was reinvestigated in early 2005 when the new law came into effect and was referred to the court of appeal in November 2005 for permission for a new trial.

William Dunlop was retried for the murder and lodged a guilty plea. He was sentenced to life imprisonment, with a recommendation that he serve no less than 17 years. That has not been the only case, but it highlights the complexity of whether we should decide to make it possible for someone to be prosecuted for the same offence more than once. We could consider the work of the Law Commission in England, which members have mentioned.

**Stewart Stevenson:** Does the member agree that the fact that Dunlop's sentence for perjury was a mere six years illustrates the difference that

exists between the available remedies when somebody gets away with a crime and the remedies that would be available through retrial?

**Jeremy Purvis:** That is a fair point but, if the member will forgive me, I will address it later if I have time.

As we have heard, the Macpherson inquiry into the murder of Stephen Lawrence proposed that, when fresh and viable evidence is presented, it should be possible to prosecute someone again after an acquittal. In a consultation paper in October 1999, the Law Commission made several provisional proposals, including that it should in certain circumstances be possible to reopen a case when new evidence emerges. The Home Affairs Select Committee in the House of Commons decided to investigate the issue. In June 2000, it published its report, which recommended, as the Law Commission had proposed, that there should be an exception to the double jeopardy rule in cases in which fresh evidence arises.

It is interesting to quote from the select committee's conclusions on the relevance of new technologies and the types of evidence that are available today:

"blood samples taken at a murder scene in the early 1980s might not have produced sufficient identification evidence at that time. The prime suspect may have been prosecuted on the basis of other evidence. If the prosecution failed to satisfy the jury that the defendant was guilty beyond reasonable doubt, the defendant would have been acquitted and left the court a free man. A decade later, advances in DNA testing could enable the original blood samples to be analysed and show with near certainty that the acquitted person had been at the crime scene."

**Brian Adam (Aberdeen North) (SNP):** Will the member give way?

**Jeremy Purvis:** Forgive me, but I am anxious about the time.

Although it is relevant to talk about the new technology that is available today and which was not available 25 years ago, in the case of William Dunlop the new and compelling evidence was the confession, not anything that arose from technology. In some cases, new witnesses might be presented that did not come forward originally. The danger of accepting the Home Affairs Select Committee's rationale relates to the fact that the variations in the types of new evidence that might come to light subsequent to a trial, and the times at which that might happen, are almost limitless.

Prosecutors in Scotland have a responsibility and duty to prosecute in the public interest and to present what they consider to be the facts that are relevant to the prosecution at the time. The select committee's rationale introduces the danger that prosecutors will feel that they are not compelled to bring all the evidence to a trial as, in years to

come, technology will move on and there may be another opportunity to prosecute. Of course, that is the underlying reason why Scots law has for 300 years had the concept that people cannot be prosecuted twice for the same offence. In 2003, when the Criminal Justice Bill was being considered, it was ensured that Scots law was protected, so that somebody who is tried and acquitted in Scotland cannot subsequently be tried again for the same offence in England.

One problem with the way in which the United Kingdom Government changed the law in England is that it went beyond the Law Commission's proposals on extending the crimes for which somebody can be prosecuted more than once if new and compelling evidence arises. Annabel Goldie asked the valid question whether a change in Scotland would mean that victims in Scotland had the same rights as victims in England and Wales. I am glad that the Executive's amendment points out the changes that have been made on victims' rights. Victims want the Crown to provide the strongest case at the time of the trial. Not doing so would be the biggest way of letting them down. If, when a victim can see an offender being prosecuted at a trial, the Crown does not carry out its most serious duty at that time, the victim will have been let down.

Let us not forget that the UK Government went further than the Law Commission's recommendation.

**Miss Goldie:** I want to establish whether Mr Purvis is sympathetic to the principle of what we propose in our motion. I understand his natural concern with detail. I was at pains to say that I am not convinced that the qualifying list of offences in schedule 5 to the Criminal Justice Act 2003 is necessarily the list that we want to emulate here, but that is just detail. I am anxious to establish whether Mr Purvis supports the principle that victims in Scotland in this particular context—I agree that it is a very specific context—should be offered the same protection as victims in England, to ensure that justice is done.

**Jeremy Purvis:** I do not think that we can separate the principle from the practicalities. I do not support a change in Scots law.

If we are considering victims' rights, we have to do so in the context of the state's duty to present the strongest possible case when someone is being prosecuted. Victims would be let down, and one of the basic principles of Scots law would be put at risk, if the state considered that it had a right to prosecute in perpetuity.

It is the state's burden to prove a case against a defendant. Indeed, the existence of the not proven verdict in Scotland—an acquittal—indicates the Crown's clear duty to prove its case beyond

reasonable doubt. Although what is being proposed is possibly an attractive change to the law, we have to tread very carefully indeed. It is not possible to separate principle from the practicalities in this case, and that is why I cannot support a change in Scots law.

10:57

**Margaret Mitchell (Central Scotland) (Con):**

As everyone who has spoken so far has acknowledged, advances in forensic science and technology in recent years have been significant. Those advances mean that crucial evidence that was not available during the original trial of an accused person who was subsequently acquitted of a serious offence could now prove compelling. In such circumstances, Scottish Conservatives believe that the original verdict should be revisited.

I do not share Mr Purvis's concerns. Our position regarding new evidence is justified if the necessary safeguards are in place. I will discuss the detail of that later. The existence of new and compelling evidence should be allowed to form the basis of a retrial.

**Brian Adam:** The member mentions new and compelling evidence. Do the Conservatives agree that now would be an appropriate time to reconsider the various verdicts that are open to juries? Do they agree that the not guilty verdict should be seriously considered for the bin? If we are to be allowed to revisit a trial, we cannot say with absolute certainty that someone is not guilty. The traditional verdicts of proven or not proven are exactly right.

**Margaret Mitchell:** That is a separate issue, but certainly any acquittal could be considered for a retrial.

Having a retrial on the basis of new and compelling evidence would represent a fundamental change to the law of Scotland, in which double jeopardy—the rule under which a person acquitted of an offence cannot be charged with the same offence again—is a long-established principle. Such a change is not to be embarked on lightly. It would happen only in the interests of justice and would be at the discretion of both the Lord Advocate and the Scottish court of criminal appeal. It is clearly in the public interest to ensure that people who have committed serious crimes are convicted.

Today we are debating a general principle, but it will be helpful to look into some of the details. For example, the definition of “serious” could come into line with the definition used in England and Wales, where legislation has been introduced to allow retrials. The new definition could cover some offences for which a maximum sentence of life imprisonment can be imposed. However, it would

not cover all offences for which life imprisonment is the maximum sentence, because such offences include a number of common law offences that are not sufficiently serious to satisfy the “interests of justice” test.

**Jeremy Purvis:** As the member said, this is a point of principle. If someone has been the victim of a very serious assault—but an assault not defined as a serious crime under schedule 5 to the 2003 act in England—and if new and compelling evidence comes to light after an acquittal, why can the person acquitted not be prosecuted again for serious assault, if we are talking about a point of principle?

**Margaret Mitchell:** The member cannot have it both ways. He said that this is a debate about principle, but he then criticised us for not considering the practicalities. I am giving him the practicalities now.

Offences that would qualify include murder, culpable homicide and rape. However—and this is a crucial point—to avoid miscarriages of justice with a second trial commencing without the presumption of innocence, it will be essential that robust safeguards are in place. We must ensure that retrials are fair. Therefore, prosecution after acquittal would be allowed only when there was new and compelling evidence, where “new evidence” is defined as evidence that could not have been adduced at the original trial, and where “compelling evidence” is defined as evidence that is reliable, substantial and appears to be highly probative.

The decision on whether evidence is new and compelling could be taken by the Scottish court of criminal appeal, on an application from the Lord Advocate. If the court was satisfied that such evidence was now available, the acquittal would be quashed and a new indictment for the same offence would be issued to allow a retrial to take place—if the interests of justice test was satisfied.

Although retrials would be rare, the ability to invoke a retrial would provide additional protection for the public: it would help to ensure that killers and other serious offenders were brought to justice and it would help to provide comfort and—we hope—closure for victims and their families. In such circumstances, this is a provision that should surely be supported.

11:02

**Pauline McNeill (Glasgow Kelvin) (Lab):** I welcome the approach the Conservatives have taken this morning in their debate on double jeopardy—the principle that a person who has tholed their assize is no longer eligible for a retrial. It is right that we should not play politics with this legal principle, this ancient Scottish law, but I



sense that the issue could become a political football. I ask the Conservatives to continue to be consistent in their approach and not to make the issue a political football, so that we can have a genuine debate. It is on that basis that I will make my speech.

We must always review the law—old law, ancient principles and even laws that we have passed recently. We must continue to modernise our criminal justice system when there is a demand for change. It is interesting that some of the most significant changes made by this Parliament have addressed issues relating to victims, but we have also addressed the needs of those who are accused and convicted under our system. The creation of the Scottish Criminal Cases Review Commission has given added resources to those who have already been convicted of their crimes. The commission could be said to have given an added layer of appeal.

The motion calls for the criminal law to be changed. I have listened carefully to the debate and I am not going to jump to conclusions, but it is not enough to say that, just because England has changed its law, Scotland must follow suit. I would never take that approach and I will not do so now. Just because England has changed its law, we cannot assume that it has got it right. If there is a case for change, we must make it in a Scottish context and in the context of the Scottish legal system.

As with all law, the devil is in the detail. Those of us who have looked into justice legislation over the past few years know that that is true. Let us be clear: the principle that we should all support and adopt is that the prosecution should assemble its best case against the accused. We should ensure that the Crown has the proper resources to ensure that it has the best-trained lawyers and the best legal framework for a fair and transparent system.

I have no doubt that the Labour Administration would take bold steps if they were justified, but any change has to be cautious. If we allow a second trial when there is a compelling case, we will have to consider issues such as what offences would be open to a second trial. Margaret Mitchell has spoken about her view about that but, if we specify certain crimes, we must also be clear about why we want to specify those crimes. Should an acquitted person, who may be innocent, live in distress at the prospect that a further trial may always be in the offing? It could be hard for an accused person to get a second fair trial, particularly if the first was high profile. We would have to consider all those matters.

We might also have to consider cases in which the Crown has taken no proceedings and not gone to court. I know of a recent case in which the accused was not fit for trial and the Crown took no

proceedings. Even if it was found that the person was fit for trial, there would be no prospect of a future trial. If the Conservatives want to consider allowing second trials, they might have to consider what to do with cases in which there have been no trials.

It has been suggested that it is not only new technology that may bring about a debate on double jeopardy but the fact that, if somebody confesses a crime after acquittal, the law can do nothing about it. That is probably the situation with which the general public would say it has most difficulty.

The Parliament would have to consider whether any change to the law should be applied retrospectively—that is, whether it should apply to all cases from before it was agreed to—or only to cases that arose after the change was made. I imagine that the general public, particularly those who have been victims of crime, would support such an amendment to the law, although I have not examined any research into that.

It is important that we, in considering any change, should try to be objective and balance the interests of victims and the accused. I would expect us to do that in any case, but I can think of other situations in which that equation comes into play. I do not know much about the appeal courts system, but I notice that appeal court judgments in which someone is acquitted rarely result in retrial although, having read some of the cases, I have formed the impression that they would warrant it. Perhaps there are other ways of ensuring balance in the system.

What principles should guide any change or the decision to make no change? There must be reasonable certainty on any law or change to the law. There must be clarity about any change, the range of offences to which it would apply and why it was justified. Any change should also be extremely narrow and it should be for the Parliament to set out the justification for it, having tested as always its fairness to the accused and the victim.

**The Deputy Presiding Officer (Trish Godman):** I call Patrick Harvie, to be followed by Colin—I mean Gordon—Jackson.

11:08

**Patrick Harvie (Glasgow) (Green):** The subject is clearly worthy of debate, but I find it a little strange that the proposal comes from the Conservatives: proposing to throw out a fundamental principle of the legal system that has been in place for hundreds of years and is accepted around the world does not seem a very Conservative position.

However, a strong emotive case can be made for change. Annabel Goldie mentioned the murder of Stephen Lawrence and Jeremy Purvis mentioned Julie Hogg. None of us can fully appreciate or overstate the impact that undergoing years without justice had on the families of those victims. Annabel Goldie stated that the public would find it unacceptable that the families of victims in similar circumstances in Scotland would be denied justice.

In the face of that strong emotive case, what is the case for retaining the principle that an accused person should not face double jeopardy? It is partly about the need for finality, which is important not only to the victims and their families but to the innocent acquitted. There are one or two lawyers in the chamber; any defence lawyer will know the emotional impact on an accused who is told after an acquittal that it is all over and they can start to rebuild their life. If we were to allow the possibility of double jeopardy, we would make such reassurance impossible. All that could ever be said is, "It might be over now. You never know." As other members have argued, that would turn any acquittal into a provisional acquittal.

**Stewart Stevenson:** Does Patrick Harvie accept that, in any case, an acquittal is provisional in the sense that the person acquitted could be prosecuted for perjury and face severe penalties? In a sense, a case can always be revisited, albeit not in the way that we are discussing.

**Patrick Harvie:** I do not accept that argument. The current situation gives a sense of finality that would be lost if we abandoned the rule on double jeopardy.

I will talk about the right to a fair trial. We accept that one aspect of fairness is the right to be tried within a reasonable time. What time limit would we place on the possibility of a retrial after acquittal: a year, two years, five years or 10 years? But any time limit would place us in exactly the same situation as we have at present if new evidence were found after that limit had passed. Under the Conservatives' proposal, the right to a fair trial within a reasonable time would, in effect, be abolished.

There is also a risk of an increase in the number of wrongful convictions. It has been well argued that double jeopardy would give an unreasonable advantage to the prosecution, which undermines the fairness of the trial. In any retrial after acquittal, the prosecution would already be highly familiar with the basis of the case for the defence, which is a significant tactical advantage.

**Miss Goldie:** I have noted two points in Mr Harvie's line of argument so far: finality and the recently stated point about time limits. Will he confirm whether he believes that justice for a

victim and their family, in the event that new and compelling evidence emerges that is probative of the acquitted accused's implication in the crime, should be time barred or cut off by the word "finality"? I am unclear about that.

**Patrick Harvie:** It is important for us to take seriously the need for justice for families such as those of the two victims who have been mentioned—and their sense of injustice—but I cannot give Annabel Goldie a list of the names of people whose lives may be destroyed in future by wrongful conviction; all I can do is ask us not to take the risk.

The proviso that double jeopardy should be possible only in the most serious cases is no reassurance. Let us remember that the victims of crime are not the only people who suffer real anguish throughout the process. For an innocent person, being put on trial for a serious crime is a traumatic experience. It can destroy a career, a family and a life, but risking for a second time the conviction of an innocent person for a serious crime such as murder would not only destroy that person's life and rob them of many years of their liberty, but rob their family of a loved one and create a sense of finality while the real perpetrator remained at large. Therefore, anyone who wants to make the case for allowing suspects to face the possibility of double jeopardy must explain how the prosecution will not gain the tactical advantage and ensure that there is not an increased risk of wrongful conviction.

**Margaret Mitchell rose—**

**Patrick Harvie:** I am sorry, but I have to move on.

We also need to avoid the risk of having a media-driven criminal justice system. We can all remember intense media pressure being brought to bear on high-profile cases. We can imagine circumstances in which one or two newspapers set themselves up as the public advocates of a bereaved family, press the police for quick results, demand that justice be immediate and unequivocal and respond with outrage when the evidence is insufficient to convict the accused, who walks free.

Any of us would sympathise with the victim's family in that situation, but the pressure for a retrial would be so intense that any retrial could be made fair only if significant restrictions were also placed on the freedom of the press. Therefore, the argument for double jeopardy leads us to consider its effect on other basic civil liberties, which I ask the Conservatives to re-evaluate.

The final reason why we should reject the Conservative motion is that it is the wrong response to the problem. If cases are being tried on insufficient evidence to convict, we should

attend to the investigation of cases and ensure that the most thorough and robust processes are in place. Abandoning the rule on double jeopardy would allow the possibility of slipshod work being done or, at least, tolerated. I hope that the Parliament will reject the idea of abandoning this important rule.

11:14

**Gordon Jackson (Glasgow Govan) (Lab):** I almost turned from a lawyer into a hurdler, which was not bad.

I am afraid that I am not keen on the motion, either. I am instinctively against abandoning this so-called rule. I understand the argument for abandoning it. I also understand what has been called “manifest injustice”: situations in which someone has been prosecuted, got off with it—as people say—but in which it later becomes apparent that they were guilty and justice and the victims demand that they be re-prosecuted. I understand that public sensibility is offended by someone dining out on their acquittal and saying that they got off with it.

However, the problem is that, inevitably, apparent injustices in individual cases are caused by any justice system and any rules. That is the nature of a fixed legal system. Some might say, “That’s lawyer talk. What about the victims and the people who suffer injustice?” My point is that everyone concedes that there is always the potential for apparent injustices. Kenny MacAskill conceded that. He said that he was in favour of the motion, but that re-prosecution would not apply to a case in which the acquittal had arisen from a cock-up or mistakes made by the prosecution. Why not? There would still be injustice for the victim, who would be entitled to go to Kenny MacAskill and say, “Okay. The prosecution made a mistake. They got it wrong, but the man did it. There is compelling evidence. I am the victim—I have still suffered. Why don’t you just prosecute him again?” Kenny MacAskill conceded that he does not think that there should be a re-prosecution in such a situation. Although there had been an injustice, he would have to say to that person, “Ah, but there are rules in our courts and, for the greater good of keeping a system of justice, we will not re-prosecute.” We all concede that, in any legal system, there will be situations in which applying the rules for the general good produces injustice in individual cases.

The question that we need to ask is not whether the rule occasionally results in individual injustice—all rules do that—but whether it is worth keeping for the general good. My strong instinct—I will use the word “instinct” for the moment—is that we should keep the rule, but not because it has always been this way. I am one of the few lawyers

who would get rid of the two acquittal verdicts—I am with Brian Adam on that. I do not know whether the acquittal verdict should be not guilty or not proven—there are arguments both ways. However, the fact that we have always had two acquittal verdicts is no reason to keep both. I think that having two verdicts is a bad thing. I accept fully that we should not consider the double jeopardy principle in isolation; we should consider it in the round, alongside such things as the not proven and not guilty verdicts. I notice Kenny MacAskill nodding. We all tend to agree with that. *[Interruption.]*

**The Deputy Presiding Officer:** I am sorry, Mr Jackson, but mobile phones and BlackBerrys must be off.

**Gordon Jackson:** Is mine still on? I am very sorry. It is off now. My mistake.

Why do I think that the rule, despite the injustice that it might cause, is a good thing? By and large, Patrick Harvie has dealt with that. He said the sort of things that I would have said. He is absolutely right that there would be a problem with getting a fair trial, given the publicity that the press would generate. It is all right for Annabel Goldie to say that there would be very strict criteria. I suspect that there would be very strict criteria—until the tabloid press really started to agitate; the criteria would start to be watered down under that sort of quasi-political pressure. I know that Lord Advocates and courts are independent, but I agree with Patrick Harvie that such pressure is something to worry about.

The main point on which I agree with Patrick Harvie is the subject of closure. I was fascinated to hear Margaret Mitchell say that having a retrial produces closure. Oddly enough, I think the opposite. The suggestion from the Tories would mean that there would never be closure in any case.

**Margaret Mitchell:** Will the member take an intervention?

**Gordon Jackson:** I do not have time.

I am not sure why we would limit retrials to certain types of case. The ability to have a retrial would certainly not produce closure—not even for victims. If, in the minds of a victim or their family, someone had got off wrongly, they would spend the rest of their days agitating for a re-prosecution, trying to find further evidence and trying to give the police further information. That would not help them to get closure.

I have a lot of sympathy for Patrick Harvie’s point about what a lawyer says to an accused person. We always assume guilt in these arguments. What about someone who should not have been convicted and is acquitted? They will

come out of court and say to their lawyer, "Is that it over?" Now we can say to them, perhaps after a year or two years, "That's it finished." If we were to do what is suggested we would have to say to that person, who had a serious charge hanging over them, "Ah well, it's finished for now. It will probably be finished for good, but you never know." People who have been traumatised will live the rest of their lives with the possibility of the case coming back. That is not overall justice; overall justice means that we have closure. Occasionally that will be hard in individual cases, but, to use the old legal cliché, hard cases make bad law. What the motion proposes would be bad law.

**The Deputy Presiding Officer:** We move to the winding-up speeches. I will have to keep speeches tight on time. I call Mike Pringle, who has four minutes.

11:21

**Mike Pringle (Edinburgh South) (LD):** The concept of double jeopardy is essential in many western legal systems. It is a maxim that has precedent in British, Scots, Australian, Canadian, Indian, European and American law, but which has come under scrutiny of late. The principle dates from English common law in the 12<sup>th</sup> century. In essence, double jeopardy denies the state the right to prosecute an individual and have them stand trial more than once for the same offence. Although new evidence and new technology might shine fresh light on a case, the implication of removing the principle could be that we have a Kafkaesque trial situation in which the defendant is lost inside a machine with no control over their fate. Without the protection of the double jeopardy rule, power rests heavily in the hands of the law and the prosecution; removing the rule supports the notion of guilt before innocence.

I agree with Kenny MacAskill that the prosecution has to prove its case; if it does not do so the first time, it has failed to produce the evidence that it needed to convict in the first instance.

In America the principle is enshrined in the fifth amendment of the constitution—somebody cannot be charged with the same offence a second time.

The principle is an essential aspect of a legal system that stresses the rights of the individual within the system. Putting the onus on a legal system to prove guilt in one trial enforces an innocent-before-proven-guilty ideology. The removal of the double jeopardy rule would imply that the defendant had in fact done something wrong and would give the prosecution as much opportunity to prove that point as it desires.

In American law, if a mistrial occurs, the double jeopardy rule often does not apply. In Australia,

the double jeopardy rule is a long-established principle. In Canada, the Canadian Charter of Rights and Freedoms prohibits a second trial under double jeopardy. In India the principle is the fundamental right under the Indian constitution.

However, there has been a recent change in England and Wales. As of April 2005,

"the Court of Appeal can ... quash an acquittal and order the retrial when new and compelling evidence is produced."

That procedure would apply if new evidence, witnesses and so on came to light, which could spur a new trial. People can be retried only once, but in order for there to be a retrial the prosecution must go through a serious application and determination process at the Court of Appeal.

Pauline McNeill made a good point that just because the principle has been removed in England does not mean that we have to do likewise in Scotland.

Annabel Goldie recently announced the proposal that, in cases in which new or compelling evidence became available, a retrial should be allowed at the discretion of the Lord Advocate and the Scottish court of criminal appeal. However, it is interesting that she went on to say that she and the Scottish Conservatives are fiercely proud of Scotland's unique legal system. Why, therefore, does she want to change our doctrine to that of England?

Why do I argue against the removal of the principle? Well, would defendants receive a fair second trial? Many members have said that the prosecution gets the opportunity but once. Given the publicity that a second trial could create, would defendants get an unbiased jury and judge? I argue that having only one trial forces the prosecutor and investigators to perform. It forces efficiency and readiness before the trial even begins. What about the rights of the defendant? How would they ever be able to clear their name?

Although the arguments for a decrease in the power of double jeopardy laws have definite rationality behind them, that does not negate the fact that the principle remains a fundamental part of not just the western but the international concept of justice as demonstrated by Roman law.

The individual who receives a verdict of not guilty or not proven should have the right to live the rest of their lives. Many members made that point—Gordon Jackson pointed out that the same point applies to the victim, who would continue to pursue the case for ever, were it not for the double jeopardy rule.

Does the defendant deserve some recourse? If a retrial is built on a subjective application and determination process that can be influenced by publicity and media attention, can it be deemed to

be fair? Will the system become clogged with the rush of new DNA and forensic evidence?

If I am not proven guilty, I cannot be tried again. Changing the legislation on double jeopardy would upset the balance of power. By changing it, we would alter the very nature of the legal system that has successfully protected all the citizens of Scotland, not just the victims, for hundred of years.

11:26

**Stewart Stevenson (Banff and Buchan) (SNP):** The internationally recognised legal principle to which Mike Pringle referred is *ne bis in idem*, which, in England, of course, is now *ne ter in idem*, although it is known by the French phrase *autrefois convict*—I do not know what the French equivalent for *ne ter in idem* would be.

The debate has been interesting because there is a consensus that this is a subject that is worth debating. We should all welcome that. A variety of views has been expressed and I will digest them at leisure rather than addressing them in the four minutes that are available to me.

What England has done is certainly interesting. It has restricted to a narrow range of offences the ability to bring someone back for a new trial. Were changes to be made in Scotland, I think that there would be broad agreement that it would be necessary to restrict the offences for which a retrial might be sought.

It is interesting to hear a debate about the three Scots verdicts. I wonder, in a ruminative way, whether juries might be allowed to say, “Not proven, because we think that you should be capable of being retried.” However, I suspect that, unfortunately, juries would probably say that all the time.

To Brian Adam, I say that we must not confuse someone being found not guilty with their being found innocent. If someone is found not guilty, it simply means that the required standard of proof has not been achieved. Further, in Scotland, it might simply be the case that eight jurors have decided in favour of one side of the argument and seven have decided in favour of the other side. Sometimes, verdicts can be quite finely balanced.

We could tackle the problem in other ways. For example—and I give this only as an example, not as a proposal—we could change sentencing law so that, if there were to be a prosecution on another matter arising from a trial, which could be shown to have affected the verdict of that trial, the sentence for the second offence could be equivalent to that which might have been passed for the first offence.

**Gordon Jackson:** Will the member give way?

**Stewart Stevenson:** I do not have time—in any case, in giving the example I am just flying a kite.

In civil law, of course, in many instances people can come back for a second bite of the cherry.

I suspect that things are not quite as clear cut as we might imagine if we were to go by some of the speeches that we have heard.

As a result of its consultation exercise, on which many Scottish lawyers and legal bodies commented, the Law Commission in England made a number of important recommendations. For example, evidence that was inadmissible in the original trial should continue to be inadmissible. If we were to make any changes to the system, we would want to consider that point. The Law Commission also pointed out that, in England, it is possible to retry when there is a tainted prosecution and recommended that that provision should be slightly extended to cover cases in which not only the jury but the prosecutor or the judge has been subject to external pressure.

In Scots law, what is proposed by the Tories can already happen: under a treaty between the United States of America and the UK, someone who is acquitted here can be extradited to the USA and tried for the same offence because there is no requirement to show cause. That is just a bit worrying.

**The Deputy Presiding Officer:** I call Johann Lamont. Minister, I would be pleased if you could take only four minutes.

11:30

**Johann Lamont:** I will do my best to last that long.

I am grateful for the opportunity to participate in this interesting debate. The position of the Executive on the matter is that we recognise that this is an issue that, for the reasons that have been highlighted, must be considered seriously in the context of Scots law. The approach must be neither, “Because England is doing it, we should do it,” nor, “Because England is doing it, we should not do it.”

It has been said that the fundamental principle of double jeopardy has been around for centuries. For some people, that is sufficient reason for it to be held on to. However, the record of the Executive shows that we are happy to challenge the comfortable view that things should remain a certain way because they have been that way for ever. Clearly, good arguments have been made today, both for retaining double jeopardy and for reconsidering it.

There has been an attempt to suggest that the Tories' motion represents a matter of principle and that members must vote either for it or against it on principle. However, as Stewart Stevenson said, there are lots of other ways in which the same ends could be achieved, and there are many opportunities for addressing people's reservations about double jeopardy. To me, the motion is not a matter of principle; rather, it merely highlights an issue. As the Executive's amendment says, once we recognise that there is an issue, we must recognise that certain things will flow from addressing it. Our amendment also puts the issue into the broader context of supporting victims, which is a legitimate position to take.

Should there be a review, of course it should take into account the differences in procedure between Scotland and England and whether there could be some way of preventing people from being unfairly pursued again and again other than by holding on to double jeopardy. I know that some people ask hard questions about moving forward because they want to stop change, but I think that the way in which change can be delivered is by being prepared to take on those hard questions—and, in this case, by being open to considering whether getting rid of double jeopardy would solve the problem or whether it might be better to use other measures. My position is that a review would expose the hard questions for which solutions are required.

It is entirely legitimate to recognise the issue in the context of our approach to the way in which the court system serves the needs of those who are victims of crimes and defends the rights of those who are accused of crimes. Kenny MacAskill talked about cultural change and recognised the role of the Lord Advocate in that regard. However, we should not forget that none of that change happened by accident; it happened because people were willing to take hard political decisions and argue the hard case against the professionals who spoke with authority from within the legal service. The professionals said that those changes could never happen and that they should not happen because the new way was not the way in which things happened in the past. This Executive understands that although we must have full regard to the principles involved, we must also push the professionals in relation to the practicalities of people's experience of the court system. Our record shows that we are willing to listen to those who tell us about the problems in the system and take the argument to those who are satisfied with the system.

Instinctively, a move against double jeopardy is in line with the Executive's approach. However, the Executive prioritises the issues that are of most importance—I have mentioned already the priority that this issue has been given in

Parliament—and does the hard work of grinding out the practical ways in which we can protect individuals through legislation and delivery of culture change.

Members can support the Executive's amendment, recognising the challenge that double jeopardy represents and seeing the issue in the context of our broader commitment to being tough and rigorous in our approach to the justice system and to making changes where they must be made.

I trust that members will support the Executive's position at decision time.

11:35

**Bill Aitken (Glasgow) (Con):** Frankly, I am disappointed by the Executive's attitude to what has been a very good debate with a number of cerebral contributions.

The Executive claims, correctly, that there has been no great amount of parliamentary activity on the issue in the past. However, the same Executive has not been slow to take action on other issues on which there has been a similar lack of activity. In its amendment, the Executive highlights the fact that the victim should be at the centre of the criminal justice system. Surely what we are suggesting today is consistent with that approach and should be worthy of support.

**Johann Lamont:** My point was that the test is what the parties actually do when they have the opportunity to protect victims. We considered that recently, and the Tories have been found wanting. They committed themselves to protecting a principle on trial in absence in the face of evidence that large numbers of cases in sheriff courts were being recalled again and again. Vulnerable witnesses were being forced through an unnecessary process when, in the interests of justice, they could have been protected. The Conservatives have been found wanting in relation to the practicalities.

**Bill Aitken:** That is a separate argument and, with regard to the practicalities, I can well imagine a situation in which thousands of warrants have to be issued by courts for people who have been convicted in their absence and do not turn up for sentencing.

Let me return to the principal point of the debate. A number of members have put forward logical and reasoned arguments as to why they cannot support the motion. I will take Mr Purvis's concerns first. He is of the view that sometimes the prosecution might keep something up its sleeve in case something went wrong with a trial. However, the prosecution could not do that because the rule of best evidence says that the Crown must produce its strongest possible case.

Therefore, that simply would not happen. We are proposing that only the Scottish court of criminal appeal, on an application from the Lord Advocate, could order a retrial. If the Crown had not presented the strongest possible case, I would expect the High Court to give such an application short shrift and reject it immediately. That might ease Mr Purvis's concerns.

Pauline McNeill rightly asked why we should make the change just because the English have done so, but that is not why we want to do it. She also said that any change would raise a debate about the offences that would be covered. Exactly—why are we not having that debate? To my mind, the offences that would likely be covered by the procedure are those of serious violence, including sexual violence, but others might have a different viewpoint. Let us have that argument.

Of course, the procedure would have to be retrospective. Patrick Harvie said that that would be unjust in itself, but we did not hesitate in prosecuting Nazi war criminals 30 or 40 years after the event—and rightly so. However, if it could be demonstrated that the delay in an application to the Scottish court of criminal appeal was prejudicial, I would expect the court to kick the application out. That would cover Patrick Harvie's fears.

**Patrick Harvie:** That was the first time that the backers of the motion have used the example of Nazi war crimes. For the most part, they have been talking about situations in which new technology or methods of gaining forensic evidence bring evidence that could not have been obtained at the time. Given that the European convention on human rights allows exceptions to be made to the rule of double jeopardy, but not its abolition, are the Conservatives saying that the exception should specify only cases in which there was evidence that could not have been available at the time of the original trial because the technology was not available?

**Bill Aitken:** Clearly, most such cases would arise from the fact that technology can do things now that it could not do 10 or 20 years ago. However, we are saying that there should be retrials when there is new and compelling evidence—for example, a witness turns up who was not available at the original trial. We have drawn the proposal tightly. It refers to new and compelling evidence that could not readily have been available at the time of the original trial. That is the appropriate way to proceed.

Gordon Jackson was right to say that, to some extent, injustice is inevitable. We know that. There are perverse jury verdicts, and witnesses forget things. On many occasions, people who should be convicted leave court having been acquitted. There is nothing that we can do about that—there

must always be a presumption of innocence. Surely allowing retrials would give justice to the victims of crime. We would not envisage more than two or three retrials in any one year—if, indeed, there were any at all. However, people are being denied justice; if we implemented the change, they would no longer be denied justice. I support the motion in Annabel Goldie's name.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Child Protection

**1. Karen Gillon (Clydesdale) (Lab):** To ask the Scottish Executive how the recently introduced child protection information line will help vulnerable children. (S2O-12135)

**The Deputy Minister for Education and Young People (Robert Brown):** It is everyone's responsibility to protect children. That is why it is vital that anyone who has a concern about a child's well-being reports that concern. The national 24-hour child protection freephone information line is a gateway service to give the general public easy access to child protection services in local agencies.

**Karen Gillon:** The minister will know that I represent a largely rural constituency, in which such a service is very welcome. How will the service be reviewed and analysed and how will the information that is gathered from it be used to help and develop social services across constituencies such as mine so that we can respond effectively to the needs of vulnerable children?

**Robert Brown:** It is important first that we get the line up and running. A budget of £94,000 has been allocated for promotional activities for this financial year. I take Karen Gillon's central point about the particular importance of rural areas, where it can be more difficult to provide services than it is in more built-up or central areas. The effect of the line will be reviewed. It is part of a panoply of measures in connection with child protection services generally, and we will learn lessons from it as it is rolled out. I assure the member that we will keep a close eye on how it works in practice, whether it is successful and adding value and what lessons we can learn from the information that comes in on it.

**The Presiding Officer (Mr George Reid):** Question 2 is from Helen Eadie, but the member is not present.

#### Prisons

**3. Margaret Mitchell (Central Scotland) (Con):** To ask the Scottish Executive what plans it has, in addition to building two new prisons, to assess and address any increase in the prison population over the next four years resulting from factors such as the provisions of the Custodial Sentences and Weapons (Scotland) Bill. (S2O-12096)

**The Minister for Justice (Cathy Jamieson):** The Scottish Prison Service is spending in the region of £1.5 million per week on modernising the prison estate. That investment has created 2,000 new fit-for-purpose places in four prisons across Scotland.

With regard to the Custodial Sentences and Weapons (Scotland) Bill, ministers put on the record the impact of the policy and the resources needed to deliver it when they published their financial memorandum to the bill. The final allocation of resources will depend on the spending review later this year.

**Margaret Mitchell:** Given the announcement that Low Moss prison is to close on 28 May, can the minister confirm that the Scottish Prison Service will be able to cope with the resultant loss of prison spaces until the new capacity is built and available? Has she considered extending other prisons in Scotland, in particular Kilmarnock prison, where the SPS has confirmed that expansion would be possible?

**Cathy Jamieson:** As the member will know and as the SPS confirmed this morning, the decision to phase out the places at Low Moss was taken in principle some five years ago. It is right and proper that we look to have a fit-for-purpose prison estate. Some 200 prisoners are at Low Moss at the moment and, as the places there are phased out, they will be moved to additional places and absorbed within the available capacity in the Prison Service.

We will of course examine what other opportunities there may be in the future. I will not commit to any particular location—the member would not expect me to do that. However, I am aware of the situation at Kilmarnock prison. As the local MSP, Margaret Jamieson has been active in supporting the work of Kilmarnock prison and has indeed raised the matter that Margaret Mitchell mentioned with the SPS.

#### Child Poverty

**4. Iain Smith (North East Fife) (LD):** To ask the Scottish Executive what assessment it has made of the findings of the UNICEF report on child poverty in perspective. (S2O-12112)

**The Deputy Minister for Education and Young People (Robert Brown):** We have read the United Nations Children's Fund report with interest and noted that some of the underpinning data are more than seven years old and that none of the data is disaggregated to individual United Kingdom jurisdictions. Therefore, direct comparisons in respect of Scotland's position are not possible.

The Executive has made significant progress in reducing child poverty and improving the



education and health of children in Scotland. Our record stands up well to scrutiny, but we are far from being complacent. We are determined to continue our efforts to improve outcomes for all Scotland's children.

**Iain Smith:** I am sure that the minister is aware that the report states that the UK has more children in families with no employed adult, more teenage pregnancies and more young people with drug or alcohol problems than other countries have. Those are among the more alarming statistics. I am sure that he is also aware of a recent report by the Work Foundation that highlights the strong link between the development of very young children and the likelihood that they will have teenage pregnancies, that they will have behavioural problems, that they will be abusive or violent, that they will have low achievement levels and that they will be unemployed in later life. Does he agree that if we want to break the cycle of deprivation that too many young children still face, we must invest in our youngest children to ensure that they receive the support and services that they need to develop fully as individuals physically, mentally and socially?

**Robert Brown:** I entirely agree. In that context, I pay tribute to the work that the Education Committee, of which Iain Smith is convener, has done in its early years inquiry to bring out such issues publicly.

It is fair to say that members' understanding of what creates barriers and difficulties for children as they take their march through life is improving. An increasing amount of money has been made available for early years provision, which has been increasingly targeted—I refer to the child care strategy, surestart Scotland and the many other initiatives that have been taken. I think that there will be an increasing focus on such provision in the next session.

**Alex Neil (Central Scotland) (SNP):** Is it not a reflection of the failure of the Executive's policy that the level of child poverty in Scotland is nearly two and a half times the level in 1968 and ten times the level in Denmark? Why is the level of child poverty in Scotland ten times the level in Denmark?

**Robert Brown:** I am not sure whether Mr Neil is basing his figures on the UNICEF report or on other documentation, but we must specifically consider the position in Scotland. Scotland has exceeded the target that the UK Government set in 1999 to reduce by a quarter between 1998-99 and 2004-05 the proportion of children who live in low-income households. I ask Mr Neil why the Scottish National Party has no policies to deal with the under-threes if it thinks that it is so important to take action in such fields. We discovered that it has no such policies in a debate the other day.

### **Local Authority Roads (Maintenance and Repair)**

**5. Alasdair Morgan (South of Scotland) (SNP):** To ask the Scottish Executive what the estimated cost is of outstanding maintenance and repairs of roads under the control of local authorities. (S2O-12074)

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** The Scottish Executive does not require councils to provide that information and therefore there is no centrally held estimate. However, Audit Scotland's 2006 report entitled "Scottish Executive: an overview of the performance of transport in Scotland" gave an estimate of the overall cost that may be needed to bring local roads up to standard.

I understand that the Society of Chief Officers of Transportation in Scotland is undertaking a rolling survey of the condition of all local roads on behalf of the Convention of Scottish Local Authorities and local authorities and that the second-year results are now available. Full results will be available for a four-year period in two years' time.

**Alasdair Morgan:** Will the minister admit that many of our local roads are in a deplorable state and that their condition has worsened rather than improved since the Executive came to power? Does the Executive carry any responsibility for that?

**George Lyon:** Roads and transport grant-aided expenditure allocations have increased by £60 million per annum for 2006-07 and 2007-08. Total GAE for roads maintenance will amount to £320 million by 2007-08, which represents an increase of 23 per cent on the 2004-05 allocation. It would be interesting to find out how Mr Morgan's proposal to freeze council tax levels would impact on the state of our roads.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Does the minister realise that there are more road works per kilometre in Edinburgh than there are in any other local authority area in Scotland and that 85 per cent of those road works are undertaken by utility companies? Given that the utility companies' inadequate reinstatement of roads, which results in outstanding maintenance and repairs, is an increasing problem in Edinburgh that is causing great public concern, will he increase from £120 to at least £5,000 the proposed fixed-penalty charge to be levied by local authorities against offenders under the regulations to be made under the Transport (Scotland) Act 2005? Will he also consider amending the existing legislation to ensure that any road works that utility companies want to carry out do not commence until the local authority's

approval has been granted, except in emergencies?

**George Lyon:** I am grateful to the member for raising his concerns about the impact of utility companies on Edinburgh's roads, and am sure that the Minister for Transport would be willing to listen and respond to any suggestions that Mr Chisholm wishes to take up with him.

**Karen Gillon (Clydesdale) (Lab):** In my constituency, the local authority has invested far more than its GAE on roads, but the roads are still in a bad state of repair. The minister will be aware that there was a commitment in the partnership document to increase spending on rural roads. How is spending being increased? How much extra investment will be available in the coming four years?

**George Lyon:** As I said in responding to Mr Morgan's question, an extra £60 million has been made available for 2006-07 and a further £60 million will be made available for 2007-08. A total of £320 million for road maintenance will be made available in 2007-08, which represents a 23 per cent increase on the 2004-05 allocation. It is, of course, up to local authorities to decide how to spend that money and whether roads should be prioritised.

#### Trains (Controlled-emission Toilets)

**6. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the Scottish Executive when it intends to phase out trains not fitted with controlled-emission toilets. (S2O-12107)

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** We have no current plans to phase out trains that are not fitted with controlled-emission toilets in advance of rail industry requirements. However, we will consider the use of controlled-emission toilets when new rolling stock is being procured.

Transport Scotland has spoken to Network Rail's station and track cleaning services, particularly at Inverness station, and has agreed an action plan, given the recent concerns that Mr Stone and other members have expressed.

**Mr Stone:** It is unacceptable that raw sewage should be discharged directly on to rail tracks in Scotland. Will the minister give an undertaking that he will meet the rail companies to discuss what might be done in the future to do away with that problem?

**George Lyon:** The Minister for Transport has already had discussions with the rail companies. Ensuring that stations and tracks are clean is the operational responsibility of First ScotRail and Network Rail, and I understand that they are

working to improve the trackside environments at stations. Network Rail will soon trial a deep-clean process at Aberdeen station, which will be in addition to the regular cleaning that takes place there. If the process successfully keeps the station trackside environment clean, it will be rolled out across the network, including at Inverness.

**Rob Gibson (Highlands and Islands) (SNP):** I am tempted to say that if the train journey from Inverness to Thurso were much shorter, fewer people would need to use the train toilets, and that we might be able to solve that problem if Liberal Democrat members argued for the Dornoch link.

How much would it cost to upgrade the trains that work on extremely long lines, rather than all class 158 trains, which may provide suburban services? Can we seriously get down to a figure for upgrading those trains so that the nonsense of having emissions on tracks stops?

**George Lyon:** As I said, action has already been undertaken to deal with concerns that have been expressed about effluent at Inverness station. Members will be aware that there have been a number of failures in the service quality regime. The track at Inverness will be cleaned weekly. Litter will be picked up and biowaste spray will be used to neutralise and break down discharges. First ScotRail will also improve the signage on trains without CET to prevent passengers from using toilets on them at stations.

In the longer term, a £9 million refurbishment programme will improve the spacing on trains and their storage facilities and will help to refurbish toilets. That programme will substantially improve passenger comfort and facilities and help to make services more attractive to passengers in the Inverness area.

#### Sporting Facility Projects

**7. Brian Adam (Aberdeen North) (SNP):** To ask the Scottish Executive whether it has any plans to fast track the Aberdeen 50m swimming pool and other sporting facility projects so that top-class facilities in Scotland can be offered as training camps for the 2012 Olympics and, if Glasgow's bid is successful, the 2014 Commonwealth games. (S2O-12079)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** SportsScotland has not yet received an appropriate application for a 50m pool from Aberdeen City Council, but it has committed to assist the council in preparing such an application. There are no plans to fast track any sporting facilities under the national and regional sports facilities strategy. There is a rigorous two-stage process in place for approving awards under the strategy and it would be wrong to take short cuts in that process. Applications from Scottish

facilities for inclusion in the London 2012 pre-games training camp guide are being actively considered. In addition, sportscotland and the Executive will be considering how best to promote facilities that could be used by other countries and sports in preparation for London 2012.

**Brian Adam:** I thank the minister for her reply, which I find extremely disappointing. If we do not take action to fast track such facilities, the promises that have been made about the Olympic games being for all of the United Kingdom—or indeed, if Glasgow is successful, the Commonwealth games being for all of Scotland—will be empty, especially in light of the likely raid on the lottery funds in the near future. Will the minister assure me that she will make the appropriate representations on behalf of Scotland in relation to the lottery funds to ensure that sporting facilities are available here for the development of our elite athletes and to maximise the opportunities for all of Scotland to take part in the Commonwealth games, should Glasgow be awarded them?

**Patricia Ferguson:** Not even the Scottish National Party in its wildest moments would regard it as sensible to award money for a scheme that has not been developed yet. However, £7 million of sportscotland support is already going in to facilities in Aberdeen. I hope that Aberdeen City Council and its partners are actively considering whether those facilities would allow the city to attract teams to its area in the run-up to 2012.

I should point out to Mr Adam that the £25 million in lottery funding that has been allocated for the training of elite athletes in Scotland is guaranteed and will be there to help our elite athletes in their preparation.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** As well as the significant capital costs, swimming pools are often expensive to run and maintain, to the point that most of them operate at a loss. Is the minister doing anything to support operators with on-going costs? Given high energy costs, what effort has the minister made to support the introduction of more efficient and greener systems of energy use in sports facilities?

**Patricia Ferguson:** That is an interesting point concerning the energy uses of swimming pools and other sports facilities—a matter that is being actively considered and one that will be very much at the heart of the issue regarding the facilities that would be provided for the Commonwealth games. It is fair to say that swimming pools that are operated by local authorities—which I think Mr McGrigor is referring to—should be maintained and looked after by those local authorities as part of their responsibility to provide for sports in their areas. The first part of Mr McGrigor's question should be addressed to those local authorities.

### Music Industry (Ticket Touting)

**8. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive whether it has made, or intends to make, any representations to the United Kingdom Government on behalf of the Scottish live music industry in respect of the recent meeting between the Secretary of State for Culture, Media and Sport and representatives of the UK industry concerning ticket touting. (S2O-12150)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** I very much welcome the steps that are being taken by the music industry and internet auction sites to protect the interests of fans from ticket touts. The Department for Culture, Media and Sport has hosted a number of meetings to discuss that issue, which have been attended by UK organisations that represent Scottish interests.

**Pauline McNeill:** The minister may be aware that Scotland sells more live tickets than any other part of the UK. I am sure that she will appreciate the importance of protecting Scots who are passionate about their music. Will she assure me that she will continue to protect Scotland's interests against ticket touts and discuss with the UK ministers the possibility that legislation may be required to stop ticket touting by those who gain commercial benefit by exploiting young people in particular by grossly inflating ticket prices?

**Patricia Ferguson:** I am sympathetic to the points that Pauline McNeill makes. I have followed the debate with great interest and have discussed the matter with colleagues. It looks as though the measures that are now being put in place by the industry as a result of its conversations with the Department for Culture, Media and Sport will offer a resolution to the difficulty, but I am reassured that the Westminster Government has not yet ruled out the prospect of legislation, should those initiatives not be found to work. Obviously, in that context, we would work on devolved matters with our colleagues at Westminster if that was the route that we decided was the best one to take.

## First Minister's Question Time

12:00

### Cabinet (Meetings)

**1. Nicola Sturgeon (Glasgow) (SNP):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2733)

**The First Minister (Mr Jack McConnell):** The next meeting of the Cabinet will discuss issues of importance to Scotland.

**Nicola Sturgeon:** I remind the First Minister that in his manifesto for the last election he promised that every maths and English class in secondary 1 and secondary 2 would be cut to a maximum of 20 pupils. However, in a letter from the Education Department a few weeks ago, local authorities were told that it is now only the average class size that has to be as low as 20. Why has the policy changed?

**The First Minister:** The question contains an inaccuracy, because both in the chamber—where we first debated the issue in 2004—and in letters to directors of education at the end of 2005, it was made clear, following representations from directors of education and from head teachers, that where teachers requested some flexibility in a policy that we had said originally was absolute, head teachers would have that flexibility to ensure that the interests of their pupils came first, but only under certain conditions and controls. It is simply wrong of Ms Sturgeon to claim that there is a recent discovery, announcement or change of policy. What there is, is a listening approach. We have listened to head teachers who want to ensure the best possible education for youngsters.

**Nicola Sturgeon:** I remind the First Minister that the original pledge was that no pupil would be in a class of more than 20, but under his new policy many pupils will be in classes of more than 20. Everybody knows that that is a substantial shift. Let us leave that to one side and focus instead on the First Minister's new policy.

Is the First Minister aware that even his watered down target is not close to being met? I draw his attention to figures obtained by my office under the Freedom of Information (Scotland) Act 2002. Is he aware that, of the 25 councils that responded, not one single mainland authority is meeting the new target of an average class size of 20? Why is it that, even when he shifts the goalposts, the First Minister still misses the goal?

**The First Minister:** The second point is irrelevant, because the target is for this September

not last September, as Ms Sturgeon herself said in her previous question.

As a result of the investment, every penny of which stands; the additional teachers, every one of whom will be in place; and the additional trainee places, every one of which has been achieved, we will of course reach the level of resources required to keep those classes to that size. In fact, we have increased the number of people studying to become primary teachers by more than 100 per cent since 2003, we have increased the number of people studying to be mathematics teachers by more than 75 per cent since 2003 and we have increased the number of people studying to become English teachers by more than 100 per cent since 2003.

The local authorities have every resource that they require to fulfil the requirement by September 2007, which is the date that they were set. We listened to those voices that said to us that the target should be, in the hands of the head teachers, open to flexibility. The Scottish nationalist party may laugh, but they may not laugh when I remind them that, back in 2002, Fiona Hyslop, who is of course the education spokesperson for the Scottish National Party, said:

"We should listen to what teachers and head teachers say. Head teachers have told me that they would prefer the flexibility of making their own choices, rather than the dislocation and disruption of ... classes, which result from the requirement to meet the class size target."—[*Official Report*, 7 February 2002; c 6182.]

That is another example of the Scottish National Party saying one thing on one day and a different thing on a different day, or saying one thing to one audience and a different thing to another, or being prepared to say absolutely anything to try to win votes in an election. We put the education of pupils first.

**Nicola Sturgeon:** I remind the First Minister that he helpfully distorted that quote once before, which allowed me to go back and check what was said. Ms Hyslop said that the Executive should listen to head teachers and reduce primary class sizes by using more teachers, not more composite classes.

However, I was asking the First Minister about his change of policy on secondary education that will leave many pupils in classes of more than 20. The First Minister now says that he wants to give himself until September to meet this target. When he first launched this policy, just before the last election, he said that it would be delivered by the end of the four-year term. Now, as well as shifting the goalposts on the policy, the First Minister wants extra time.

The problem is that the policy objective is not even close to being met. I point out to the First

Minister that 12 of the local authorities from which I have received responses still have average English and maths class sizes of 25 or more. Is he aware that, in his own back yard of North Lanarkshire, the average S1 class in English and maths has more than 26 pupils? Is it not the case that, however we look at it, this is another broken education pledge from Labour?

**The First Minister:** That is absolutely not the case. In fact, today we have an average ratio in primary schools of 17 pupils per teacher. In our secondary schools, we have consistently managed to reduce class sizes by the employment of additional teachers and additional staff to work alongside them.

I point out, to those in the chamber and those beyond it, that any Scottish National Party policy of reducing class sizes will not happen because of its plans to end the school building programme and ensure that youngsters do not even have the classrooms that would be needed to implement the policy.

I assure Ms Sturgeon that 2007 was the target year for the implementation of the policy, and it will be met this year. I will read out to Ms Sturgeon the words of Mr Jim Dalziel—I do not think that I have ever met him—who is the head teacher of Eastbank academy in the area of Glasgow that she represents. Following the story at the beginning of the week, Mr Dalziel wrote in today's *The Herald*:

"The First Minister should be congratulated for having the vision to set what was a very ambitious target, achieving it, and now allowing the new minister, Mr Henry, to take it forward in such a sensible manner."

That is the role of a responsible Government—to set a clear target, to allocate all the required resources, to make the changes to the buildings and to teacher training that will deliver that target, and then to say to head teachers that if, on rare occasions, they wish to adjust those class sizes for the educational benefit of their pupils, we would listen to them and not run their classrooms for them. If SNP members believe that they should run every single classroom in the country, they are wrong. The education of pupils comes first, ahead of them and their political posturing.

**Nicola Sturgeon:** The First Minister mentioned Glasgow. Glasgow City Council said, in answer to my freedom of information request, that it does not collect the figures on S1 and S2 class sizes. That is absolutely extraordinary for a flagship policy.

It is about time that the First Minister took some responsibility for his record, instead of making up scare stories about the SNP. I remind the First Minister that Labour was elected on a pledge of "education, education, education." Is it not the case that, as we have seen with nursery

education, school discipline and class sizes, Labour's legacy is actually one of "broken promise, broken promise, broken promise"?

**The First Minister:** For the record, I will be very specific about the facts. The level of attainment in Scotland's schools has gone up consistently since the introduction of devolution. That has happened both in primary schools, where the level of attainment in reading, writing and mathematics has gone up from 70 to 79 per cent, and in secondary schools, where the level of attainment at S2 has gone up from 41 to 59 per cent—an 18 per cent increase. Those increases make a difference to every one of the youngsters concerned.

In every case, the 200 brand new or rebuilt schools that have already been provided are improving the education of the pupils who enter them every morning, and the new schools that we will continue to build after the election will improve the education of Scottish pupils, too. The SNP will pay a price for wishing to stop the school building programme, which would make it more difficult to reduce class sizes and to give youngsters the facilities that are required in the 21<sup>st</sup> century. The SNP cannot accept the fact that head teachers and teachers in this country are getting exactly what they require and what the SNP used to call for before it changed its tune in an effort to get cheap votes at an election. Over the years, the SNP and others called for more freedom for teachers and head teachers in our schools, which they are now getting. That is why results are improving and why head teachers and teachers support our policy.

### Prime Minister (Meetings)

**2. Miss Annabel Goldie (West of Scotland) (Con):** To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2734)

**The First Minister (Mr Jack McConnell):** I have no immediate plans to meet the Prime Minister.

**Miss Goldie:** I remind the First Minister that crimes and offences are up. Indeed, a crime or an offence is committed in Scotland every 30 seconds. Even more worryingly, that is just reported crime. The recent Scottish crime survey showed that three out of every four crimes are never reported. Why do the people of Scotland have so little confidence in Scotland's criminal justice system?

**The First Minister:** Miss Goldie misrepresents entirely the progress that has been made in the system. The number of police officers is up, more of them are spending time on operational duties and they are supported by community wardens

and by better laws that allow them to take more action in the community. In addition, since devolution it has consistently been the case throughout Scotland that recorded crime has come down and clear-up rates have gone up. At last communities are beginning to have some confidence in a system that is being restored to order and is being applied properly after the years of decline and decay that we saw under the last Conservative Government.

**Miss Goldie:** The figures that I quoted to the First Minister are the Scottish Executive's. Crimes and offences are up. The First Minister has many shortcomings, but self-delusion is clearly at the top of the list.

He will be aware that, at present, prisoners who serve sentences of four years or less are released after serving half their sentences, while longer-term prisoners walk out after they have served two thirds of their sentences. His new sentencing proposals will mean that all prisoners—even those who serve sentences of more than four years—may be able to stroll out of prison at half-time or even earlier.

Last week the Scottish Conservatives lodged stage 2 amendments to the Custodial Sentences and Weapons (Scotland) Bill, which would have led to all prisoners serving at least 90 per cent of their sentences in jail. We know that the SNP is soft on crime and on criminals, but the First Minister claims to be a tough guy, so why did the Lib-Lab pact vote to give criminals an easy ride?

**The First Minister:** For the second time, what Miss Goldie says is simply untrue. The reality is that, for the first time, criminals who are put into custody once they have received a prison sentence will serve the full custody part of that sentence. That is a significant improvement on the system that the Tories introduced, which allows criminals not only to leave halfway through their sentences, but to do so without conditions. As well as ensuring that prisoners serve the full custody part of their sentences in custody, we will impose conditions on prisoners outwith the custody period. That is the right policy for Scotland's prisons and it will properly protect local people in their communities. If the Tories had any honesty, they would admit that we have improved a system that they damaged and would get behind our proposals and support them.

**Miss Goldie:** For the first time, the Scottish Executive will tie the hands of our judges by prohibiting them, by statute, from giving custody-only sentences.

Let me give the First Minister another chance to send a message to the Scottish people that he is on their side. The Scottish Conservatives propose that the criminal law in Scotland be changed so

that persons who have been acquitted of serious criminal charges can be tried again if new and compelling evidence comes to light. If the Lib-Lab pact is really committed to justice, will it drop its amendment to our motion on double jeopardy and support the victims of crime in Scotland?

**The First Minister:** I say again that Ms Goldie's question is inaccurate. It is simply not true that the hands of judges are being tied. In fact, the new system not only improves the authority of the judge in the court, but ensures that the judge's sentence is properly carried out. The system is one that enhances the power and authority of the judges, not one that diminishes it.

It may have escaped Ms Goldie's notice that the Scottish legal system is different from the English legal system. We know that, during many years under the Tories, that sort of fact escaped their notice. That is why we will determine, at the right time and after due consideration, exactly what response to take here, in Scotland, on the issue of double jeopardy. We will not be bounced into that by the Tories or by anybody else. We will make our own decision in our own time, and we will do so in the interests not just of the Scottish justice system, but of Scottish victims and witnesses, too.

**The Presiding Officer (Mr George Reid):** I will allow two supplementary questions from back-bench members.

**Mike Pringle (Edinburgh South) (LD):** As I hope the First Minister will be aware, the Scottish National Blood Transfusion Service announced this week the closure of the protein fractionation unit—which makes blood products for the national health service and the Ministry of Defence—at Liberton, in my constituency, with the loss of 140 jobs. Can he assure me that all possible options will be considered to ensure that those experienced and, in many cases, long-serving staff will be redeployed within the NHS so that their skills will not be lost to us?

**The First Minister:** I will say two things. First, some of the existing jobs will be retained because some of the contracts are being retained. Secondly, those whose jobs are affected by the change in contracts will be assisted, if at all possible, within the national health service.

As Mike Pringle has raised the issue, I take the opportunity to be crystal clear on the misrepresentation that was made earlier this week of what is going on at that location. It is simply not true that any blood that is donated in Scotland either is being used for those blood products or has in any way been thrown away or misused. Poor quality blood or blood that it was not possible to verify as being of good quality from elsewhere in the world, which was brought into Scotland to make blood products, was, rightly, being

destroyed. However, it is simply not the case that any Scottish blood donations are in any way being misused. I urge people throughout Scotland to answer the calls of the Scottish National Blood Transfusion Service to continue to donate blood. They can be absolutely confident that their blood will be used for patients in Scotland.

**Karen Gillon (Clydesdale) (Lab):** The First Minister will be aware of yesterday's decision by the High Court to dismiss charges in relation to the tragic events at Rosepark nursing home. I fully appreciate the fact that the matter is still under consideration by the Crown Office; however, the families concerned will be anxious to see the matter brought back to court as soon as possible. Does the First Minister accept that the case further outlines the need for robust laws in relation to corporate killing in Scotland? Will he ask the Minister for Justice to meet me and the constituency member, Michael McMahon, to discuss how the matter can be taken forward and how lessons can be learned from the case?

**The First Minister:** On the second point, the Minister for Justice has been acting on the commitments that were given to Parliament on the issue. She has discussed matters with colleagues at Whitehall, and I am sure that she would be happy to update Karen Gillon and others on that.

On the first point, following Lord Hardie's decision to dismiss charges in the case, the Crown immediately sought leave to appeal the decision, which was granted by the court. As Lord Hardie made clear in his judgment, for the benefit of the relatives of those residents who perished in the fire and the injured residents and their relatives, the decision does not signal an end to proceedings. As proceedings are still live, it would be inappropriate to make any further comment at this time. Nevertheless, this morning I received an assurance from the Lord Advocate that Crown counsel is currently giving full and careful consideration to the opinion that was issued by Lord Hardie. It will give further detailed consideration to the full judgment when it becomes available and will decide what further action to take.

### **Secretary of State for Scotland (Meetings)**

**3. Robin Harper (Lothians) (Green):** To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-2748)

**The First Minister (Mr Jack McConnell):** I have no immediate plans to meet the Secretary of State for Scotland.

**Robin Harper:** The First Minister will be aware that, in evidence to the Environment and Rural Development Committee recently, the company

behind the controversial ship-to-ship oil transfer that is proposed in the Firth of Forth described itself as having an "excellent record" on ship-to-ship oil transfer, citing just three or four barrels of oil spilled in 10 years. However, SPT Marine Service Limited failed to report that it had spilled 35,000 gallons of oil in a pristine natural marine area in the Gulf of Mexico in 1995. Does the First Minister believe, with me, that the company attempted to mislead the Parliament? Is that the kind of science on which he is relying to safeguard the marine environment?

**The First Minister:** Let me say two things. First, as I am sure that Robin Harper would agree, it is important to state for the record that a spill that took place in 1995 occurred more than 10 years ago. However, I agree that the committee should look at the evidence that was submitted. It is up to the committee to decide whether it wishes to take any further action on that. It is not up to me to dictate to the committee.

Secondly, I make it clear that Scottish Natural Heritage, as our advisory body, will advise us and Forth Ports on the scientific implications of any proposal. It will not be the case that we will rely on the science of the company that is involved. We will rely on the science of Scottish Natural Heritage and the expert advice that it provides to us.

**Robin Harper:** I thank the First Minister for that partial answer. However, we still have a problem. The company has misled the Parliament over its record and Forth Ports—which has a financial interest in the project going ahead—is acting as the public authority that is responsible for protecting the environment. To cap it all, Forth Ports is the final arbiter on whether its own project should be given the go-ahead. Is it not the case that Scotland's precious marine environment is still not being protected in the public interest? Does the First Minister agree that this intolerable state of affairs warrants further urgent attention from the Executive and himself?

**The First Minister:** Two issues are involved. The first is the role of Forth Ports. Forth Ports has a number of different roles in the matter but, as the responsible authority, it has an absolute duty to act within the law and to base its decisions properly on all the legislation that affects the issue. Regardless of what other interests it might have, if Forth Ports in any way compromises that duty, its decisions will be subject to legal challenge.

I want to reassure Mr Harper and other members that the decision by Forth Ports will be guided by the advice of SNH. In particular, under the habitats directive, if SNH decides that Forth Ports will need a licence for some aspects of the proposal, the decision will be referred to ministers. Therefore, the Scottish Executive could yet have a

role in the issue. The decision on whether a licence will be required will be included in the recommendations that will be made by SNH. The matter is not a decision for Forth Ports Authority on its own.

At the end of the day, in making the main decision, Forth Ports will have a number of legal duties to take into account. If Forth Ports breaches those duties in any way, it will be subject to legal challenge.

### Schools (Class Sizes)

**4. Mrs Mary Mulligan (Linlithgow) (Lab):** To ask the First Minister what progress is being made towards reducing class sizes in schools. (S2F-2736)

**The First Minister (Mr Jack McConnell):** We are making excellent progress towards reducing class sizes in schools. We are not only reducing class sizes to 20 in maths and English in secondary 1 and secondary 2 but reducing class sizes to 25 in primary 1.

**Mrs Mulligan:** The First Minister recognises that, to reduce class sizes, we need more accommodation and more teachers. When I met West Lothian Council education officials recently, they raised concerns about the difficulties that they face in providing additional classrooms, due to the area's increasing population and rising school rolls. Can the First Minister offer reassurance to local authorities such as West Lothian Council that they will be assisted to provide those additional classrooms? Can he also explain how he thinks that the Scottish National Party could deliver those class-size reductions, given that its policy makes a £1.1 billion gap in council revenues that would result in 167 fewer teachers in West Lothian schools?

**The First Minister:** I accept that this is First Minister's question time, but it would be of significant interest to the people of Scotland if we could occasionally ask questions of the SNP. I might just take that opportunity.

Under the school building programme, it is important that authorities plan for the reductions in class sizes that are set out in their obligations. In planning for those new facilities, the number of classrooms that will be available and the formation of the school need to take those obligations into account. It will also be important that we maintain the budgets that deliver those reduced class sizes and new school buildings. This Executive is absolutely committed to maintaining those budgets; it is a pity that the main Opposition party is not.

**Fiona Hyslop (Lothians) (SNP):** The First Minister clearly recalls my advice of five years ago that he should listen to head teachers and

implement class size reductions. Is it not a shame that it has taken him five years to do so? Had he heeded an SNP pledge to cut class sizes to 18 in P1 to P3, is it not the case that he would not now have to take remedial action in S1 and S2? Is it not also the case that the gap between the top-performing and bottom-performing pupils in Scotland is getting wider? In which case, will he give us an idea of how many pupils are being left behind because of Labour's education policy?

**The First Minister:** I will happily give those pupils and their parents an idea of just how left behind they would be if the SNP had a chance to run Scottish education. Over the past six months, we have heard an absolute promise from Alex Salmond that, if he is able to return to this Parliament, he will cancel all unsigned contracts for school public-private partnerships, which would mean that all those school building projects that have not already begun would be stopped as of May this year. That would have a terrible effect on the education of pupils throughout Scotland who would be forced to stay in buildings that are now out of date and need to be replaced.

The SNP and Fiona Hyslop have been asked on several occasions to answer the questions that have been put to them about why they would cancel the PPPs and how they would replace that funding, but they have refused to answer. In addition, the SNP made it perfectly clear that it would take £1 billion out of local authority budgets in Scotland—Ms Sturgeon herself made that clear. We asked the SNP just seven weeks ago to answer questions about the number of teachers who would have to go as a result of that policy and yet again, we received no answers.

I am very happy to have a debate with Ms Hyslop and ensure that she has answers to her questions at any time. However, I ask the SNP to please answer our questions and look after pupils in Scotland.

### Blood Products (Public Inquiry)

**5. Carolyn Leckie (Central Scotland) (SSP):** To ask the First Minister whether the independent public inquiry into the contamination of blood products will have the support of the Scottish Executive in accessing information held in Scotland. (S2F-2742)

**The First Minister (Mr Jack McConnell):** The Executive has already made public all available relevant material that it holds, and will make that information available to Lord Archer's inquiry on request.

**Carolyn Leckie:** Although I know that the Executive has already ruled out a public inquiry in Scotland, I wish to place on record my conviction that that stance is untenable. If there is a case to



answer in England, there is a case to answer in Scotland.

I want to press the First Minister on the documents that he will release. Is he aware that the documents already obtained by me under the Freedom of Information (Scotland) Act 2002 make it evident that there is cross-border communication and that there are comparisons that are relevant to the British inquiry? Is he further aware that the Executive has withheld hundreds of documents?

Given that the majority of the events to be scrutinised by the inquiry happened under the United Kingdom Department of Health before devolution, will he clarify today that if the inquiry asks for it, the Executive will make available all information, ask all relevant public bodies to do the same and hand over all information that is held, including the hundreds of documents that the Executive has kept secret?

**The First Minister:** Not only have we already made available all the relevant material, we did so in advance of any necessity to do so under the Freedom of Information (Scotland) Act 2002. In addition, I point out that as I understand it, although Lord Archer's inquiry is entirely independent of Government, it covers the whole of the United Kingdom, not just England. Therefore, we will of course be happy to co-operate on that basis.

### **Civil Legal Aid (Interdicts)**

**6. Alasdair Morgan (South of Scotland) (SNP):** To ask the First Minister what consideration the Scottish Executive has given to altering the civil legal aid rules for cases involving threats of harassment or assault. (S2F-2741)

**The First Minister (Mr Jack McConnell):** We are working continuously to ensure that people have access to justice in both civil and criminal matters. That involves a wide range of activity including tackling criminal offences involving threatening behaviour as well as ensuring that assistance with civil legal problems is provided to those who need it, and paid for from public funds for those who cannot afford it.

**Alasdair Morgan:** The First Minister will recall that the first-ever committee bill passed by this Parliament was the Protection from Abuse (Scotland) Act 2001, which allowed a power of arrest to be attached to interdicts protecting individuals from abuse. Does the First Minister accept that the will of Parliament will not have been implemented if people, normally women, are dissuaded from seeking such interdicts because of financial considerations?

**The First Minister:** As Mr Morgan knows, we are reviewing the provisions precisely to ensure that they are up to date and applicable to the

needs of 21<sup>st</sup> century Scotland. However, we should register the fact that about 60 per cent of applicants for civil legal aid are successful and, indeed, that 75 per cent of applications relating to interdict and protection from abuse orders are successful. Moreover, more than 80 per cent of those grants do not require the applicant to make any contribution. As a result, in the vast majority of cases under the existing scheme, no contribution is required from anyone. However, we are reviewing the scheme to find out whether any improvements can be made.

## Point of Order

12:30

**Stewart Stevenson (Banff and Buchan) (SNP):** On a point of order, Presiding Officer. Rule 13.5.2 of standing orders, which relates to written questions, says:

“An answer shall normally be lodged within 10 counting days of the day on which the question is lodged.”

You might be aware that the Executive recently lodged with the Scottish Parliament information centre an audit of Scottish parliamentary questions for July to September 2006, which helpfully sets out each minister’s performance over that period. It reveals, for example, that Mr Andy Kerr answered all but one of his 202 questions on time. In contrast, Mr Nicol Stephen answered a mere 46 of his 130 questions on time.

Not that the Executive’s three-month review showed that Mr Stephen had simply had a one-off poor quarter. Since 1999, Mr Kerr has managed to answer 86 per cent of his 4,617 questions on time. However, Mr Stephen was late on 1,421 occasions out of the 3,437 replies that he gave. That is in excess of 41 per cent of occasions.

Presiding Officer, will you confirm that that constitutes a breach by Mr Stephen of rule 13.5.2 of the Parliament’s standing orders? If so, what sanctions can you impose in the face of such substantial and sustained disregard for Parliament?

**The Presiding Officer (Mr George Reid):** I am grateful to Mr Stevenson for advance notice of his question, to which I have indeed given some thought. If a holding answer is given within 10 counting days—as I understand has always been the case—there is no breach of standing orders. The figures quoted by Stewart Stevenson are for substantive answers, not for holding answers; as a result, although the differences in performance are striking, they are a matter for the Scottish Executive, not for me.

12:33

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Point of Order

**Carolyn Leckie (Central Scotland) (SSP):** On a point of order, Presiding Officer. I notified your office of this point of order, and I thank you for taking it.

At First Minister’s questions today, in response to my question about blood products and the independent inquiry that has been announced, the First Minister asserted that no information had been withheld at the time of the proactive release of documents in relation to hepatitis C and the contamination of blood products. Perhaps the First Minister unwittingly misled Parliament, but I have in my possession correspondence from the Executive explaining why some documentation was withheld, one of the reasons being that it was appropriate to withhold it to allow

“the Scottish Administration to discuss and formulate policy with candour and frankness”.

I also have the outcome of an appeal to the Scottish information commissioner, which found partly in my favour and partly in the Executive’s favour on the ground of the costs of the release of the information. Clearly and incontrovertibly, information has been withheld. Could you advise me, Presiding Officer, on how I can get the First Minister to correct the facts and get a response to my question, which is whether he will hand over to the United Kingdom inquiry the information that has, up until now, been withheld?

**The Presiding Officer (Mr George Reid):** As I had advance notice of the point of order, I was able to look at a draft of the *Official Report*. You may find that the First Minister chose his words with care: he referred to “relevant” documents. You are now on the record, however. The issue of whether the Parliament has been misled or not is, of course, a matter for the ministerial code of conduct. In answer to your question as to what you should do, you should take the matter up with the First Minister directly.

## Question Time

### SCOTTISH EXECUTIVE

#### Environment and Rural Development

14:16

##### Homes (Grants Schemes)

###### 1. Mr Alasdair Morrison (Western Isles) (Lab):

To ask the Scottish Executive how many homes have been built in the Western Isles under the croft house grants scheme since its introduction, and how this compares with the number built under the crofters building grants and loans scheme. (S2O-12151)

**The Deputy Minister for Environment and Rural Development (Sarah Boyack):** First of all, I apologise for arriving late. Under the former crofters building grants and loans scheme, the average number of approvals for new houses in the Western Isles over the five years to March 2004 was 61 per annum. Under the new croft house grant scheme, which we introduced on 1 January 2005, the average number of approvals for new houses in the Western Isles rose to 89 per annum for the first two years of the scheme's operation. Those figures are based on approvals granted, not on houses built, as the timescale for building the houses can vary.

**Mr Morrison:** As the minister knows, the crofting building grant scheme is subject to review. Will she agree that any assessment or review of the CBGS should also consider assisting crofters with the installation of microrenewable heating systems? Given her own exemplary record in Parliament of promoting such systems, does the minister agree that that should form part of the review? Will she agree to meet me and the convener and vice-convener of the Western Isles Council and representatives of the Hebridean Housing Partnership, all of whom can ably demonstrate how the crofting home building schemes have benefited the islands over the years?

**Sarah Boyack:** I would certainly be keen to ensure that we have joined-up government and that crofting communities are able to benefit from the Executive's Scottish community and householder renewables initiative—SCHRI. I would be keen to meet the member to discuss how we can promote the croft house grant scheme and ensure that crofters are aware of the opportunities that can come up under SCHRI. I would also be more than happy to meet local representatives from the Western Isles. The last time I visited the Western Isles, I was very

impressed by the work that was being done by the local housing association to reduce people's fuel bills from £700 a year to £200 a year. If there is more work that we can do with the crofting communities, I would be keen to do it.

**Rob Gibson (Highlands and Islands) (SNP):** I am glad to hear that the review is going to take place, which we welcome. Could the minister help us just now by saying what provision she intends to make for housing grants for forest crofters and for the housing needs of new crofters? How much might be required in the next five years? Has she budgeted for that?

**Sarah Boyack:** The next five years takes in the next spending review, so we do not have a five-year programme, as such.

Significant increases in grants will be made. The full budget that is in the system for the scheme is £3.4 million this year and will move up to £3.7 million next year. We are keen to ensure that the scheme continues. I will be keen to hear views on it from the committee of inquiry when it completes its work.

**The Presiding Officer (Mr George Reid):** Question 2 has been withdrawn.

##### Scottish Water (Performance)

**3. Bill Butler (Glasgow Anniesland) (Lab):** To ask the Scottish Executive what its assessment is of the current performance of Scottish Water. (S2O-12130)

**The Deputy Minister for Environment and Rural Development (Sarah Boyack):** Scottish Water has improved customer service and achieved better quality and environmental standards. At the same time, it achieved greater cost reductions than any other water company in the United Kingdom in the four years from 2002 to 2006. As a result of that achievement, households and small businesses saved about £211 each. That is an outstanding performance.

**Bill Butler:** I concur whole-heartedly with the minister's answer. Scottish Water—retained in the public sector—is delivering for the people of Scotland. It has achieved savings that equate to £211 per average household, as the minister said, as well as improvements in the quality of our drinking water. It has allowed for much-needed housing and economic growth via investment in new strategic water and sewerage capacity.

Given that, does the minister agree that the recent call by the Tories—among others—to move towards mutualisation is not genuine but is merely a pretext and a tawdry cover for privatisation of a successful public utility? Does she also agree that it should be utterly and whole-heartedly rejected,

as it has been again and again by the people of Scotland?

**Sarah Boyack:** I strongly prefer to concentrate on ensuring that Scottish Water delivers for the future by providing more connections, by achieving high standards for customers and by reducing costs. The last time Tory plans for water services were put to the electorate, they were resoundingly defeated. Nearly three quarters of the electorate in Strathclyde responded and 97 per cent rejected the plans. That is a lesson to all of us to ensure that we are clear about our plans.

**Mark Ballard (Lothians) (Green):** Is the minister aware that Welsh Water—the only mutual water company in the UK—produces significantly higher average bills than does Scottish Water? That is partly because Welsh Water has no access to cheap public borrowing and must rely on private banking. Will she therefore rule out private financing of Scottish Water, which a mutual would have to obtain, as a strategy for improving Scottish Water's performance?

**Sarah Boyack:** When the Environment and Rural Development Committee visited Wales, I was most interested in the lengthy discussion that we had with Welsh Water, which reached its position after the previous private company went bust. When lessons can be learned from companies throughout the UK, we shall learn them. My interest is in making the current system work, with the Water Industry Commission for Scotland and our record investment levels, to ensure that we achieve environmental performance, new connections for businesses and the best value for customers.

**Alasdair Morgan (South of Scotland) (SNP):** Is the minister aware that in Wigtownshire last week, severe delays were experienced in providing bottled water to a large number of people whose water supply was cut off for an extended period? It is not good enough for Scottish Water's spokesman to say:

"We would like to thank customers for their patience during this emergency".

Is she satisfied that Scottish Water is locally responsive enough to incidents following the slimming-down of many parts of its operation?

**Sarah Boyack:** Scottish Water is tested on that issue, and delivering on its targets is an operational matter for it. If the member has insights that he wants to pass on from experience in his constituency, I am more than happy to address them.

#### **Waste Management (Island Communities)**

**4. Eleanor Scott (Highlands and Islands) (Green):** To ask the Scottish Executive how it is promoting the application of the proximity principle

for waste management in island communities. (S2O-12121)

**The Minister for Environment and Rural Development (Ross Finnie):** The national waste plan makes it clear that area waste plans should, as far as possible, take account of the proximity principle. In addition, we have made funding available through the strategic waste fund for a range of local projects in island communities. They include an anaerobic digestion plant in the Western Isles; recycling facilities on islands; work by Remade Scotland to develop markets for recycled products in rural areas, including islands; the Waste and Resources Action Programme's home composting programme, which covers several islands and will be extended throughout Scotland later this year; and work by the community recycling sector.

**Eleanor Scott:** I thank the minister for that list of positives. However, there is one area in which the proximity principle cannot be applied—waste oil. Prior to implementation of the European directive on the incineration of waste, garage premises could be heated using recovered oil in small oil burners. I know of a case in Shetland where that has been forbidden by the implementation of the directive. The oil must now be transported off Shetland to be reprocessed elsewhere, and new oil to heat the garage must be imported to Shetland. That makes a nonsense of the proximity principle and of any pretence that the directive is an environmental measure. The same directive is interpreted differently in England and Wales, where small waste oil burners do not come within its scope. That is an injustice. What will the minister do to rectify it?

**Ross Finnie:** I am intrigued that the Green Party should advocate the burning of waste oil; that is an interesting and, perhaps, new policy position for it to adopt. The Scottish Environment Protection Agency has examined the directive in question and is deeply concerned about both the by-products and the process of waste oil burning. The process cannot be dealt with on its own. This is not "an injustice", as the member put it, but a serious environmental issue. The oil should be reused for a purpose, or otherwise treated, in a way that does not give rise to the same level of emissions. We should not condemn a directive that is intended to improve the quality of the environment.

**Maureen Macmillan (Highlands and Islands) (Lab):** The minister will be aware that in Shetland waste is turned into energy in a combustion plant. Does he have a view on whether that would be appropriate for other islands?

**Ross Finnie:** Maureen Macmillan makes a good point. I am concerned that all local authorities and island communities stick to these fundamental

principles: we aim to reduce the amount of waste that we generate; we aim to reuse the maximum possible amount; and we aim to recycle. The question of what we should do with residual waste arises only after we have met those primary principles. I am happy that there are in the islands projects to extract energy from waste, such as the one in Shetland to which the member referred, and the anaerobic digester in the Western Isles. Those are perfectly legitimate and they play their part, provided that the three principles that I outlined are met.

### Scottish Water (Status)

#### 5. David McLetchie (Edinburgh Pentlands)

**(Con):** To ask the Scottish Executive whether it believes that the performance of Scottish Water would be enhanced by mutualisation and whether it has any plans to change the current status of Scottish Water. (S2O-12093)

**The Deputy Minister for Environment and Rural Development (Sarah Boyack):** As the First Minister said at First Minister's question time on 8 February 2007,

"Different parties are going to put across different ideas between now and the election".—[*Official Report*, 8 February 2007; c 31995.]

The Conservatives are perfectly free to do that, just as the Labour Party and other parties are free to do it. We will debate those issues in the election campaign.

**David McLetchie:** I asked about the Scottish Executive position, but we have heard nothing about that. Perhaps there is a secret plan. It is well known that Mr Finnie, the minister who has been responsible for Scottish Water for the past eight years, now believes that it should be denationalised and converted into a mutual company, a policy that has long been advocated by the Scottish Conservatives in Parliament and which was previously denigrated by Mr Finnie, Ms Boyack and others.

Can the minister tell me when that road-to-Damascus conversion took place in her department? Was it in February 2005, when it came to light that Scottish businesses had been overcharged by £44 million a year? Was it in June 2005, when the water industry commissioner said that Scottish water was 10 to 30 per cent less efficient than English water companies? Was it just last September, when Scottish Water was revealed to be the poorest-performing water company in Britain in respect of customer service? Does the minister agree that Mr Finnie—her boss—was wrong for the past eight years but is right now? Does she see any prospect of persuading her Labour colleagues of the virtues and merits of yet another Conservative policy?

**Sarah Boyack:** Mr McLetchie should not hold his breath. First, there has been no change whatever in the Environment and Rural Affairs Department. Members of Parliament are, quite rightly, developing policies for the election campaign, which will happen soon enough. I am confident that the Scottish Executive is giving the right directions and guidance to Scottish Water. We are making funds available so that Scottish Water can do the work that it needs to do. We have a new protocol between Scottish Water and local authorities to ensure that throughout Scotland the right connections are delivered to enable us to develop our environment and our economy.

I make no comment on Mr McLetchie's manifesto proposals; it will be for the people of Scotland to decide which prescription they prefer.

**Christine May (Central Fife) (Lab):** Is the minister satisfied that issues to do with Scottish Water's performance that were of major concern in the past, such as delays to new housing projects and noxious smells from waste water treatment works, have been adequately addressed? Will she discuss with me how the time that is taken to deal with more minor but equally important issues, such as low water-mains pressure in Coaltown of Balgonie, which I have been dealing with for well over a year, might be reduced?

**Sarah Boyack:** A key issue is that work now takes place between Scottish Water, the Scottish Environment Protection Agency and local authorities to ensure that development constraints are identified and tackled. There are issues to do with odour management, which is why the Scottish Executive was keen to put in place a new protocol. From 1 April there will be new requirements throughout Scotland in relation to odour management.

I know that Christine May is interested in water treatment. Water-mains pressure is an operational issue for Scottish Water, but if the member wants to discuss particular issues with me I would be happy to hear her views.

**Jim Mather (Highlands and Islands) (SNP):** How did the minister react to the most recent well-argued Fraser of Allander institute paper by Jim and Margaret Cuthbert? The Cuthberts are on the minister's case. They suggest that the Executive should reconsider the current-cost regulatory capital value approach that is used to set utility prices in Scotland, especially as they have proved that the overall effects of the RCV approach include substantial overcharging and potential distortion of capital investment programmes, which makes it more strategic for Scottish Water to put in place capital investment instead of fixing leaks. Will she address the damaging current-cost RCV approach which, if it remains unchallenged, could

push Scottish Water beyond mutualisation towards privatisation, at huge cost to Scottish households and businesses?

**Sarah Boyack:** The member's view is very much a minority view in Parliament—[*Interruption.*] I would like to continue. The Minister for Finance and Public Service Reform has made it clear—I concur with him—that the Water Industry Commission sets the financial framework for Scottish Water. The WIC has set Scottish Water's total expenditure and determined the capital expenditure that is required between 2006 and 2010. Lest the Scottish National Party again deliberately mislead people in Scotland, it is important to stress that Scottish Water has available to it every pound that the WIC and Scottish Water say it needs. Jim Mather raises the issue in Parliament time and again, but we just do not agree with him.

**Bristow Muldoon (Livingston) (Lab):** I am sure that my good friend and colleague the Deputy Minister for Environment and Rural Development is aware of the position that the Scottish Labour Party set out at its conference in Oban, which is to retain Scottish Water as a publicly owned and publicly accountable organisation. Does she agree that that policy, which has been implemented successfully in recent years, has resulted in the success of Scottish Water to which she referred in her answer to Mr Butler?

**Sarah Boyack:** Yes.

### Local Produce

**6. Richard Baker (North East Scotland) (Lab):** To ask the Scottish Executive what action it is taking to encourage consumers to buy local produce. (S2O-12129)

**The Minister for Environment and Rural Development (Ross Finnie):** Factors such as price, quality and availability have an impact on consumers' choices about which products to buy. The Scottish Executive is helping Scottish producers to improve their marketing, through the provision of food marketing grant assistance, and we are encouraging clearer labelling.

**Richard Baker:** I welcome the Executive's recent action to ensure that caterers identify the origin of the beef that they sell. What further measures is the Executive taking to encourage not just individual consumers but local authorities and Government agencies to buy local produce? The procurement of local food is more environmentally sustainable and we know the high standards that local food meets.

**Ross Finnie:** As—I hope—the member will be aware, we have been encouraging that through a project that started its life in the provision of catering to the educational services in East

Ayrshire, which demonstrated that the opportunities for local procurement and seasonal produce could be greatly enhanced. We are rolling out that project across Scotland, not just in the schools estate, but in other public sector bodies.

## Health and Community Care

### Carers (Strategy)

**1. Cathy Peattie (Falkirk East) (Lab):** To ask the Scottish Executive whether it will provide an update on the development of its strategy for carers. (S2O-12157)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** We are taking forward work on the four agreed strategic priorities of respite for carers, young carers, carer health and carer training. We have put in place, among other things, new incentives for general practitioners to identify carers and refer them for relevant support, and carer information strategies will be put in place at health board level throughout the national health service from April.

**Cathy Peattie:** That information is very welcome. The deputy minister will be aware that respite care is vital for carers, but its provision is patchy across the country. How is the Executive taking on board the views of carers? Will the Executive consider ring fencing funding for carers and for work around caring?

**Lewis Macdonald:** As part of our response to the care 21 report, "The Future of Unpaid Care in Scotland", we have established a task group that is considering a number of issues around respite care. The group is pooling evidence on provision—to which Cathy Peattie referred—and demand, along with evidence of the value of respite care to carers and those for whom they care. Work is going forward in those areas.

We expect local authorities to make their own judgments about how they allocate and spend the sums that are provided to them under the usual conditions of grant-aided expenditure: that is, we do not provide the funding as a direct budget, but we tell councils the sort of sums that we are providing to them for specific purposes. In taking forward the respite strategy, it is important that local authorities work with local health boards and voluntary organisations, which often work with them in developing services in this area.

**Euan Robson (Roxburgh and Berwickshire) (LD):** Does the minister agree that there is a need to invest more in carers centres, especially where there are no carers centres or where the carers centres are finding it financially difficult to continue?

**Lewis Macdonald:** Euan Robson makes a valid point. Carers centres provide a valuable part of the

support that exists, and we expect local authorities to work with the voluntary sector, in particular, which is responsible for providing much of that support. Since 1999, we have quadrupled the amount of funding that we provide to local authorities to more than £20 million in support for respite care and for carers in general. We expect local authorities to include within that support for carers centres, where appropriate. Of course, we also provide funds at our own hand to voluntary organisations that are involved in providing such support.

**Mrs Nanette Milne (North East Scotland)**

**(Con):** The minister will be aware that more than half of all carers are yet to receive an individual assessment of their personal needs in addition to an assessment of the needs of the person for whom they care. Can he tell me what the Executive is doing to ensure that carers receive an individual assessment of their needs?

**Lewis Macdonald:** That is something that we want to see. We are working with local authorities and health boards; we are encouraging them to co-ordinate provision of services and to carry out assessments on an agreed basis. We think that that offers the best way forward.

### Child Poverty

**2. Rosie Kane (Glasgow) (SSP):** To ask the Scottish Executive what measures it intends to take to improve children's health following the publication of the UNICEF report on child poverty in perspective. (S2O-12115)

**The Minister for Health and Community Care (Mr Andy Kerr):** We have a range of measures already in place to tackle the long-standing problems of poverty and to improve the health of children in Scotland. Those begin with antenatal health care and the information and support that are provided to expectant mothers. The care continues for new families with home health visiting, community-based breastfeeding initiatives and surestart Scotland, which targets young children in the areas of greatest need. The health-promoting-environment approach in our nurseries includes supervised tooth brushing and the provision of free water and fresh fruit to young children.

In our schools, children receive fresh fruit and healthy meals through hungry for success, and active schools co-ordinators ensure that physical activity forms an important part of the curriculum. The Schools (Health Promotion and Nutrition) Bill will further embed the active promotion of a healthy lifestyle within schools as well as setting nutrient standards for the food and drink that are provided in school canteens, tuck shops, breakfast clubs and vending machines. Our healthy living campaigns promote to children and young people

the importance of making healthy choices and they highlight the dangers of smoking, drugs and alcohol excess.

**Rosie Kane:** I am a bit surprised that the minister did not mention the "Children's Rights Impact Assessment: The SCCYP Model", which was laid before Parliament on 31 October 2006 by Scotland's commissioner for children and young people, Kathleen Marshall. I would like the minister to consider that document. How and where has the Scottish Executive implemented the recommendations of that document in recent legislation?

Does the minister agree that, if the Executive was serious about the welfare, health, future and confidence of children and young people in Scotland, it would have supported and allowed time for Frances Curran's Education (School Meals etc) (Scotland) Bill, which would guarantee every pupil in Scotland at least a daily nutritious hot meal and would have gone some way towards ensuring better health and a better future for children in Scotland?

**Mr Kerr:** We are always open to new ideas and initiatives. Matters such as the children's commissioner's report are considered seriously. However, I totally dismiss the accusation that we are somehow failing or betraying our children in Scotland. The free water and fruit in our schools and the supervised tooth brushing initiative are turning round the health of communities throughout Scotland.

An untargeted benefit, such as free school meals for everyone in Scotland, would not challenge the health inequalities in our society and would do nothing to ensure that the communities that are most in need get access to the health services and school meals that they deserve. An untargeted benefit would not make sense in the modern health service, when we know where pockets of deprivation exist that need to be challenged and when we know where people are underachieving in terms of education and health. Let us focus the resources on those areas. That is exactly what the Executive is doing and that is exactly why we will make a difference on health inequalities.

### Prescription Charges (Long-term Conditions)

**3. Colin Fox (Lothians) (SSP):** To ask the Scottish Executive what the latest position is on its review of national health service prescription charges for patients with long-term conditions and on what date it expects to present the outcome of the review. (S2O-12124)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** We intend to publish a report on the review in the near future.

**Colin Fox:** I am disgusted by the minister's answer. Four years ago, the Executive promised to review NHS prescription charges because it accepted that the current exemption arrangements are not fit for purpose. Thirteen months ago, the minister asked Parliament to reject the Abolition of NHS Prescription Charges (Scotland) Bill, which I introduced. He promised that the Executive would introduce proposals to exempt from charges many people who suffer from long-term conditions. On 10 November, he told me in a written answer to a parliamentary question that the Executive would

"publish the report ... before the end of the year."—[*Official Report, Written Answers*, 10 November 2006; S2W-29323.]

However, barely a month away from the dissolution of Parliament, the Executive has still produced nothing—not a word, not an exemption, nothing.

Is not it the case that all medical opinion over the past 40 years has warned—just as I did—against trying to play God by choosing between debilitating conditions that are more or less deserving? Is not the Executive attempting to play fast and loose with Parliament by running down the clock so that ministers can renege on every promise on the issue that they have made to patients over the past four years?

**Lewis Macdonald:** That is certainly the first time I have heard Colin Fox pretend to speak on behalf of the medical profession. However, the medical profession and other respondents to the consultation have given a mixture of messages. For that reason, he is wrong—although Colin Fox takes the view that there is a single, simple solution to this complex question.

As we heard just a moment ago, Colin Fox's party would provide for free school meals as well as free prescriptions. Indeed, his party appears to be intent on promising a wide range of free provision to the Scottish people. We, on the other hand, will take a responsible approach to these complex matters. We will ensure that we reflect the range of opinion and expert advice that we have received and we will respond accordingly.

**Shona Robison (Dundee East) (SNP):** Is not it the case that the Executive's continuing prevarication will mean that the inequities that exist in the system will persist into the future? Would not it be fairer to phase out prescription charges, as is planned by the SNP and as has been successfully implemented by the National Assembly for Wales, to end this tax on ill health?

**Lewis Macdonald:** The point of devolution is, of course, to find our own solutions. Shona Robison will present her party's proposals at the election; she may rest assured that we will do the same.

### Elderly People (South Lochaber)

**4. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** To ask the Scottish Executive whether it will meet me and representatives of the communities served by Glencoe hospital to discuss the future provision of services for elderly people in south Lochaber. (S2O-12076)

**The Minister for Health and Community Care (Mr Andy Kerr):** As the member is aware, I have already agreed to meet him and community council representatives next week to hear their views on the matter.

**Fergus Ewing:** On behalf of the communities of Duror and Kentallen, Glencoe, Ballachulish, Onich and Kinlochleven, I thank the minister for his prompt response to that request. Will he provide reassurance to those communities today that Glencoe hospital will remain open until such time as the alternative plan is fully detailed, worked out and accepted by the local community?

In preparation for the meeting next week, I urge the minister to look specifically at the projections for the number of elderly people in the area, particularly people aged over 75, which is set to double by 2024. That suggests to me and my constituents that the current proposals might need to be enhanced considerably if they are to meet the needs of our elderly people in the decades that lie ahead.

**Mr Kerr:** I thank the member for the way that he put his question. I offer an absolute guarantee to him that I will read whatever evidence the communities seek to put before me about that very important matter. As I made clear during the recent debate in Parliament, it is absolutely incumbent on national health service boards to ensure that alternative sustainable service provision that meets users' needs is in place before significant service change takes place. I will need to be satisfied that the board is able to deliver that prior to any decision being made.

### Children's Health

**5. Gordon Jackson (Glasgow Govan) (Lab):** To ask the Scottish Executive whether it will provide an update on the steps it is taking to improve the health of children in our communities, schools and homes. (S2O-12139)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** We are working to improve children's health in all those settings, for example through parents and children together teams in Glasgow, which provide intensive support to families at home; the Schools (Nutrition and Health Promotion) (Scotland) Bill, which will establish nutritional standards for food and drink in schools and ensure that all schools are health-promoting environments; and the tooth



brushing initiative in nursery and primary schools, which has helped to deliver the best dental health among Scotland's children since records began.

**Gordon Jackson:** I appreciate what is being done, but I could not help but note that in an earlier answer from the minister to Rosie Kane on the same subject, he mentioned alcohol and tobacco. One of the problems in many areas is the abuse, or even just the use, of those substances by people who are too young or who should not be using them. What progress has been made in stopping the sale of tobacco to under-age people, increasing the age at which it can be purchased and, in particular, trying to stop alcohol being supplied, as it often is, to young people?

**Lewis Macdonald:** Gordon Jackson is right to highlight the importance of those substances. A considerable amount of work is under way in respect of both alcohol and tobacco. We are in the midst of consultation on the recommendations in the report of our expert group on smoking prevention, which focuses particularly on young people because it recognises that most smokers start smoking in their teens, regret it and seek to stop thereafter. It is critical that we break the habit of cigarette smoking in that age group.

One of the report's recommendations is that we should raise from 16 to 18 the age at which people may buy tobacco. There are several other recommendations on the sale of tobacco products to young people and on enforcement. We are seeking opinions on all those matters.

We are certainly minded to support more effective enforcement, in respect of use of both alcohol and tobacco. Andy Kerr today announced the roll-out of test purchasing of alcohol by under-18s throughout Scotland, following the successful pilot in Fife in recent months. A similar test-purchasing approach has been taken to tobacco, which has helped us to improve the effectiveness of enforcement in that area, too.

#### **Myocardial Infarction (NHS Greater Glasgow and Clyde)**

**6. Mr Frank McAveety (Glasgow Shettleston) (Lab):** To ask the Scottish Executive whether it will encourage NHS Greater Glasgow and Clyde to make Omacor available to patients to tackle the level of myocardial infarction in its area. (S2O-12146)

**The Minister for Health and Community Care (Mr Andy Kerr):** Omacor is one of a number of potential treatments for the secondary prevention of myocardial infarction.

The Scottish medicines consortium has advised that it is acceptable for general use by NHS Scotland, but a number of alternatives already exist and its implementation is therefore a matter for each local national health service board.

**Mr McAveety:** I welcome the minister's response and acknowledge the consortium's recommendations. However, given that the treatment has been adopted in many other parts of Scotland, and given the high level of heart disease in the greater Glasgow and Clyde area, why cannot the health board consider making it available? If the minister can discuss the matter with the health board and convince it at least to reconsider its present position, that would be a welcome development for patients in the city of Glasgow who require the treatment.

**Mr Kerr:** Our preventive and anticipatory health care activities and our approach to preventing cardiovascular disease through the use of statins will result in significantly positive outcomes for the people of Glasgow. I point out that total mortality through cardiovascular disease has fallen by 46 per cent over the past decade.

I will continue to have the discussions that the member has requested, although I must also point out that the SMC has advised me that because Omacor is not a unique medication, it does not instruct its use in the formulary of any NHS board. That said, I am happy to continue discussions with the member to ensure that we reach a satisfactory solution.

#### **Health Protection (Vulnerable Groups)**

**7. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what assurance it can give that it is taking all possible action to ensure that vulnerable groups receive the highest quality of health protection while reducing bureaucracy for local and national stakeholders. (S2O-12152)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** Over the past few years, we have brought forward new legislation to protect mentally ill people, adults with incapacity and, most recently, other adults who for other reasons are unable to safeguard their own interests and are at risk of harm. Last week, members unanimously supported the Adult Support and Protection (Scotland) Bill, which gives local councils the duty to act in such cases and provides a statutory basis for multi-agency adult protection committees that cover every local authority area.

**Bristow Muldoon:** I am sure that Parliament roundly supports the Executive's measures, including the bill that was passed last week, to protect vulnerable individuals and groups in our society. I note that the Protection of Vulnerable Groups (Scotland) Bill is also proceeding through Parliament.

Does the minister acknowledge that, although vulnerable individuals and groups must have the maximum protection, the right balance must be

struck with regard to the bureaucracy that is associated with the legislation to ensure that we do not deter any groups or organisations from assisting in the protection of vulnerable adults?

**Lewis Macdonald:** I am happy to assure the member that as designed and drafted—and as approved by Parliament—the Adult Support and Protection (Scotland) Bill will remove any doubt about the duty on local authorities to act in such matters and give them a proper basis on which to do so. The detail of how that will be done will be directed by a code of practice, under which authorities will be allowed to consult users, practitioners and the voluntary sector to ensure that any action that is taken is appropriate to the particular level of need.

### **Nursing Home Places (Moray)**

**8. Richard Lochhead (Moray) (SNP):** To ask the Scottish Executive whether it will investigate the extent to which any shortage of nursing home places in Moray is exacerbating delayed discharges from local hospitals. (S2O-12082)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** It is for Moray Council and NHS Grampian to determine the level of provision required to meet the needs of older people and to arrange an appropriate range of services. In consultation with local authority and national health service partnerships, we have set challenging new delayed discharge targets to free up valuable hospital beds and I expect all partnerships to work together to achieve them.

**Richard Lochhead:** Is the minister aware that in rural Grampian, particularly in places such as Moray, care home residents are often placed in or offered places in homes that are far from their communities? Has he issued any guidelines to local authorities and health boards on this matter? It can be distressing for clients in care homes if their families have to travel a long way to see them.

**Lewis Macdonald:** We expect local partnerships to do their best to prevent delayed discharge through avoiding unnecessary use of hospital beds; seeking appropriate places to which people in hospital can be discharged is certainly a key part of any such approach. We also expect partnerships to work together to take and maintain that approach in every local area and to ensure that the individual's interests are fully taken into account.

**The Presiding Officer:** Question 9 has been withdrawn.

### **Health Expenditure**

**10. Marlyn Glen (North East Scotland) (Lab):** To ask the Scottish Executive what the estimated per capita expenditure on health will be in 2007-08

and what the comparable figure was in 1999-2000. (S2O-12136)

**The Minister for Health and Community Care (Mr Andy Kerr):** I am pleased to say that the estimated per capita expenditure on health in 2007-08 is £2,013. The comparable figure for 1999-2000 was £974.

**Marlyn Glen:** How does the substantial increase in expenditure translate into real benefits for national health service patients in terms of waiting times and the numbers of doctors and nurses? Does the minister envisage that the increase will continue in the future?

**Mr Kerr:** It is not just the money that is important, but the effect that we have on the lives of people throughout Scotland. That includes the smoking cessation services in our communities; the new way in which we are working with our primary medical services; the see-and-treat model; our work to ensure that we identify risk and take a preventive approach to health care; the huge investment that we are making in the infrastructure of our national health service; the 14 per cent increase in staff; and the almost tripling of the capital budget. When we take all those together, what we have is a combination of investment in the infrastructure of our national health service.

We are giving NHS staff appropriate places to work—places of which they can be proud, and places in which they can provide more care for patients. We have created greater and quicker access to the NHS through our historic achievement on waiting times. All that work, together with the prevention and health improvement work, suggests to me that we are turning the corner in relation to health in Scotland. We are making great advances in partnership with our communities. I hope that that work continues. Of course, we need to contrast it with the opposition parties' approaches of privatisation and fantasy financial politics.

## Affordable Housing

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S2M-5617, in the name of Rhona Brankin, on affordable housing.

14:57

**The Minister for Communities (Rhona Brankin):** As we move towards the end of the second session of Parliament, it is time to take stock of our many achievements on affordable housing provision. I begin by reviewing the difference that the Scottish Parliament's work has made. The legislation that we have passed on housing and homelessness in the past few years has entirely changed the face of Scotland's housing. As MSPs, many of us have experience of housing needs in our constituencies. Members know as well as I do that the range of needs is diverse and that they vary from one end of the country to the other. Our approach is not to consider subsidised housing in isolation but to focus on the whole housing market and consider where our interventions might work best.

We recognise the strong links between a sufficient housing supply and ensuring that no one is unintentionally homeless. That is why the 2012 target is a key part of our wider strategy for the supply of housing. No one should live in substandard housing. That is why we are working with social landlords to ensure that they can all deliver the Scottish housing quality standard by 2015. That is ambitious, but we know that it can be done. We have a full plan of work ahead and we are embracing the new challenges that arise. For example, it is clear to me that we must do more to improve the energy efficiency of both social sector and market housing.

Housebuilding in Scotland is in a healthy position. Our pro rata rate of housebuilding is high and it has consistently been higher than the rate in England for many years. The targets that have been set for England for the next 10 years only nearly match our current housebuilding rates. Our investment in social housing is also substantially higher per person. We know that high new-build levels are the key to meeting our commitments in the longer term.

**Rob Gibson (Highlands and Islands) (SNP):** Given the desire to create affordable housing, why are compulsory purchase orders used so little to release land for housing, particularly in pressured areas such as islands? In such areas, the demand for housing is ill met; demand can be as much as nine times the actual number of affordable new-build homes.

**Rhona Brankin:** In rural parts of Scotland such as islands, spend has increased. Communities Scotland is working in creative ways with the Forestry Commission Scotland to release land. We are taking a number of actions and we will consider every option. We are very much aware of the housing pressures that exist in rural areas such as islands.

We are spending £1.2 billion over three years on affordable housing. This year alone, we will invest about £487 million, which will provide 7,100 homes. The additional £48 million that we announced last autumn is accelerating local projects and helping housing associations to acquire more sites for affordable homes. Our investment spans urban and rural locations. We know that rural areas have different building contexts, so we tailor our approach when we can. We have dedicated nearly 30 per cent of our programme—£139 million—to rural communities, including island communities.

**Richard Lochhead (Moray) (SNP):** Will the minister give way?

**Rhona Brankin:** No; I must make progress.

I referred to the forest land scheme, which I launched last year and which is another measure that is targeted specifically at rural areas. Surplus Forestry Commission sites are becoming available for affordable housing and will make a real difference in rural communities. I will be keen to see the outturn for the current financial year.

The homestake scheme is one of the successes of our recent work. The scheme, which is based on shared equity, is aimed at first-time buyers, but it can help others, too. In my first few weeks as Minister for Communities, I have seen the real difference that the innovative scheme is already making. The scheme has great potential and I cannot overemphasise its importance. In a recent visit to Inverness, I visited the house of Janet MacMillan, a 25-year-old nurse who, through homestake, has had the opportunity to get into the housing market. Our pioneering approach to shared equity allows flexible ownership stakes, which is what sets our scheme apart. We do not believe that we need one size to fit all, which is why we designed homestake so that it can be tailored to individual circumstances.

Two variants of homestake were launched in 2005. New-build homestake, which will obviously add to our overall new supply, has already been rolled out throughout Scotland, from Dumfriesshire to Thurso and from Aberdeen to Skye. The second variant, open-market homestake, was launched as a pilot scheme in Edinburgh and the Lothians. The open-market version allows buyers to purchase existing properties in the region. Both versions have been popular with buyers and registered

social landlords and we have exceeded all our original targets. Our annual programme now helps more than 1,000 households every year.

Another way in which we help first-time buyers is through our new single survey for house sales, which will mean that people will generally no longer pay for multiple valuations and surveys. That has the potential to save people hundreds of pounds in each bidding process for a property. The Scottish Consumer Council welcomes the new arrangements and believes that they will benefit buyers and sellers alike.

**Richard Lochhead:** Will the minister give way?

**Rhona Brankin:** I would like to make progress.

Our affordable housing funding is being supplemented by the additional income from reduced council tax discounts for second and long-term empty homes. I am pleased that the majority of local authorities have realised the potential in the new powers and discretion that they have in relation to council tax. Nearly £15 million has been raised in the first year of the new arrangements. For example, since Highland Council reduced council tax discounts on second and empty homes to 10 per cent, it has raised more than £2.2 million.

Land supply and planning are hugely important to the provision of affordable housing. Ensuring that we have sufficient affordable housing is not just about investment; we must consider the housing market holistically, including the modernisation of planning and building standards. It is hugely important that we set the correct context for more new affordable housing to be delivered and delivered more quickly, which is why our reform of the planning system through the Planning etc (Scotland) Act 2006 will reap benefits in affordable housing provision. Effective land supply for housing is vital. I cannot overstate the difference that the 2006 act will make. It will revitalise the development planning system, which lies at the heart of housing provision. The new arrangements for development plans will facilitate far more effective release of land for housing.

It will take time for the new requirements to be adopted, so we cannot simply sit back and wait for that to happen. We must do what we can in the interim to facilitate the required level of land supply. We set up the affordable housing working group last year to get the right people round the table to explore practical ways of enhancing land supply. The group has begun to do that.

**Margo MacDonald (Lothians) (Ind):** My question relates directly to the composition of the group. Are tenants in the majority?

**Rhona Brankin:** The group reflects the people involved in delivering affordable housing—its

composition reflects local authorities, tenants groups and the private housing sector. We think that we have a group that reflects the various interests that we need to work with.

In November, we announced that we would review Scottish planning policy 3 on planning for housing. We will have a public consultation on the issue shortly. The review will look at securing more generous housing land allocations and faster land release. Another central issue will be the need to ensure that development plans identify sufficient land for housing where a need has been properly established. We will consider how guidance can more closely integrate housing needs assessments and development plans, and we will consider the role of ministers in intervening when development plans do not reflect housing needs. I encourage participation in the consultation and will be keen to hear about local experiences.

Our planning advice note for affordable housing—PAN 74—has been an important addition to our suite of planning guidance. It has set a benchmark: 25 per cent of all new housing developments are to be affordable homes. There are early indications that the 25 per cent benchmark is bringing greater certainty to development proposals and leading to fewer delays in negotiations. I have been encouraged to see a good number of local authorities embracing the principles of PAN 74. Those authorities are reflecting its ethos in their local affordable housing policies. Key players are taking hold of the tools in PAN 74. That is good news.

When I visited Perthshire earlier this month I went to the site at Oudenarde, near Bridge of Earn. Our land acquisition funding last autumn helped with its purchase. I have been struck by the suite of options out there, all ready to be used. At Oudenarde, a long-term strategy has been put in place. The site will be master planned and will have a mixed-tenure setting. In accordance with PAN 74, it will integrate tenures and make affordable housing a priority—and all this in an area with a right-to-buy pressured area designation in place to protect future stock. To me, that spells forward thinking and I commend the local partners for it.

I will touch briefly on sustainable housing. Sustainability is not an aspiration to which we can pay lip service; it is a principle that must be carried forward in everything we do—especially in our housing of the future. We are continuing to develop our package of sustainability measures for new buildings, including affordable homes. That is happening through building regulations, planning guidance and guidance to housing associations.

Since 2002, the building regulations will have reduced carbon dioxide emissions from new buildings by over 40 per cent. The new emissions targets are set at such a level as to encourage designers to make use of low-carbon or zero-carbon technologies, such as heat pumps and biomass boilers.

I move,

That the Parliament welcomes the importance that the Scottish Executive has placed on ensuring the provision of affordable housing across Scotland; notes the significant investment of £1.2 billion that is delivering 21,500 new affordable homes and the success of the innovative shared equity scheme, Homestake; welcomes the additional steps that have been taken to increase the proportion of affordable homes within new housing developments, and notes the intention of the Executive to ensure that affordable houses are also sustainable houses.

15:09

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I confess to being astonished that the housing minister could present a debate on the Government's record in housing and could speak for 11 minutes without mentioning the Executive's flagship policy—wholesale stock transfer. Is wholesale stock transfer now the flagship policy that must not speak its name?

There have been five housing ministers since 1999—Wendy Alexander, Jackie Baillie, Margaret Curran, Malcolm Chisholm and now Rhona Brankin. They come; they go. Ms Brankin is likely to have the shortest tenure of them all.

The first line of the motion asks the Parliament to welcome

“the importance that the Scottish Executive has placed on ensuring the provision of affordable housing”.

Did I blink and miss something over the past eight years of the Government? Is the minister not listening to the Convention of Scottish Local Authorities, Shelter Scotland, the Scottish Federation of Housing Associations or the Chartered Institute of Housing in Scotland? Is she not listening to councillors the length and breadth of Scotland? Is she not listening to her own back benchers and has she not read the Bramley report, which was commissioned by her immediate predecessor, Malcolm Chisholm, on the shortage of affordable homes in Scotland? Is the minister unique? Is she the only one among the 129 MSPs who does not see people desperate for housing at her surgeries? Young people and families are desperate for houses of their own or to leave behind overcrowded and damp conditions.

It does not matter where we go in Scotland, the story is the same: in rural communities, cities and small towns, there is a desperate shortage of decent, affordable accommodation. The Scottish National Party amendment is a reality check for

the Government, which is so obsessed by spin and so desperate to pretend that all is well that it is in serious danger of undermining any good work that it has done, such as the homestake scheme to help first-time-buyers to get on to the property ladder or the raft of desperately needed housing legislation that it has passed.

Let us examine the record of the Government's delivery on housing. The policy of wholesale stock transfer, which I have mentioned—although the minister did not—has failed. There has never been a plan B in place for when tenants say no, but the Government's greatest failure—no wonder she will not talk about it—is its failure to keep the promises that were made to the Glasgow tenants, who voted yes in the ballot in the belief that, as the Government told them, second-stage transfer to small-scale community housing associations would take place.

**Margo MacDonald:** Would an SNP-led Executive ensure that the City of Edinburgh Council was able to build council houses, as the tenants in Edinburgh have said no to stock transfer?

**Tricia Marwick:** I have repeatedly said to the minister that all tenants have been more or less blackmailed into a yes vote. I have made it clear to ministers that they should have taken the time to work with the Treasury in London to ensure that the capital debt was written off for the tenants who voted no in the same way as it would have been had they voted yes.

The legislation on stock transfer that was passed before the 2003 election has not resulted in a single house being transferred from Glasgow Housing Association to a local community housing association. Not a single house has been built and, for some tenants, housing conditions are as bad as anybody can remember—if not the worst that anybody can remember. I can hear Des McNulty saying that that is rubbish, but he obviously did not see the television news item a few weeks ago about the woman who was living in the most appalling, damp conditions. Is he trying to tell me that that is acceptable?

**The Deputy Minister for Communities (Des McNulty):** In any and every ward in Glasgow that has social rented housing, substantial investment is being made in repairs and central heating. Huge amounts of investment are going into social rented housing in Glasgow. That is what the tenants there voted for and that is what they are getting.

**Tricia Marwick:** The tenants voted for small housing associations, as the deputy minister—

**Des McNulty:** They voted for investment.

**Tricia Marwick:** Wait a minute: the minister did not address the stock-transfer policy in her

speech, so Des McNulty is not going to waste time trying to defend it in mine. The SNP Government that we will have after the May election is determined that the promises that the Labour Executive made to the Glasgow tenants will be kept.

When Professor Bramley reported to Malcolm Chisholm, he highlighted the fact that—

**Des McNulty:** Will Tricia Marwick give way?

**Tricia Marwick:** No I will not. Professor Bramley highlighted the fact that, as well as a need for new affordable housing to keep pace with demand, there was a backlog to be tackled. Why does that backlog exist? It is because the Labour-Liberal Democrat Executive built fewer houses for rent between 1999 and 2004 than the Tories did in 1995.

**Rhona Brankin:** Will Tricia Marwick give way?

**Tricia Marwick:** No, I will not.

That statistic shows one of the reasons why there is such pressure now.

I find it hard to believe that the Bramley report did not take housing conditions into account when it assessed housing need, but the Executive asked Professor Bramley not to do so. In other words, provided a house was still standing, it counted towards the net surplus of housing, regardless of whether it was riddled with damp or had rats running under the floorboards.

The Bramley report is but one part of the equation of what needs to be done in Scotland. As we are all well aware, local authorities and housing associations are required to meet the quality standard by 2015. Many believe that they will struggle to do so and many more are preparing to demolish structurally safe houses because they do not have the money to renovate them. We have record numbers of people on housing waiting lists, more people are presenting as homeless and Shelter Scotland claims in its briefing that 8,000 households are in temporary housing—double the number in 2001—because of the shortage of suitable permanent accommodation.

The average age of first-time buyers is now 37. They are the ones who are being hit by the double whammy.

**The Presiding Officer:** You have one minute.

**Tricia Marwick:** Most are not eligible for social housing, but they are being priced out of the housing market.

I hope that you will give me a couple more minutes, given the interventions that I have taken, Presiding Officer.

**The Presiding Officer:** No. I have given you a bit more. I will give you another minute from now.

**Tricia Marwick:** Okay. Many of those people are precisely the kind of people that Scotland needs—young graduates and families who want to put down roots.

I recommend that MSPs of all parties read the Hills report, “Ends and Means: The future roles of social housing in England”, which was commissioned by Ruth Kelly. In effect, it says that people are going to have to be in real need to be able to get a social rented house in future. The mixed and sustainable communities that we want in Scotland will not be achieved by offering fixed lets for all in the public sector, then means testing people to see whether they are poor enough to stay in the houses or well off enough to have their tenancies terminated and be encouraged to go off and buy a home on their own. How is it possible that Ruth Kelly and new Labour so misunderstand the nature of communities and the fact that what people want most is a home that is safe and secure?

The SNP values the social rented sector and we will work closely with local authorities, which we see as the strategic force in identifying housing need in their area, and with other housing providers in the private and public sectors to assist them in the provision of good quality, affordable homes for all our citizens.

I move amendment S2M-5617.2, to leave out from “welcomes” to end and insert:

“notes that between 1999 and 2004 fewer houses were built for social rent under the Labour/Liberal Democrat government than in 1995 under the Conservative government and that waiting lists and those presenting as homeless are at record levels; notes the failure of the Scottish government to keep the promises made to Glasgow tenants on second stage stock transfer, and considers that this Scottish government has failed to adequately address the housing crisis in Scotland.”

15:17

**Mr David Davidson (North East Scotland) (Con):** We Conservatives consider the need for affordable housing to be among the top priorities for Scotland. We know that both the private and public rental and purchase sectors are under considerable pressure and are not able to keep up with the high demand, particularly in rural areas. First-time buyers in particular are under considerable strain.

The Executive’s economic report for 2006 reveals that in the past year first-time buyer activity reached its lowest level in 25 years. The Bank of Scotland’s survey showed that the average price that a first-time buyer pays for a home in Scotland went above £100,000 in 2006—which was an increase of 17 per cent from 2005

and double the average 2001 price. Most worryingly for our essential front-line services, the Bank of Scotland key worker housing review of 2005 found that, over the previous three years, the percentage of Scottish towns that were unaffordable for nurses had increased from 5 per cent to 62 per cent and the percentage of towns that were unaffordable for teachers had increased from 0 per cent to 27 per cent. The figures for police officers and firefighters are similar.

In addition, the Lib-Lab pact is failing those whom it claims to care about most, as homelessness continues to be a major problem, with almost 60,000 households asking for help—a rise of 46 per cent since Labour came to power in 1997. The real figure is estimated to be higher than that, because many people just do not appear in the statistics.

**Brian Adam (Aberdeen North) (SNP):** Will the member explain the Conservatives' policy on council houses? Do they regard councils to be appropriate landlords and will they continue to support local council housing?

**Mr Davidson:** I will come to that point in a moment, when I will reply to the member fully.

The council house service is under increasing pressure, with the average debt per council house now at £5,500. Some 206,000 households are on Scotland's local authority waiting and transfer lists. Where does the money come from to deal with that? The situation has been made worse by the Government's failure to enable Scottish tenants to take advantage of housing stock transfer, with the disastrous four no votes in Edinburgh, Stirling, Renfrewshire and Highland, which have lost hundreds of millions of pounds from the Treasury—£300 million to Edinburgh alone. The tenants have lost the prospect of lower rents, the benefits of not-for-profit, community-run housing associations and greater investment. New investment can come only through increases in rents for all tenants.

In response to Brian Adam, I say that we wholeheartedly support the transfer of local government housing to communities in a way that means that they are run by local, accountable housing associations, co-operatives and companies, which is an approach that was started by our party when we were in government. Stock transfer makes housing officials more accountable to tenants and provides more local management.

**Dr Sylvia Jackson (Stirling) (Lab):** Is the member advocating not offering tenants a vote with regard to housing-stock transfer? Is he suggesting that we should just go ahead and do it without a vote?

**Mr Davidson:** That is not what I said at all. However, if the Government had gone about the

task properly, people would not have voted no—they did so because of the confusion that existed at the time.

Audit Scotland's report on council housing transfers concluded that tenants are finding that the service that is provided after transfer is better and that new landlords are investing in the housing stock and keeping rent increases within agreed limits.

The Executive is now threatening the private housing market with the introduction of the single seller survey, to which we are totally opposed. We urge everyone to contribute to the Executive's consultation on the matter. The proposal is unnecessary and costly. The duty of care that is owed by the original surveyor to the original property owner is fine, but that does not transfer under the law. If someone is lending money on a property, they want to have their own, up-to-date survey carried out. The Executive's proposal is nothing more than a tax.

**Rhona Brankin:** Does the member agree with the Scottish Consumer Council's view that the single survey is what buyers and sellers want? Indeed, an online poll that was run by the Edinburgh Solicitors Property Centre showed that the proposal was supported by more than two thirds of respondents.

**Mr Davidson:** I will quote the Scottish Consumer Council back to the minister. It said that the single seller survey will

"cause difficulties for disadvantaged buyers and sellers who may be on low incomes and/or be buying or selling low value properties in areas of low demand."

I suggest that the minister read the submission in full.

In addition, Labour in London is now threatening us with the planning gain tax, which even the Executive has described as misconceived. On Tuesday this week, my colleagues in London attempted to ensure that it would be delayed so that the Treasury and the Scottish Executive could fully investigate the effects of the policy. Needless to say, however, the Labour back benchers in London turned down that attempt.

The policy will be a disaster for Scotland. It will centralise revenues and remove them from the local communities. There will be no local gain whatsoever. That will lead to a restriction in the supply of land and a disincentive to development. We oppose the tax and would like the minister to tell us what is going on in the Executive's discussions with the Treasury.

When we were in power, home ownership increased dramatically. We remain committed to the continuation of our landmark policy, which has done more to transfer power and wealth from the

state to ordinary working people than anything that the Scottish Executive has done. Our housing policy aims to meet the key challenges in housing and achieve a better match between provision and need. Indeed, in the next few weeks, we will make a major announcement that will set out our proposals for helping people to live the dream of home ownership, which are designed to reinvigorate the housing market and provide a much needed boost to all Scots who want to buy their own home.

I move amendment S2M-5617.1, to leave out from “welcomes” to end and insert:

“recognises that the private and public rental and purchase sectors are under considerable pressure and are not able to keep up with the high demand for affordable housing, especially in rural areas; is alarmed that last year first-time buyer activity reached its lowest level in 25 years; regrets that the Lib-Lab pact has failed to enable Scottish tenants to take advantage of housing stock transfer and, over the last year, has overseen four ‘no’ votes in Edinburgh, Stirling, Renfrewshire and the Highlands and welcomes the Scottish Conservatives’ support for housing stock transfer and the continuation of tenants’ right to buy their local authority homes; is opposed to the proposal for the single seller survey as it ‘will cause difficulties for disadvantaged buyers and sellers, who may be on low incomes and/or be buying or selling low-value properties in areas of low demand’, as highlighted by the Scottish Consumer Council, and considers that the single seller survey is based on an inadequate pilot and is an unnecessary and costly intervention in a sensitive market.”

15:23

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** The issue that we are debating is uppermost in everyone’s mind, regardless of their political persuasion. I was reminded of that when I received an e-mail today on a subject that had nothing to do with this debate. It was sent by a constituent of mine, Paul Tait, who is a student in Edinburgh but comes from Wick. He said:

“since moving to Edinburgh and becoming a student, I have become disgusted at the level of homelessness seen every day while walking through the city. These people are no worse or better than you or I, their only fault is not being able to afford a semi-decent place to live.”

Some months ago, as Rob Gibson will recall, I made a statement to the press that much of the problem was associated with land ownership and the lack of land that was being made available to be released. That was touched on in earlier speeches. I want to make it clear that the bogeyman is not necessarily the big landowner. Often, it is small pieces of land held in or beside communities that block development where housing could be useful. I can think of an example in my home town of Tain, where a piece of land is owned by a family but cannot be developed because it is landlocked. Who is it landlocked by? The local authority. Where is the sense in that?

I should declare the interest that members of my family have small units of land that could be developed into housing. I hope that, as local authorities take up their new planning powers, they will take an overview of the issue and be far more proactive in saying that certain pieces of land can be developed and in addressing the issues when they are not developed.

Only this week, I wrote to Highland Council on behalf of some constituents—a young couple who live in the former fishing village of Portmahomack on the Tarbat ness peninsula, which the minister will be familiar with. We have seen an astonishing increase in house prices in the Highlands, which means that, despite the fact that they both work, that couple simply cannot afford to get on the first step of the housing ladder. Coming from the Highlands, I believe that incomers are most welcome but local people also have a right to live and remain in the communities that they come from and love so well.

David Davidson will recall that, some time ago, I took issue with his colleague Mr Brocklebank, who said that if local people could not afford to live in St Andrews, they would have to move away. I submit that that is not a good argument.

**Mr Davidson:** A mixed bag of housing needs to be available in every community for those who wish to stay in the locality, whether they have jobs or are retired people who want to stay near families who can care for them, for example. We need a mix in the housing market.

**Mr Stone:** I welcome that comment, and I trust that, if he has not already done so, Mr Davidson will share that sentiment with his colleague.

We cannot look at housing in isolation. The price increases for crofts in east Caithness are not just housing costs that local people cannot afford; they are surely connected to crofting legislation. When we revisit it, people such as John Farquhar Munro and I will wish to ensure that the raw beast that is market forces will be restrained in the price of crofting. That remains an issue, and we must remember that the question of affordable housing lies in the context of several other issues.

Parallel to that is what people from all political parties are doing their best to address in north Sutherland and Caithness—the question of what to do about the job losses that will flow from the running down of Dounreay. What is the socioeconomic strategy? It is self-evident that if we do not get it right, there will be no jobs for the people, so they will not need houses. That would be a double tragedy. Again—I am stating the perfectly obvious—affordable housing must be considered in the wider context.

I am sure that other members, including John Farquhar Munro, will mention the water problems.



I have one small point before my conclusion, which is about the sale in the Highlands of serviced plots by the local authority. That is laudable and helps people get on the first rung of the property ladder, but there is evidence that some of the plots were sold to people who already had property. Rather than a first step on the ladder, the plots were more an investment. That is not what Highland Council's aim was, so we need to be clear on that front.

I conclude on something that may interest the minister. In the north of my constituency, Dornoch forest district has constructed a large office complex from trees that have been felled at Bettyhill and moved only a short distance. It says that the pilot building can be replicated so that affordable housing is built in rural areas near where the wood comes from, which is precisely where we need housing. That is an example that could be examined by other Highland MSPs and the minister herself. That positive story could be a sign for which way to go in the future.

I shall listen to the rest of the debate with great interest. As I said at the start, it is a hugely important debate that is relevant to every person living in Scotland.

15:30

**Karen Whitefield (Airdrie and Shotts) (Lab):**

The opening words of Malcolm Chisholm's foreword to the Scottish Executive's "Homes for Scotland's People: A Scottish Housing Policy Statement" are:

"All of Scotland's people should have access to good quality, warm and affordable housing. Everyone has the right to a home—a space of their own where they can enjoy privacy and family life. Decent homes are essential to the health of individuals and to the well-being of communities."

I am sure that we all agree with that. There should be no debate about the impact that good-quality homes can have on a wide range of social factors, from health and education to antisocial behaviour and community well-being. I have seen the transformation that has occurred in communities such as Petersburn in my constituency, and am convinced that improving housing and the landscape around it—which is important—can have a tremendous impact on how a community is perceived.

The Labour-led Executive has much to be proud of with respect to housing improvements since 1999. We have invested almost £2.7 billion in new affordable homes. From 2005 to 2008, we will have spent £1.2 billion to provide 21,500 affordable homes.

That investment is making a considerable impact in North Lanarkshire. Since 1999, investment there has totalled just under £99

million, and spending is growing every year. In 2006-07, we will spend £17.4 million, which is an increase of £3.4 million on the previous year's spending. As a result, 269 new homes will be built by the end of the financial year. I see in my constituency the real difference that that investment has made to the lives of people who live in communities such as Petersburn, Chapelhall, Rochsoles, Newmains and Shotts. The demolition of substandard housing and the replacement of that housing by modern, well-equipped housing not only improves tenants' quality of life, but substantially improves the local environment.

In its briefing for the debate, the Chartered Institute of Housing in Scotland advocates a community environment standard. I sympathise with its intention, as it is clear to me from the work that has been undertaken at Petersburn that housing regeneration must be matched by regeneration of the physical environment. Clear evidence exists of the benefits that result from well-designed and well-used green spaces with play areas for children and informal meeting areas. Regenerating communities that have complex social problems involves more than simply building new homes and new landscapes, but rebuilding and renewing the built environment in partnership with the community can help to reinvigorate community spirit and pride.

One other benefit of building new houses is the opportunity that is afforded to ensure that they will be accessible for the disabled. I have been impressed by the design features in the new Link Homes houses in Airdrie, which enable people with disabilities to live much more independently. Basic features such as light switches and sockets at the correct height for wheelchair users and increased door widths help to ensure that those homes can be used flexibly without adaptations being needed at a later stage.

There is a legitimate debate to be had about the number of new affordable houses that are required, but it is important that we do what we can to make the current housing stock fit for purpose. That matter got a little lost in Tricia Marwick's speech. I welcome the Scottish Executive's long-standing commitment to ensure that no one has to live in cold and damp homes. The warm deal and central heating programmes have helped to keep more of our housing stock fit for habitation. Nearly £300 million has been spent on installing more than 77,000 central heating systems and insulating more than 231,000 homes. That is good news not just for individual tenants and householders, but for the environment. More efficient heating systems and better insulation mean a reduction in fuel consumption.

There are those who believe that all social rented housing should be provided by local authorities. I do not believe that there needs to be an either/or approach. North Lanarkshire Council is a well-respected landlord, with relatively low levels of debt and good-quality housing stock. Prudential borrowing has enabled the council to undertake a massive refurbishment programme, which will result in all post-war homes in the area getting new kitchens and bathrooms.

To conclude—although I had much more that I wanted to say—I believe that the provision of good-quality housing should be one of the key priorities for the Parliament and the Executive. The Executive has demonstrated its commitment to the creation of new, affordable housing where it is most needed in Scotland. The local housing strategies play a vital role in identifying the locations of greatest need, and they are helping to ensure that resources are targeted effectively. Interestingly, the strategy in North Lanarkshire indicates that there is no overall shortfall in accommodation. Rather, there are specific areas of high demand, where our efforts must be focused.

We now have the tools to tackle the problem of affordable housing availability in Scotland and the Executive is committed to addressing the problem. I urge the minister to continue the drive to ensure that everyone in Scotland is able to live in a house that is both affordable and fit for purpose.

15:36

**Brian Adam (Aberdeen North) (SNP):** The Minister for Communities referred in her speech to subsidies for affordable housing. I want to be absolutely clear about that. Is she suggesting that council house tenants continue to receive subsidies from general taxation? As far as I am aware, that was done away with between 20 and 25 years ago, and the only parts of the housing sector that receive subsidies are non-council housing areas.

**Margo MacDonald:** Exactly. It is shameful.

**Brian Adam:** I am happy to take an intervention.

**Margo MacDonald:** I am looking for pledges. In the event of a Scottish National Party-led Executive, will ministers be willing to restore the same financial support to local authorities as is currently enjoyed by housing associations? We have a good case in Midlothian, which I will put to the minister if I am lucky enough to be called to speak.

**Brian Adam:** That is a useful ambition, but we have to work within the constraints that Gordon Brown has presented us with until such time as we get rid of the difficulties that are presented to all of

our housing policy—the constraints that are placed on it by the Treasury. The combination of bribes and blackmail that allows new build only in circumstances where it cannot be sold—if there is to be stock transfer and if there are arrangements with housing associations—is unsustainable.

In his response to my intervention, David Davidson did not in any way commit himself to councils being appropriate landlords in the future. I am happy to say that I and, I believe, the SNP, see that case, and I hope that that offers Margo MacDonald some comfort. We have to be realistic about what is possible immediately after any election. In the long term, we would certainly hope to move to the position that Margo MacDonald suggests should exist. I certainly support that.

**Mr Davidson rose—**

**Brian Adam:** I would like to develop this point—unless David Davidson is happy to tell us that the Conservatives will support council house tenants in retaining the council as their landlord. I am happy to let him intervene to say that they will do that.

**Mr Davidson:** I am sorry to disappoint Mr Adam. If it has been proven that it is better for tenants to be involved in a housing association or community buyout, and if they are happier with that management style, which gives them democratic input—Labour councils in Scotland in particular did not give them that—he will have to convince me that I am wrong.

**Brian Adam:** I firmly believe that David Davidson is wrong. In my experience as a public representative for close on 20 years, in any dealings that I had with councils, I could at least make representations on behalf of my constituents that might have some effect. However, when I was dealing with housing associations—in particular with Scottish Homes—I found it difficult to have any kind of input, as did those people whom I represented. The idea that housing associations are somehow by their nature more accountable is a fallacy.

**Des McNulty:** Will the member take an intervention?

**Brian Adam:** No, thank you. I have taken quite a number of interventions and I would like to use at least some of the two and a half minutes that I have left to develop more arguments.

The city that I represent used to have more than 40,000 council houses, but it now has 24,000. Just like everywhere else, most of the family-sized accommodation in Aberdeen—described there as “a door to yourself”—has been sold. That means that the many folk who are not necessarily homeless but who are housed inadequately and inappropriately and who aspire to family-style

accommodation but cannot afford to or do not necessarily want to buy have no prospect of fulfilling their aspirations under the current arrangements, unless they accept the only significant additional funding that might be provided, which is the blackmail/bribe from Gordon Brown.

People in Aberdeen have made it clear that they do not want stock transfer. A ballot was held in Aberdeen through which tenants groups, which Aberdeen City Council hand-picked, said that they did not want stock transfer, but the council persisted and spent several million pounds on the proposal, as has happened in other places. The money for ballots, consultation and consultants all came from tenants' rents. It did not put a window or a new bathroom in a house and it did not deal with dampness. All that it did was fulfil the doctrinaire policies that the Tories introduced and which Labour has continued, to drive out council housing arrangements for tenants.

In Aberdeen, stock transfer was rejected by 19 to one. Aberdeen City Council has ambitious plans to spend up to £1 billion on regeneration of significant areas that are run down, but it will try to persuade tenants again that stock transfer is the route to take. How many times do people have to say, "No, we don't want this," before the Government and councils listen?

We need a change of direction. The Treasury and Westminster require to change direction significantly or we need to cut the umbilical cord so that we do not depend on such a change being made. I strongly believe that the Government has failed to deliver on affordable housing and on social rented housing. We desperately need a change of Government and of policy.

15:43

**Maureen Macmillan (Highlands and Islands) (Lab):** As the minister is aware, the provision of affordable homes in the Highlands and Islands has not been easy or straightforward in the past 10 years. We have had to contend with the sale of council houses—even in areas that had only a handful and no land on which to build more—and landlords' reluctance to provide land for rural housing if they thought that housing would be sold at a profit outwith the community. Scenic areas and crofting areas have been under pressure from the second-home market and the lack of water and sewerage infrastructure has caused constraints, some of which are still with us. We have also faced the new and welcome homelessness legislation and increased in-migration.

More and more people aspire to own their homes, but many find it difficult to step on the

home-ownership ladder, so they put their names on the waiting list to rent, which swells the number on the list even more.

Considerable investment has been made in housing in the Highlands and Islands—investment has increased more than fourfold since 1997—and we have examined innovative ways to build affordable housing into general developments. Recently, I visited a site near Inverness where 2,000 houses are planned to be built in the next 10 years. Of those houses, 25 per cent—500—will be affordable. All those houses cannot be built in a week, a month or even a year, so we must ensure that we have plans for the future.

As the minister said, particular interest has been expressed in the homestake housing scheme, whereby Communities Scotland takes an equity share in a house but does not charge rent for that share, and the occupier owns 60 per cent of the house and can increase their share. Some schemes allow Communities Scotland to keep a golden share in perpetuity, which means that it has control of onward selling.

That philosophy is being applied in Dornoch, where affordable houses will be sold by local people to the housing provider at the valuation price, so that they can be sold on to other local purchasers. That is an extension of the rural housing burden that rural housing associations operate, which enables them to bank land that can be used in conjunction with rural home ownership grants. It underscores the principle that housing that is built with grants or subsidy should be subject to some degree of public control or payback to the public purse when sold on, and should not merely be sold on the open market.

Of course, not everyone wishes to buy, and it is important to have good-quality social housing for rent. A huge refurbishment programme has taken place in Highland but, unfortunately, it has been jeopardised by the tenants' recent no vote in the community ownership ballot. Highland Council did not make its case well. Trotskyist activists from the Scottish Socialist Party or Solidarity—I am not sure which, as they all seem the same to me, although in their eyes there is a big difference between them—as well as Scottish National Party fellow travellers knowingly misrepresented the case, telling people that their rents would rise if they voted yes. The tenants voted no, and their rents have already risen. Highland Council's housing debt has gone up by another £3 million, and the unspent balance of £21 million from the £50 million that was given as part of the community ownership programme will no longer be available. It is now doubtful that Highland Council will be able to bring its present housing stock up to standard by 2015 as required—including in relation to energy efficiency standards,

which will lead to warmer homes and smaller fuel bills—without raising rents again.

**Margo MacDonald:** Does the member agree that, had the Treasury created a level playing field between councils and housing associations, Highland Council would have been able to write off its debt in exactly the same way as the housing associations across the Minch have done?

**Maureen Macmillan:** I do not agree. People cannot have their cake and eat it.

I ask the Executive to examine what can be salvaged in Highland from the no vote. Already I note a worrying trend of cost cutting by the Highland Council. The concierge service in the flats at the Ferry in Inverness, which protects vulnerable people such as young mothers who have escaped domestic abuse, has been cut. If community ownership had gone through, tenants such as those young women would have had real input into housing decisions that affect them.

**Mr Alasdair Morrison (Western Isles) (Lab):** Maureen Macmillan is right to paint a depressing picture of what is happening in the Highland Council area, but does she accept that, in the Western Isles, the picture is extremely positive, because tenants there refused to give way to nationalist/Trotskyite activists?

**Maureen Macmillan:** I accept that absolutely. The same happened in Argyll and Bute, where there was a successful stock transfer.

There is increasing pressure on housing in urban and rural areas of the Highlands and Islands. The excellent homelessness legislation has given new rights to those who were previously the hidden homeless, and the increase in the Highland population has added to the pressure, although, statistically, migrant workers are not a big factor. We are developing innovative ways of overcoming problems. The Highland Housing Alliance banks land and matches it with appropriate housing developers to deliver social housing. Jamie Stone, who has left the chamber, should bring to the alliance's attention the land in Tain to which he referred.

We look forward to the committee of inquiry into crofting finding strategies to deal with the housing pressures that affect crofting.

Scottish Water constraints are working their way through the system, although serious problems remain, especially in Lochalsh.

Much work has been done, but housing pressure is a mark of the vibrant, expanding economy that the Highlands has become. We need to be aware that we will have to cater for an increasing number of people who wish to live, work and holiday in the area.

15:49

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** We all accept that housing is a basic human right. Since 1999, the Scottish Executive has shown its commitment to tackling the shortage of affordable housing by delivering funding for no fewer than 41,000 affordable homes. Recently, it committed a further £1.2 billion for the delivery of 21,500 new affordable homes by 2008.

A good example of the innovative solutions to Scotland's affordable housing problem that the Scottish Executive is considering is the homestake shared equity scheme, which members have mentioned. The scheme allows families to buy 60 to 80 per cent of their house, with the remaining share funded by a housing association.

However, in the Highlands we are fighting a losing battle. More people are coming to live and work in the north, which has led to vast house price inflation. Yesterday, the Highland Housing Alliance reported that the average house price in the Highlands has risen to £178,000. How are young people supposed to get a foot on the property ladder if property prices are at such a level? Susan Torrance, the chair of the Highland Housing Alliance, was not wrong when she described the situation as a "crisis situation". In Highland last year, 1,688 homes were built, but only 278 of those were affordable. That is an incredibly low number, compared with demand. Moreover, what is the definition of "affordable"? For a single person who earns £15,000 a year, not even £90,000 is affordable. We hear the word regularly, but no one seems to understand what is affordable these days.

We must consider additional ways of alleviating the problem. I am convinced that the creation of community land trusts would help. Last week in the Parliament I asked the Minister for Communities about them. In such schemes, land is owned by the community land trust and a prospective homebuyer buys a house, but not the land, from the trust. When the person wants to move on, the house is sold back to the trust at a price calculated using a predetermined formula. The house is therefore kept in the community.

Community land trusts have been successful in other countries, particularly the United States, but the approach has encountered problems here that the Scottish Executive urgently needs to address. First, potential buyers of community land trust houses are having difficulties getting high street banks to lend them money for mortgages. The problem is nothing new and is similar to that faced by crofters before they were allowed to decroft their land for house sites. If community land trusts are to work, the Scottish Executive must give the approach its full backing, which will send the

banks a positive signal and, I hope, encourage them to lend money to clients who are trying to provide homes for themselves.

Secondly, land availability is a problem. The Scottish Executive could help with that. In the Highlands, there is no shortage of land owned by the Crown Estate, the Forestry Commission or the Scottish Executive Environment and Rural Affairs Department. Suitably sited Government land should be apportioned for the construction of community land trust housing, to help such projects get off the ground.

In high-pressure areas, the Scottish Executive could consider setting up a scheme similar to the crofters building grants and loans scheme, whereby crofters receive a combination of grant and loan to build a home. First-time buyers could be offered a similar package, to get them off the ground. The idea is innovative and should commend itself to the Scottish Executive—particularly to SEERAD—the Crown Estate and the Forestry Commission, which are landlords of huge tracts of the Highlands.

Whatever the Executive decides to do about affordable housing, it must act soon. Innovative ideas and continuing financial support from the Executive will be needed.

15:54

**Phil Gallie (South of Scotland) (Con):** I recognise some merit in the motion. I welcome its stress on the importance of ensuring the provision of affordable housing, and I recognise and welcome the shared equity schemes that have been introduced by the Executive, which build, I suggest, on a Tory embryo. However, the motion goes over the top in self-congratulation. I note that the SNP's amendment refers to the glory days of Tory housing management in Scotland. The SNP is right to highlight those glory days, which were 18 years of radical change and success.

**Tricia Marwick:** I was not referring to the glory days; I was trying to make the point that the Government has fallen so far that it cannot meet even the targets that the Conservative Government set in 1995.

**Phil Gallie:** I sympathise with the member, although I am disappointed that she did not see those as glory days. This Labour-Liberal grouping has not delivered on the promises that were made in 1997 and again in 1999, at the start of the Scottish Parliament. If anything, we have gone backwards.

I have referred to the Tory glory days. I took great pleasure in seeing the statue of Margaret Thatcher being unveiled in the House of Commons yesterday by an old adversary, Michael

Martin. We should all look back at her days and the radical change that she brought to housing through, if nothing else, the right to buy. That policy changed people's aspirations and goals, and gave them hope, ownership and pride that they previously did not have.

**Mr Morrison:** While Mr Gallie is eulogising the Tory glory days, will he reflect on the house repossessions of that era?

**Phil Gallie:** There were problems then, but what disappoints me is that we see the same situation developing again now. While Alasdair Morrison is looking back at the situation then, he should look at the situation today and see that things, perhaps, are worse than they were then.

We should remember the changes that came about as a result of the right to buy. People invested in their homes once they purchased them, and we saw upgrading and uplift in housing schemes throughout the country. At the time, the housing of more than 60 per cent of the population was under the control of local authorities—in the main, Labour-led local authorities—and those people were, to a degree, dependent on their Labour councillors for the right to live within the four walls of what they called their homes.

**Margo MacDonald:** Does Phil Gallie agree that the right to buy would have been a better policy if the local councils had been able to replace the stock that was lost to the common good?

**Phil Gallie:** I agree entirely with Margo MacDonald on that point. I was a councillor in the 1980s and I pressed for that, as I felt that it would have been worth while. To my mind, it would have been a kind of recycling. However, it was not just the Government that prevented that from happening; local authorities themselves chose not to reinvest in that way and decided that they would use the money for other things. Although the Government blocked that in part, it did not do so to the fullest extent.

Looking at where we are today, I believe that there is benefit in housing stock transfer. We should not look a gift horse in the mouth. I would welcome money from housing stock transfer being injected into Scotland's housing stock right now. It is of great regret that we have not gone down that line.

In my final minute, I will talk about first-time buyers, their aspirations and the fact that the housing market appears to have gone beyond them. There are issues that the Government could address. One of them—which no one has mentioned—lies in the taxation system, and it is the stamp duty that is associated with house values and is payable in many house sales today. The Government could consider changing that to ease pressures in the housing market.

Another scheme that is on parade at the moment, as David Davidson mentioned, is the proposal that house sellers will be required to provide an appraisal of the state of their house. There might be some value in the idea, but it is fairly minute and it needs to be balanced against the disadvantages. If sellers are required not only to invest in a survey but to make further changes to their house before they can put it on the market, the survey will simply add costs to the chain that will be paid by those who want to buy. In my view, the single survey will end up as a further disincentive to first-time buyers—

**The Deputy Presiding Officer (Trish Godman):** Mr Gallie, you should be winding up now.

**Phil Gallie:** Although the single survey has some superficial merit, it should not be adopted, given the results of the pilot exercises, which have flopped so dramatically.

16:01

**Frances Curran (West of Scotland) (SSP):** During this debate on affordable housing, I have wondered whether, if I was on the outside looking in, I would think that the Parliament's debate would change people's lives.

Having been made homeless twice and having experience of what it is like not to have anywhere to live, I know that homelessness has a fundamental human effect on families and children. A recent documentary that was based in England showed a family sitting in a bus shelter with nowhere to go and with kids who had just come out of school. That should not happen in the fifth-richest country in the world.

Why can we not build enough houses and have enough roofs over our heads for the population of Scotland? It is ridiculous that we are in this situation. We have 136,000 people—mainly families—on our council waiting lists. They are waiting for a home and somewhere to live—somewhere decent to live, I hasten to add. During the debate, and while listening to the minister, I asked myself, what is in this for them? Like Margo MacDonald, I am looking for pledges. However, the answer to the question is, very little. This debate has offered little to those who are waiting for a letter from the council or housing association to say that they have been given a house.

The minister announced £487 million to create 7,100 homes. By comparison with a waiting list of 136,000 people, the new provision is paltry. I do not know how the minister can say that the Executive has

“changed the face of Scotland's housing.”

Yes, the Executive has changed the face of housing, but not in a good way.

Another contradiction is that local authorities, which have so many people on their waiting lists, will not build the houses to which the minister referred. As Margo MacDonald pointed out, local authorities are not allowed sufficient funding and are subject to stock transfer requirements. Although local authorities are allowed to borrow money, they cannot do so, because their borrowing constraints and their financial situation are such that they cannot borrow enough.

Since new Labour was elected in 1997, local authorities have sold off 160,000 houses that were previously in the social rented sector and built only 39,000. The Executive has presided over a situation in which, for every four homes sold under the right-to-buy legislation—which now extends to housing associations—only one house has been built. That has created a huge problem, which manifests itself in many different ways. For example, people now experience difficulties in getting on the property ladder as first-time buyers and there are soaring rents in the private sector.

I point out to Phil Gallie that the right to buy, which I have consistently opposed, was described by the Scottish Federation of Housing Associations as the greatest threat to good-quality affordable housing. I firmly believe that. I concur with the SFHA.

**Phil Gallie:** The fact is that the Scottish housing associations are, basically, a product of the right-to-buy policy. They were established after the right-to-buy legislation commenced. They are the product of a Tory Government. They have been a beneficial step forward in housing provision.

**Frances Curran:** The member will not be surprised to know that I do not agree with his point. Even if the SFHA was created as a result of that policy, and housing associations were created as a result of stock transfer, it does not stop them having a view on how policies affect affordable housing. Extending the right to buy even further to housing association tenants—and I live in a housing association flat—would be a massive mistake.

One of the reasons why house prices are soaring is that we do not have affordable housing. That has had a huge effect on the market. Although I am sympathetic to first-time buyers who are trying to get on the property ladder, the percentage of first-time buyers in the market has fallen in the past 10 years from 50 per cent to 20 per cent. The big question is, what happened to the other 30 per cent? Where are they living? If they cannot buy a house, many of them have to live with their parents or flat share in the private

rented sector. That is the impact of the policy that the Tories introduced.

**Rhona Brankin:** We have heard a lot of criticism from the member about what is happening now. Will the member say what her policy is and tell us how it will be costed?

**Frances Curran:** Thank you very much; that is my next point. The SSP will campaign in the election in favour of building 25,000 new homes for social rent every year. We would cancel the housing debt of the local authorities, not just those that have gone for stock transfer, to generate £2 billion over four years. Developers in the Glasgow harbour area have built 4,000 units, only 40 of which are for social rent. Why did we not force the developers of that regeneration area to make available for social rent half of those houses, which are on public land? The SSP would enforce that in future. We would also introduce a millionaire's tax on all land and property valued at more than £1 million—even a modest land tax of less than 1 per cent would generate hundreds of millions of pounds for the rented sector.

Public housing is a huge issue and we will be at the forefront of campaigning for it in the election campaign.

16:07

**Dr Sylvia Jackson (Stirling) (Lab):** As Karen Whitefield said, there cannot be a person in the chamber today who does not think that everyone in Scotland should have access to good-quality, warm, affordable housing. Along with good education, health and other core services, good housing has to be a basic tenet of any political party's beliefs. There is wide recognition that the Labour-led coalition has begun to make a difference by doubling investment in affordable housing since 2003. Since devolution, we have provided an additional 41,000 affordable homes, and in Stirling an extra 705 affordable homes. In total, the investment in affordable housing in the Stirling Council area is £37.7 million.

By the end of 2007-08, around £16 million will have been used for demolition and new build in the Cornton, Culterhove and Middlemuir Road areas in Stirling. Additional investment will also bring much-needed new housing to Raploch, through the innovative urban regeneration company, as well as to other parts of Stirling. The Rural Stirling Housing Association has created developments in rural areas such as Aberfoyle, Balfron, Buchlyvie, Callander, Deanston, Drymen, Gargunnoch, Gartmore, Killin, Kippen, Kinlochard, Strathyre and Tyndrum. In fact, two houses previously owned by Scottish Water will soon be opened at Stronachlacher, which was made possible through Scottish Executive funding.

The RSHA now owns and manages 430 homes. However, in Stirling itself, waiting lists are still relatively high, although there are fluctuations and the active applicants list is down at the moment. The RSHA list now stands at about 800 people, which is substantially more than it was three years ago.

The on-going expansion of homelessness legislation will increase substantially the number of statutorily homeless people referred to the RSHA by Stirling Council in the coming years, which will mean that there is less ability to meet the needs of non-statutory cases on the waiting list, although it is likely that there will be some transfer between the two groups—more people on the list will apply and be accepted as homeless. It is also likely to result in a greater need to provide support to a minority of homeless households to enable them to sustain a tenancy. The resources for such support, through supporting people funding, for example, will have to increase to meet that need.

When asked to list some of the obstacles in developing local affordable housing, the RSHA said that, first, there was a general lack of available land for acquisition. Stirling is a very pressured housing market area, and the owners of developable land know that it can command a high sale price. As a result, the housing association finds it difficult to compete. The amount of money the RSHA can offer for land on which to develop affordable housing is substantially less than what that land can fetch on the open market.

Under the affordable housing policy in the local plan for Stirling, a number of large sites designated for housing in the rural centres of Doune, Balfron and Callander must offer mixed housing and the developer must ensure that a percentage of that housing—usually 25 per cent—is affordable. That housing will usually be provided by the RSHA. However those sites are limited and simply form the bedrock for the development programme over the next five years or so.

Secondly, some settlements have infrastructure constraints. Although it continues to be difficult to secure an accurate picture from Scottish Water, it appears that sewerage capacity remains a problem in certain locations. I welcome the fact that more investment has been made in sewerage capacity, but there is still a large backlog of work that will likely take a long time to clear.

Thirdly, communities in Doune and Kippen, where future development is planned, recently identified the size of schools and the capacity of health centres as constraints. Indeed, I was alarmed to find out that Forth Valley NHS Board is not a statutory consultee on the planning application for housing in Doune. I wonder whether the minister will consider that particular loophole.

Fourthly, compared with prices in urban areas, it is generally more expensive per unit for the RSHA to develop housing because of factors such as land prices, the small-scale nature and relatively low density of developments, and the frequent need to invest in links to services and in road upgrading. As a result, the RSHA finds it more difficult to meet Communities Scotland's benchmark with regard to grant-per-unit indicators.

Finally I want briefly to mention some additional points that councils made in response to a survey that was issued last year by the cross-party group on affordable housing. On whether they had conducted housing needs assessments and had then used their findings to state a quantified land requirement for affordable housing, councils told us that they had not conducted needs assessments in time to inform their current plans or that the assessments were not robust enough to inform policy.

Secondly, most councils told us that their principal policy was to obtain land for affordable housing as a proportion of market sector housing. However, none of them claimed—or offered evidence—that the mechanism was sufficient to meet local needs.

In response to our question whether councils had safeguarded land, as suggested in planning advice note 74, the vast majority of councils—even those that had or claimed to have a shortfall in affordable housing—said that they had made no such allocation. In fact, only a few indicated any interest in doing so.

Councils also raised a number of general issues. For example, some highlighted the problems in planning affordable housing developments under the current Communities Scotland regime and felt that planning policies are not meeting land supply need—

**The Deputy Presiding Officer:** You should be finishing now, Ms Jackson.

**Dr Jackson:** The list of issues goes on and on. At this point, I must thank Murray Tosh, who was largely responsible for putting together the cross-party group's report.

As the minister is aware, the affordable housing working group is carrying out some good work with all the main agencies, and I hope that it will soon come forward with changes to the guidance on Scottish planning policy 3. Indeed, the minister might want to address that issue when he winds up.

The manifesto—

**The Deputy Presiding Officer:** I am sorry, Ms Jackson, but you must finish.

**Dr Jackson:** I urge the chamber to support the motion.

16:14

**Roseanna Cunningham (Perth) (SNP):**

Although Perthshire might not immediately spring to mind in a debate on housing problems, the area is experiencing very significant difficulties, proof of which is the Executive's agreement to suspend the right to buy in certain parts of Perth and Kinross. The minister has already referred to that pretty desperate measure, which has been used to lock into place some protection for existing affordable housing stock in the area. In Perth and Kinross, pressured area status covers 21 letting areas, nine of which are in my constituency.

I think that we just might be starting to see the inevitable end of a policy—right to buy—that many of us warned would lead to the current problems. However, I am not going to indulge in a ritual bout of Maggie-bashing because, no matter which party has been in power, there have been serious housing problems for decades.

This has been a dispiriting debate. For once, I find myself in agreement with Frances Curran—I hope that nobody who has a serious housing problem is watching the debate.

I do not want to pretend that there have been no attempts to rectify the situation. The homelessness legislation is a case in point, and there is no doubt that there have been improvements over the years. The difficulty is that solving one problem simply led to others. My surgeries are full of people who are in despair because their position on the housing list is so low that there is no realistic likelihood that they will ever get a house in the social rented sector. All MSPs hear about that problem. People know that, unless they can show an extraordinary need that will bounce them up the list, they have no hope of getting a house. Much of what we do is an attempt to get them extra points on the list.

We hear stories about people who find ways of declaring themselves homeless so that they will move up the list, and about young people and families who are placed in wholly unsatisfactory temporary accommodation. In Perth and Kinross, the number of such people increased from 212 in 2003-04 to 759 in 2005-06. People are on the list for years. The social rented sector is now, in effect, emergency housing. Most others need not apply. Why? There are simply not enough houses to go round.

In Perth and Kinross, there are 7,888 council houses of various sizes, including sheltered accommodation. There are 4,179 people on the waiting list and a further 907 are waiting for a transfer. In 2004-05, there were only 569 vacancies, which went to the statutory homeless, transfers and some people from the waiting list. That is a turnover rate of 6.5 per cent, which



clearly cannot satisfy the demand. In 2005-06, a total of 130 affordable houses for rent or sale at low cost were completed in the Perth and Kinross area. The net result is a lot of unhappy people who struggle to find independence for themselves.

I have looked at the detailed local figures. By far the biggest problem is with the supply of one and two-bedroom houses. My guess is that that pattern will manifest itself throughout Scotland as families get smaller and as more people live on their own. What is happening in the marketplace? That is the other side of this very depressing coin. Perthshire has among the lowest wages in the country, so turning to owner occupation is not an option unless affordable houses are built that are within the price range of the low paid.

Are developers interested in building low-cost homes for sale? Are they hell. Perthshire is full of developments of three, four and five-bedroom houses at prices upwards of £300,000. I have no idea who buys them. I certainly could not afford them and, as everyone knows, politicians do not exactly count as the low paid. Furthermore, I have no idea where all the wannabe downsizing baby boomers will downsize to in 10, 15, or 20 years' time, so I can see yet another problem developing already. Can we get in front of that problem rather than let it overwhelm us later?

There are no council houses to rent unless someone is classified as homeless or has such serious medical problems that they jump the queue; and there are no affordable houses to buy, apart from the very council houses that, if they were sold, would exacerbate the problem. In addition to that reality, we now have pressured area status in significant parts of the council area in which I live.

There is some good news, of course. Some £900,000 that was raised through a reduction in council tax discounts on long-term empty and second homes is being used to buy land that will be earmarked for affordable housing development, but it is nowhere near enough. The consequences for my part of the world can be seen in its skewed demographics. There is a high level of out-migration among those who are most likely to be economically active. Young people leave in droves to go to university and college and are unable to come back even if they want to. Others, frankly, contribute to the problems of the inner-city areas that other members represent. I presume that the folk who leave my area and cannot move back to it end up in MSPs' surgeries in Edinburgh and Glasgow.

The only way out of the problem is to build more houses. Despite Margo MacDonald's continual interventions, I do not care who builds affordable houses as long as they are built. They must be built both for rent and for sale, and they must be of

the size that is in the greatest demand. That is not happening anywhere. Perhaps it is time to follow the example of countries where the state builds houses for sale as well as for rent at the affordable end of the market and organises the provision of the cheap long-term mortgages that are required. Until that happens, debates such as this one will be meaningless.

16:19

**Patrick Harvie (Glasgow) (Green):** Roseanna Cunningham is right: many of the problems go back a long way and cannot be pinned wholly at the door of one particular Government. In the past few years, I have heard some members talk in glowing terms of a housing renaissance, whereas others have talked in scathing terms of a housing crisis. The reality is probably somewhere in between, but we should all acknowledge that steps have been taken.

The Executive and the Parliament should be proud of the homelessness legislation that has been put in place. The Executive certainly cannot be accused of ignoring housing issues, as it has repeatedly come to the Parliament with proposed legislation on housing issues. Throughout that process, the issue of resources has been raised in relation to support services, which have been mentioned, and to new build. However, it is not reasonable to accuse the Executive of ignoring the issues.

Across the political spectrum, there is now more understanding of and support for the principles of affordable housing, including those on affordable social rented housing and mixed communities, than was perhaps the case in the past, although understanding has not quite reached everybody. I remember asking one Glasgow housing developer whether there was an affordable element in a housing development on which he was working. "Absolutely," he said, "You would be surprised. Some of them will go for less than £200,000." Someone was missing the point, and I do not think it was me.

I put on record my support for the Executive's homestake initiative. If people want to get on to the property ladder, buy a house and feel a sense of ownership, but property prices are out of their league, a case can be made that they should be able to get into the market one step at a time, which is what the homestake initiative lets them do. I would like the open-market version of homestake to be rolled out. Ministers should accept that although helping 1,000 households is a good start, it is only a start. If the initiatives are taken further, we are in danger of stalling on other progress that we have made. I hope that members of the Executive parties acknowledge that if we handle the homestake initiative wrongly, we run the risk of damaging further the status of rented

housing. It is a shame if social rented housing is seen as the option of last resort, as though it is an inferior kind of housing. It does not need to be perceived in that way.

I do not agree with everything the Scottish National Party says about stock transfer, but it is absolutely right that we must talk about the issue. It was a mistake for the minister to open the debate without saying anything about that. Ballots in four areas have resulted in no votes—in total, about 55 per cent of tenants voted against stock transfer. I would not call that a comprehensive rejection, but it is clearly a rejection.

**Brian Adam:** Some people may like to airbrush this out of history but, in the vote among tenants in Aberdeen, in which there was a high turnout, the result was 19 to one—93 per cent—against stock transfer.

**The Presiding Officer (Mr George Reid):** Before you reply, Mr Harvie, can I just hurry you along a little? If you trim your speech, I can fit in all the members who want to speak.

**Patrick Harvie:** I will do my very best, Presiding Officer.

In response to Brian Adam, I think that the figure I mentioned is correct.

The problem with stock transfer is that the failure to deliver second-stage transfer in Glasgow and the conditionality of debt write-off stand as a great big advert against the process. It allows those who oppose community ownership out of principle and in all circumstances to make their case and to fling around inappropriate words such as “bribery” and “blackmail”.

I will mention some initiatives that we could take further, but are not. We have to make much better use of existing housing stock. At the moment, with council tax discounts for single occupancy and for second-home ownership, we are encouraging exactly the reverse—we are giving incentives for low use of existing housing stock. A considerable number of properties are empty; we have to bring them back into use for families and individuals who need them.

I wish that there were more time to go into this issue in more detail. I have no doubt that we will discuss it again. I hope that the Executive will take note of Murray Tosh’s motion on the target of 30,000, and I hope that members of all parties will be able to sign up to it.

**The Presiding Officer:** To squeeze Cathie Craigie and Margo MacDonald in, I ask Cathie Craigie to make her speech in about four minutes and Margo MacDonald to make her speech in about three minutes. Perhaps we can then trim back the closing speeches by about a minute each.

16:25

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Presiding Officer, I think that I am becoming able to predict the future: when you asked Patrick Harvie to trim his speech, I said that you would probably ask me to cut mine. I will try to go as quickly as I possibly can.

As has been said, safe, secure and affordable homes are fundamental to our health and well-being. They are fundamental to our children’s general welfare and their ability to grow and develop and they are fundamental to the fabric of our communities. It does not particularly matter whether our homes are rented from a local authority, a housing association or a private landlord. It does not matter whether our homes are owned outright, are mortgaged, or are in a part-share property scheme. What matters is that our homes are safe, warm and dry; that costs are affordable; and that our homes are located in areas where we want to be. That is basic stuff, and stuff that I know we can all agree on. The difficult and challenging problem is getting to the stage where we can deliver all that. From comments in the chamber today, it is obvious that there will not be agreement across the parties.

I am proud to be in the party of government that has led the way in legislation aimed at providing rights for tenants, for home owners, for people who do not have a home to call their own, and for people who are homeless. We have set legislative foundations for landlords—whether they are public or private landlords—thus ensuring that landlords take their responsibilities and deliver for their tenants.

We in the Labour Party believe that all Scotland’s people should have access to good-quality, warm and affordable homes. We will continue to listen to and engage with organisations such as COSLA, Shelter and the Chartered Institute of Housing in Scotland—to name but a few—who recently issued a joint statement on housing. Their aim in issuing the statement was, I am sure, to keep housing high on the political agenda. I support them in that. I am sure that their statement will help to shape and inform debate over the coming months. I also welcome their acknowledgement that we have come a long way in developing policies and in securing investment over the past few years. I support their call for continued and increased investment.

In my final couple of minutes, I would like to highlight some of the challenges in my constituency. If we use Professor Bramley’s research and his method of calculating shortfalls in affordable housing, we see that North Lanarkshire Council does not have an overall shortfall in housing, but the reality in my area—Cumbernauld and Kilsyth—is quite different. We have a clear

shortfall in supply. I know from my postbag and from constituency cases that demand for affordable housing in my constituency is high.

To help to address the issues—in the Cumbernauld area in particular—the council is introducing an affordable housing policy. The policy will apply to new housing sites that are not currently in land supply or that do not yet have planning permission. The proposal is that 25 per cent of the land on new sites should be for affordable housing, either through provision on the site or through an initiative under which the council takes a commuted sum for reinvestment elsewhere in the Cumbernauld area. The council sees the project as a way of meeting demand in the Cumbernauld and Kilsyth area, but it will need further support and guidance from the Scottish Executive. If the minister would engage with North Lanarkshire Council to develop the project, that would be welcome.

There is a lot more that I would like to say and I am sorry that I am not able to do so. We have to be realistic. I know that the minister, unlike others, does not pretend to have an elastic purse. Financial decisions must be based on the needs of communities. North Lanarkshire Council and Cumbernauld and Kilsyth in particular have a particular need. I ask the minister to look into that.

16:29

**Margo MacDonald (Lothians) (Ind):** Like Cathie Craigie, I have no bias against any form of tenure. Every home should be secure and we should have a mixture of tenure, which is what I thought 30 years ago, when I was the director of Shelter. However, the need for rented accommodation is every bit as great as it was then. I agreed with the outline of the reasons Tricia Marwick gave in her speech, so I will not go into them.

I am particularly concerned about Edinburgh at the moment. There is such a boom in the city's economy, and house prices and land prices have gone so high, that we risk driving out all the people with the skills that we must have for a balanced community. By and large, those people will want to rent. Nobody who has spoken has defined affordability. Although homestake is a good idea for home buyers, a great number of the people whom we want to have in the city cannot afford to buy due to the current state of the private market. That is why I asked about the Edinburgh tenants who voted against stock transfer. Their wishes must be respected.

Edinburgh will come under dreadful pressure because it will have a gap of eight years between the demolition of some houses, which must be demolished, and the provision of other affordable

or social rented housing. The Executive should be much more active in asking the Chancellor of the Exchequer to create a level playing field for councils and housing associations.

I commend to the minister the attitude of Midlothian Council. It is an honourable exception to the councils mentioned by Sylvia Jackson, which have perhaps not done all the homework that they should have done. Midlothian Council has 3,500 people on its waiting list, so it is building 1,000 houses and is going into partnership with other housing associations to provide 800 more. Conditions will be attached to the right to buy the houses that Midlothian Council builds and a higher minimum price will be asked for them. That council went ahead to identify the need and then acted; it did not sit around worrying about what was the correct thing to do.

The Treasury has a large part to play in addressing the problem. The Auditor General said that there is no difference between writing off the debt that local authorities have incurred if tenants agree to stock transfer and not writing off the debt if tenants say that they prefer to stay with the local authority. I make a plea for the Treasury to address the issue, and ask for a better reason for not writing off the debt than we have had to date.

**The Presiding Officer:** If the closing speakers trim their remarks by about 30 seconds each, we will meet our deadline.

16:33

**Donald Gorrie (Central Scotland) (LD):** I will crack straight into the main point that I wish to make. Five major bodies that are involved in the same sector of activity agreeing is a big event in Scottish history. That is what has happened: the five main organisations with a housing interest—COSLA, the Scottish Federation of Housing Associations, the Chartered Institute of Housing in Scotland and the Scottish Council for Single Homeless, some of which are housing providers—all agree that we must build 10,000 affordable houses a year. That figure is similar to the 30,000 houses over three years that has been mentioned, but the housing organisations have pitched their figure at 10,000 a year, and we must pay attention to them.

As we all know, the position is variable, and the organisations suggest that the new building must be targeted. Some areas have problems, whereas others do not, so we must have local solutions, not simply a blanket approach. The increase on the 6,000 or so homes that the Executive is going for would not cost much because a considerable sum of private money that could go to housing associations would be levered in. That would mean that we could get the increase for which the housing organisations are calling affordably.

Producing such a number of houses would accommodate homeless people without constantly giving them more and more of the overall number of available houses, which means that people who are not homeless never have a hope. We should focus on the figure 10,000 houses a year, on which the people who know about housing all agree, which is miraculous.

If a council has a fairly cynical view on life, it thinks that it pays not to use land for social housing but to sell it off to builders to build mansion houses for people who will pay lots of council tax and not pose a problem for local services. We need to apply a test of maximum public benefit from the use of the land, rather than just consider what will fetch the highest price. So much of our approach to best value is focused purely on money, but all sorts of values come into it. Housing has an effect on people's health, employment and behaviour, and on transport and recreation, all of which have a monetary value that we should take into account in dealing with allocating land for housing.

Other members have alluded to the problems that we have to sort out. The right to buy has to be reined back even further. Some councils favour demolition, but that is a negative solution that does not deliver what they think it delivers, which is better value.

There is the endless argument about stock transfer. Whatever the rights and wrongs, the idea has not been sold to a lot of people. Tenants see themselves as being punished for voting no, which is quite wrong. The Executive must treat tenants fairly, regardless of whether they accepted the idea of stock transfer. It has to find more clever ways—which the Treasury will accept—of supporting people who did not go for stock transfer.

We must listen to the tenants more. We are still not as good at listening to people as we should be. It goes back to local solutions. If councils and the Executive listen to tenants, we will get better solutions than we will get from people such as me pontificating. Let us listen to the people who know about the problem and suffer from it.

I am told that quite a lot of social rented housing is superior in quality to some of the private housing that is being built. By and large, our housing industry delivers pretty poor-quality stuff compared with what is produced on the continent—I am thinking of energy conservation measures and so on. I hope that we can attend to that and produce worthwhile houses as well as more houses. Above all, let us unite around the 10,000 houses a year figure, which the people who know about housing really think we need.

16:38

**Bill Aitken (Glasgow) (Con):** When I first heard that affordable housing was to be debated, I was considerably interested. I wondered whether we were going to hear about some spellbinding Executive initiative. Unfortunately, that has turned out not to be the case.

Scotland's housing—and affordable housing in particular—might not be facing a major crisis yet, but there are real problems. This afternoon those problems have been graphically illustrated—they are comprehensive and widespread and affect both urban and rural communities and both the public and private sectors.

The picture of Scottish housing is not one of unremitting gloom, because good things have happened. I give the Executive credit for the Glasgow stock transfer, which I thought was a good thing to do at the time, and I remain convinced of that. What has gone wrong since is that we have not delivered the secondary transfer.

Let us deal with the private sector first. One inevitably indulges in personal reminiscences in these debates, but when I bought my first flat—a one-bedroom flat in the west end of Glasgow—I paid £11,700 and some odd change for it, which was about two and a half times my annual salary at that time. To buy that flat today, one would have to be earning in excess of £50,000 a year. I venture to suggest that not many young men or women in their early to mid-20s are earning such a salary. A problem is developing and it must be addressed sooner rather than later, or it will become a major issue.

To paraphrase John Farquhar Munro, how affordable is affordable? Basically, some of the costs that are going to be incurred by first-time buyers make buying simply not economically viable for them.

Karen Whitefield rightly said that the impact on communities of good housing can be spectacular and that it should be one of our key priorities. We must focus on how we are going to advance the arguments around housing.

Some good things have happened in housing. I would fight to the death to defend the view that some of the legislation that was introduced by the Conservative Government, such as the Tenants' Rights, Etc (Scotland) Act 1980, did wonderful things for housing in Scotland and brought about a remarkable change for the better in a number of housing estates. Further, we have seen the growth of the housing association movement, which is one of the great success stories in post-war public sector housing. I know that Linda Fabiani, who was involved in that movement for many years, will totally agree with me in that regard.

That is why it is desperately disappointing that we have not advanced the secondary transfer in Glasgow, which has undoubtedly impinged on the ballots that have been held elsewhere in Scotland—particularly on the Edinburgh ballot. Tenants who are given control over their housing future will act responsibly and are aware that that will result in cheaper rents. When all tenants are in that position, we will finally have done away with the dead hand of council housing departments, which are completely out of touch with their tenants' ambitions and aspirations.

In the past 10 or 15 years, only two housing associations in Glasgow have got themselves into difficulty—Mr McNulty can correct me if I am wrong. The rest have been a success, some of them outstandingly so. We must move that situation on.

As the Minister for Communities said, money has gone into housing in Glasgow in particular. I freely and frankly acknowledge that, although I am sure that she will freely and frankly acknowledge that I wrote to her some weeks ago to express concern about how that money was being spent. That is why I feel that, if we had been at the secondary transfer stage, there would have been much tighter control over the way in which that money was being spent and we would not be hearing the loud and clear allegations of waste and of unnecessary work being carried out.

Two things have been remarkably absent from the debate. First, there has been only a brief mention of the effect of the single seller survey, which is an idea that is superficially attractive but which is simply not going to work. It will impede the sale of housing and impact on the ability of those on lower incomes to buy and sell houses. The second thing is the potential impact of the planning gain supplement, which is hanging over the future of Scottish housing like the sword of Damocles. No one has dealt with that in the debate. I know that the Executive set out its objections to that proposal in a response that it issued some time ago, but it must do something to move the situation along and get answers from the Treasury. If it does not, there will be problems ahead.

16:44

**Linda Fabiani (Central Scotland) (SNP):** I declare my membership of the Chartered Institute of Housing.

I am a wee bit worried by the fact that I have to agree with something that Bill Aitken said. Like him, when I read the Executive's motion, I thought that it was so bland and weak that the Executive must have something up its sleeve and that we were going to hear a big announcement that would

take our breath away. Sadly, that has not happened.

I must also say that whoever wrote the minister's speech or directed its content is not taking the housing debate in this country seriously enough. It was complete nonsense. We have heard for years about some of what she was saying. There was nothing new at all. We have heard before about how we have to focus on the whole market holistically. She also said that we should consider intervention when required—I find it worrying that, eight years down the line, we are still considering that approach. She said that the Executive is going to look at energy efficiency and building regulations. The Executive has had two chances to beef up building regulations—for example, to meet the lowest standard of sustainable housing in Scandinavian countries—but the Executive parties knocked those chances back. Now we are to look at them again.

Of course, it is not all bad. Looking at the market holistically is going to incorporate looking at land, infrastructure, supply and planning—we are "going to" do that, eight years down the line. The Executive's homestake programme is great, but I must say to Phil Gallie that the Executive is not building on a Tory embryo when it looks at shared equity. In the mid-1990s, when I was with Bute Housing Association, we tried to take that approach in Argyll, but the Tory-run Scottish Office would not let us because it said that it would interfere with the free market. There is no Tory kudos for that programme.

The minister even said that the single survey was making a difference. I hope that it will make a difference, but it certainly is not making a difference yet, because it is not operational—we are still waiting for it to be introduced. It strikes me—again—that the Executive has a terrible habit of announcing that something is going to happen and then behaving as if it has already made everything fine. The Executive has not made everything fine and, eight years down the line, we are still talking about plans.

Tricia Marwick was right: a lot is not said in the Executive motion. For example, I am stunned that prudential borrowing—another great housing initiative that was mentioned two or three years ago—was not mentioned today. Many members have asked about the rights of councils to provide and build housing, and when Margaret Curran answered the same questions a couple of years ago, she referred to the wonderful new prudential borrowing initiative. Will the deputy minister, in his summing up, tell us where we are on that? Margo MacDonald told us about the good example from Midlothian Council, but what about the others? Have other local authorities been encouraged to borrow prudentially and provide houses?

What can I say about stock transfer? It was not even mentioned in the Executive motion or the minister's speech, despite clearly being in the amendment lodged by Tricia Marwick. The story of Glasgow is very sad. People were promised second-stage transfer; Wendy Alexander, the minister at the time, said that there was no plan B; and Malcolm Chisholm said a couple of months ago that there was no black hole. I can tell the chamber what there is none of—there is no second-stage transfer in Glasgow.

We keep hearing from Labour and Liberal members about how wonderful community ownership is. Karen Whitefield expounded on the value to communities of taking control and what can happen in communities when they take control. Community ownership has been happening for years, but the problem is that it needs to happen a lot more quickly. There is nothing new in the policy, as housing associations and co-operatives have been following it for years. We just need to step up the pace. Part of that involves organising what was promised to Glasgow tenants—second-stage transfer.

Perhaps if the Labour Party had listened to the SNP when Parliament debated the Housing (Scotland) Act 2001 and enshrined in legislation the right of communities to community ownership, people in Glasgow might have had something by now. However, the Labour and Liberal Government knocked back enshrining in legislation the right to community ownership. I have never understood why it is that, although Labour municipal politicians have no problem with community ownership on islands and in rural areas, there is a big problem when it comes to urban areas and town centres, where they do not want to allow it.

In 2001, Labour and the Liberals also knocked back the right of people co-operatively to own their houses. In fact, co-operatives have had to change their status to continue to operate. The Labour Party is full of people who jump up on their hind legs and tell us what great stalwarts of the co-operative movement they are, but they will not allow tenants the right to own their houses in co-operatives. That is very strange.

The Executive's motion says nothing. Eight years down the line, it says what the Executive wants to do. The SNP's amendment states:

"this Scottish government has failed to adequately address the housing crisis in Scotland".

It has clearly failed to do that. I ask members please to support our amendment.

16:50

**The Deputy Minister for Communities (Des McNulty):** It is clear from what members have

said that there is a consensus view that the provision of affordable housing is a vital part of building a better Scotland. However, consensus ceases at that point. The glowering on the faces of Linda Fabiani and Tricia Marwick during Rhona Brankin's speech was exceeded only by the glowering on members' faces during Brian Adam's speech.

The SNP has demonstrated the complete incoherence of its views on housing. The different approaches of its members show that it is all over the place, as it has been for a long time.

I want to make a few things clear. Housing is crucial to sustaining Scotland's economic growth, and warm and safe affordable housing is crucial to families, particularly families with young children. If we are to achieve our ambition to have a smart, successful Scotland, housing must be a top priority. Every political party that is represented in the Parliament should adhere to that view.

If housing is a priority, there must be substantial expenditure on it. Indeed, there has been unprecedented expenditure on housing. Perhaps £487 million is very little to Frances Curran, but it is a substantial amount of money to me. That kind of money is being spent year after year. During the current spending review period, £1.2 billion—an unprecedented amount—will be spent.

Phil Gallie said that more houses were built in the Conservative years. I want to correct that. The reality is that the number of houses that are being built this year is equivalent to the number of houses that were built in the peak year for house building—1995-96—in the Conservative period. Over the extended period, there is a substantial investment programme for new housebuilding in Scotland.

The story does not end there. There is also a substantial house refurbishment programme. Bill Aitken and I were councillors in Glasgow during the 1990s, when very little money was made available to spend on the house repairs that were needed. At one stage, quite a lot of money was made available for upgrading the appearance of properties, but there were serious problems with dealing with the fabric of houses.

**Linda Fabiani:** Will the minister give way?

**Des McNulty:** No.

Some £1 million is now being spent every other day in Glasgow. Money is being spent wherever I go there, and houses are being brought up to standard. We are talking about 22,000 new kitchens and bathrooms and 28,000 central heating systems in Glasgow. We have almost reached the stage at which every public sector house—whether it is a GHA house or a house in the community-based housing association sector—has central heating.

There have been fantastic changes in people's circumstances in Glasgow. Real differences have been made to the living conditions and circumstances of old people, young people and families, and to their and their communities' outlooks. Those changes are tied in with the other improvements, in health and jobs, for example, that are transforming Glasgow. I am proud of what has been done. I am proud of the fact that the Executive has bitten the bullet and taken the step that needed to be taken to lever in the money that was needed to transform Glasgow.

Such a transformation should be taking place in other places in Scotland. Indeed, it is happening—people voted for it recently in Inverclyde, and Argyll and Bute has also voted for housing stock transfer. In areas where stock transfer is on-going, substantial transformations are being made.

**Margo MacDonald:** I will not comment on people's rights or their expressions of preference in other areas but, in Edinburgh, tenants voted against stock transfer. I say that their rights must be respected and that they require equal treatment—given what they would have been entitled to had they voted for stock transfer—in relation to the Treasury write-off of the debt.

**Des McNulty:** The people in Edinburgh had a choice, and they made their choice based on their assessment of the prospects. I think that they did not make the correct choice. The offer of new investment in Edinburgh was excellent. Arguably, it was the best offer that has been made to any area of Scotland. I very much regret the fact that people in Edinburgh did not take the opportunity to bring about that transformation.

**Patrick Harvie:** Will Des McNulty take an intervention?

**Des McNulty:** May I carry on?

The Homelessness etc (Scotland) Act 2003 followed up on the recommendations that had been made by the homelessness task force, which carried on from the work that had been done through the rough sleepers initiative. The legislation has transformed people's circumstances. I remember going round the Great Eastern Hostel in the late 1990s, looking at the circumstances in which people lived. We should look at the circumstances in which people from that section of society are living now. It has been a fantastic transformation, which I am very proud of. I deeply resent the fact that the SNP denigrates that sort of achievement.

**Tricia Marwick:** I am interested in what the minister is now saying about the homelessness legislation. A few months ago, when he was a back bencher, he suggested that the homelessness target should be dropped because it simply could not be met. What is he saying now that he is the housing minister?

**Des McNulty:** We have to do our best to take the arguments forward, and the arguments that have to be taken forward on homelessness must involve creating the right balance between homeless people, existing tenants and the affordability of all our other aspirations. That is the task of Government. We will not step away from trying to tackle homelessness; we will press ahead with giving people the housing rights that they ought to have, and we will do that in a properly considered way that balances everybody's interests. It is important for us to take that stance.

On the increase that we have achieved in the number of houses that are being built, I believe that the number will continue to increase not just this year, but next year, and I hope that increases will continue during the next spending period.

**John Home Robertson (East Lothian) (Lab):** I welcome the minister's reference to the number of houses that are being built. He might recall joining me in a members' business debate during which we tried to persuade Malcolm Chisholm to do something about the acute difficulties in areas such as East Lothian, East Dunbartonshire, East Renfrewshire and Edinburgh. What can the Executive do to help release land to enable local authorities in such areas to build the houses that are so urgently needed?

**The Presiding Officer:** You have a minute and a half, minister.

**Des McNulty:** The Executive has already introduced a system that requires councils, when considering new housing developments, to reserve 25 per cent of the houses for affordable housing. That is a significant step forward, but we must consider the matter again. I am very much aware of the particular problems that exist: John Home Robertson is aware of the problems in East Lothian; I face them in East Dunbartonshire; and Sylvia Jackson faces them in Stirling. I am sure that the same applies in several areas of Scotland—Roseanna Cunningham made the same point. There are genuine problems in particular parts of Scotland.

**Mr Davidson:** Will the minister give way?

**The Presiding Officer:** The minister is now in his last minute.

**Des McNulty:** We are making significant progress. We should consider the amount of investment that there has been in rural areas. In the Highlands, for example, investment in affordable housing has increased fivefold over the past four years. That is a huge increase. The Highland Council is developing its position by releasing land, which is vital in giving us opportunities to build on appropriate development sites.

All members attending this debate, if they are honest, recognise that politics is about choices, but we need to make the right choices. The choices that we need to make are choices for the future of our economy and the future of our people.

We need to provide affordable housing sponsored by government. We also need to encourage the private sector to provide a range of houses—not just expensive houses, as Roseanna Cunningham said, but houses that are more readily affordable to people who are on normal wages. We need to continue to tackle and to focus on the problems of homelessness, but we also need to focus on tenants' rights, including their right to live in a safe and comfortable environment. We need to keep investing in warmth and comfort in people's houses and in refurbishment.

All those issues must be kept in balance. The Executive has spent the money wisely and will continue to make money available to meet our objectives. I am delighted to support the motion.

## Decision Time

17:00

### The Presiding Officer (Mr George Reid):

There are up to nine questions to be put as a result of today's business. In relation to this morning's debate on road tolling, if the amendment in the name of Tavish Scott is agreed to, the amendments in the names of Fergus Ewing and Mark Ballard will fall.

The first question is, that amendment S2M-5598.2, in the name of Tavish Scott, which seeks to amend motion S2M-5598, in the name of David Davidson, on road tolling, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)



Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 65, Against 41, Abstentions 7.

*Amendment agreed to.*

**The Presiding Officer:** The amendments in the names of Fergus Ewing and Mark Ballard fall.

The second question is, that motion S2M-5598, in the name of David Davidson, on road tolling, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)

Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 65, Against 41, Abstentions 7.

*Motion, as amended, agreed to.*

#### *Resolved,*

That the Parliament welcomes the Scottish Executive's massive increase in funding for public transport since 1999; notes the growing problem of traffic congestion in Scotland and the impact this has on the economy and the impact of pollution on health and the environment; notes the lack of an alternative from the opposition parties to tackling congestion; notes that the Executive does not support penalising motorists, and believes that the potential benefits of all new measures to tackle congestion, such as road user charging, need to be fully assessed, tested and evaluated in order to keep Scotland moving.

**The Presiding Officer:** The third question is, that amendment S2M-5613.1, in the name of Johann Lamont, which seeks to amend motion S2M-5613, in the name of Annabel Goldie, on double jeopardy, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)

Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 64, Against 41, Abstentions 9.

*Amendment agreed to.*

**The Presiding Officer:** The fourth question is, that motion S2M-5613, in the name of Annabel Goldie, on double jeopardy, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Swinburne, John (Central Scotland) (SSCUP)

**The Presiding Officer:** The result of the division is: For 64, Against 39, Abstentions 10.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the issue of the double jeopardy rule in the operation of the criminal justice system; recognises that this issue must not be seen in isolation, but instead should be considered within the wider context of the Scottish Executive's ongoing reform and modernisation programme; commends the Executive's commitment to placing the needs of victims at the heart of the criminal justice system and its achievements over the last four years in fundamentally modernising and reforming that system, including the introduction of the Victim Information and Advice Service across Scotland and the Victim Notification Scheme, and further recognises that any decision on the future of double jeopardy should be taken within the context of Scots law.

**The Presiding Officer:** The fifth question is, that amendment S2M-5617.2, in the name of Tricia Marwick, which seeks to amend motion S2M-5617, in the name of Rhona Brankin, on affordable housing, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Scott, John (Ayr) (Con)

**The Presiding Officer:** The result of the division is: For 36, Against 63, Abstentions 15.

*Amendment disagreed to.*

**The Presiding Officer:** The sixth question is, that amendment S2M-5617.1, in the name of Bill Aitken, which seeks to amend motion S2M-5617, in the name of Rhona Brankin, on affordable housing, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Scott, John (Ayr) (Con)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)

Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 16, Against 98, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The seventh and final question is, that motion S2M-5617, in the name of Rhona Brankin, on affordable housing, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)

(LD)

Swinburne, John (Central Scotland) (SSCUP)

Wallace, Mr Jim (Orkney) (LD)

Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)

Aitken, Bill (Glasgow) (Con)

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)

Brownlee, Derek (South of Scotland) (Con)

Byrne, Ms Rosemary (South of Scotland) (Sol)

Crawford, Bruce (Mid Scotland and Fife) (SNP)

Cunningham, Roseanna (Perth) (SNP)

Davidson, Mr David (North East Scotland) (Con)

Douglas-Hamilton, Lord James (Lothians) (Con)

Fabiani, Linda (Central Scotland) (SNP)

Fergusson, Alex (Galloway and Upper Nithsdale) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallie, Phil (South of Scotland) (Con)

Gibson, Rob (Highlands and Islands) (SNP)

Goldie, Miss Annabel (West of Scotland) (Con)

Grahame, Christine (South of Scotland) (SNP)

Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)

Johnstone, Alex (North East Scotland) (Con)

Lochhead, Richard (Moray) (SNP)

MacAskill, Mr Kenny (Lothians) (SNP)

Martin, Campbell (West of Scotland) (Ind)

Marwick, Tricia (Mid Scotland and Fife) (SNP)

Mather, Jim (Highlands and Islands) (SNP)

Matheson, Michael (Central Scotland) (SNP)

Maxwell, Mr Stewart (West of Scotland) (SNP)

McFee, Mr Bruce (West of Scotland) (SNP)

McGrigor, Mr Jamie (Highlands and Islands) (Con)

McLetchie, David (Edinburgh Pentlands) (Con)

Milne, Mrs Nanette (North East Scotland) (Con)

Monteith, Mr Brian (Mid Scotland and Fife) (Ind)

Morgan, Alasdair (South of Scotland) (SNP)

Neil, Alex (Central Scotland) (SNP)

Robison, Shona (Dundee East) (SNP)

Scott, John (Ayr) (Con)

Stevenson, Stewart (Banff and Buchan) (SNP)

Sturgeon, Nicola (Glasgow) (SNP)

Watt, Ms Maureen (North East Scotland) (SNP)

White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

Baird, Shiona (North East Scotland) (Green)

Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)

Curran, Frances (West of Scotland) (SSP)

Fox, Colin (Lothians) (SSP)

Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)

Kane, Rosie (Glasgow) (SSP)

Ruskell, Mr Mark (Mid Scotland and Fife) (Green)

Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 65, Against 39, Abstentions 10.

*Motion agreed to.*

That the Parliament welcomes the importance that the Scottish Executive has placed on ensuring the provision of affordable housing across Scotland; notes the significant investment of £1.2 billion that is delivering 21,500 new affordable homes and the success of the innovative shared equity scheme, Homestake; welcomes the additional steps that have been taken to increase the proportion of affordable homes within new housing developments, and notes the intention of the Executive to ensure that affordable houses are also sustainable houses.

## Clyde Fishermen

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S2M-5481, in the name of Phil Gallie, on Clyde fishermen— ahead of the game on conservation. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament applauds the intention of the Clyde Fishermen's Association to stop, voluntarily, trawling in areas of Upper Loch Fyne and Loch Shira in the interests of biodiversity and conservation and notes that such action provides a further example of the fishing industry's commitment to a sustainable environment by adding to the association's weekend ban on fishing in the Clyde estuary, self-imposed some 20 years ago when its awareness of the need for conservation preceded the anxieties now expressed by politicians at European, UK and Scottish government levels.

17:10

**Phil Gallie (South of Scotland) (Con):** I thank members who have come to the debate and in particular I thank the members who signed the motion.

The effect of the European Union's common fisheries policy and its annual review, which oversees controls on our dwindling number of fishermen and fishing communities, graphically and cyclically highlights the conservation issue. It is not my intention to provoke a debate on the merits or otherwise of the common fisheries policy, but I have always contended that the people who are closest to the fishing industry are best placed to secure the environment that they have inherited from previous generations of fishermen. It is in their best interests to protect fish stocks and the marine environment for future generations, because fishing is in their blood. I have never met a fisherman who did not want the bloodline to continue. I resent the never-ending stream of regulations and directives that emanates from the European Commission, much of which is based on the commercial and economic interests of EU member states whose coastlines—if they have them—have been fished out.

I am originally from Fife, so my early experience of the fishing industry was one in which there was an endless supply of line haddock, frequently delivered to the door, from fishing villages such as Anstruther, Cellardyke, Crail, St Monans and Pittenweem. How that has changed! Now, only Pittenweem has an active harbour—and only for prawns, I am told.

How much of a role has technology played in bringing about such change, to meet ever-expanding demand? Scottish fishermen have been forced to invest not just in equipment such

as navigation aids and sonar but in larger craft, at massive expense.

When I moved to Ayrshire in the mid-1970s, I got the impression that the industry there, based in communities such as Ballantrae, Girvan, Maidens, Dunure, Ayr, Troon and Largs, was still healthy. Sadly, that is no longer the case and only Troon remains as a marketplace for an ever-reducing number of vessels. From my early involvement as a candidate and member of Parliament for Ayr, the changing scenario was brought home to me by local fishermen. Their concerns had arisen not as a result of media headlines and environmental campaigns but because of their interest, and their predecessors' interest, in preserving the valuable assets on which they depended.

The motion refers to the actions of the Clyde Fishermen's Association, of which I am an honorary president, in common with George Lyon, Jamie McGrigor and, in the past, Ray Michie—now Baroness Michie—as well as a champion of the cause, Norman Godman, who I am told is in the public gallery. I lodged the motion after reading the association's January newsletter, "Clyde Fish", which described Clyde fishermen's intention to stop trawling in areas of Loch Fyne and Loch Shira, to preserve seabed vegetation, shellfish and animal life. When I read that, I remembered other self-imposed actions and suggestions for control measures that had been made to Governments of varying colours during the past 20 years. The association's ban on weekend fishing came immediately to mind, as did the arrangements for wider mesh nets and trawling rig limitations.

Over the years conflict arose between the association and scientific opinion that suggested that prawns were in short supply in the Clyde. Happily, bridges have been built since then and links between the association and the local scientific research centres at Millport and Oban are now well established, with the two-way transfer of information proving beneficial to both parties. One benefit, from the fishermen's viewpoint, is the rise in west coast prawn quotas in recent times.

I decided that, for the purpose of the debate, my memory alone would not suffice, so I contacted Patrick Stewart, the secretary of the Clyde Fishermen's Association. I understand that his father, before him, also held that role for many years. Patrick identified a number of steps that have been taken by the forward-thinking Clyde fishermen. Too long ago for my memory, the closure of the Ballantrae banks to protect spring herring stocks brought relief, but failed when an algal bloom struck and nature overcame the good intentions. Apart from the weekend ban to which the motion refers, there have been agreed closures of Loch Ryan and the Gare loch. The

Clyde Fishermen's Association has also proposed that the Holy loch, after demilitarisation, should be closed to mobile fishing and has positively suggested an open-air marine lab to study Clyde fish and shellfish. That suggestion has not yet been taken up, but perhaps the minister will comment on it.

The Clyde Fishermen's Association has expressed support for integrated coastal zone management. I understand such a wish, provided that those who understand the coastal environment best—the local fishing communities—are the driving force. To its credit, the Clyde Fishermen's Association is also playing a full part in the Scottish sustainable marine environment initiative and the Firth of Clyde project. It will not stand against the closure of Loch Creran, given the objective of protecting the important serpulid reefs that are found there. Furthermore, Ian Wightman, of the Eiliah Anne of Largs, a CFA stalwart, was the first skipper in the United Kingdom to gain the responsible fishing certificate of the Sea Fish Industry Authority.

On the subject of responsibility, and looking further afield, I make reference to the European Union-imposed discard system, which is ludicrous and wasteful and which does nothing for the sustainability of stocks. Perhaps the minister will comment on the impact that the discard policy is having on the wider Scottish fishing fleet.

I have taken this opportunity to outline the responsible and positive actions that have been taken by the Clyde Fishermen's Association to ensure the long-term sustainability of fish stocks, the fishing industry and the marine environment—actions that I know have been mirrored by other local fishing associations and communities around our coastline. In asking the minister to ensure that the fishing community's voice is placed at the top of her list when she communicates on such issues, I make no further demand than that she acknowledge and commend the contribution to sustainability that has been made by the fishing organisations, especially the Clyde Fishermen's Association.

17:18

**Rob Gibson (Highlands and Islands) (SNP):** I congratulate Phil Gallie on gaining the chance for us to discuss how far ahead of the game in conservation the Clyde Fishermen's Association really is. If "ahead of the game" is the best way in which to define it, that is the case on the Clyde.

The members of the Environment and Rural Development Committee have had to deal with the closure of areas to allow spawning, petitions regarding a no-take zone off the Isle of Arran, and the relationship between that matter and the



scallop fishermen in Kintyre—in the region that I represent—who are associated with the Clyde Fishermen's Association. It is a complex weave, and I want to reflect some of it in the few minutes that I have.

I agree with Phil Gallie that it is essential for fishermen to take part in initiatives such as the SSMEI, the Clyde pilot and the Firth of Clyde forum. The natural wealth of the Clyde is something from which humans should benefit, and it is important that fishermen are involved in all the discussions.

However, the questions have to be asked: Why were herring and cod there in the past and why do the predatory species no longer exist there? Why are there so many prawns? There are so many prawns because there are fewer haddock and cod. Some means of rebalancing the situation will be required for real biodiversity to be regained. Fishermen have also noticed that some prawns are beginning to be diseased. If that continues, what will happen after the prawns have gone? The Clyde Fishermen's Association has questions to answer in that regard.

In Arran, the Community of Arran Seabed Trust—COAST—has been working to protect and preserve Lamlash bay for more than 10 years. The majority of its members live on Arran and represent 20 per cent of the island's population. On its proposal for a no-take zone, COAST has widely consulted local fishermen, academics, politicians, Scottish Natural Heritage and the Scottish Executive, but it has taken more than 10 years to get the Clyde Fishermen's Association on board. Thanks to the fact that the Parliament's Environment and Rural Development Committee took evidence on COAST's petition, both groups were finally able to come together to make an historic agreement. Clyde Fishermen's Association has agreed to some kind of statutory underpinning to a no-take zone in return for a seeding bed for scallops just outside Lamlash bay. The agreement will be of great benefit to the fishermen but it also recognises the need for no-take zones. I am sorry to say, however, that the talks are at such an early stage, we are told, that it is not yet clear what kind of statutory underpinning the zone will have.

However, there is a fly in the ointment: Marine Harvest wants to put a fish farm where the proposed scallop recovery beds are to be sited. That must certainly be tackled because getting the fishermen and the local community to co-operate has provided a wonderful prospect for the future. We must try to build on that example on a wider scale.

I suggest that we should take with a pinch of salt the claims that the Clyde Fishermen's Association has been "ahead of the game". The CFA is certainly in the game and, from the perspective of

the Scottish National Party and from the point of view of all the users of the Clyde, we certainly hope that the association will play a full part in what happens in the future.

17:22

**George Lyon (Argyll and Bute) (LD):** I congratulate Phil Gallie on securing tonight's debate. I also thank the minister for allowing me to speak as a constituency MSP in the debate, which is on a subject that is close to my heart.

I, too, declare an interest in that, like Phil Gallie, I am an honorary vice-president—I am not sure that I am an honorary president—of the Clyde Fishermen's Association. I first came into contact with the association on my election back in 1999, when I was invited to attend its annual general meeting and lunch. That event is certainly a very interesting afternoon that carries with it its own reputation, which I shall perhaps mention towards the end of my speech.

Before being elected to Parliament, I was invited by my good friend Kenny MacNab, who is a past president of the Clyde Fishermen's Association, to spend a day with him at sea so that I could see exactly what issues faced the fishing industry. Believe me when I say that, coming from a background in agriculture, I was used to hard work, but the work in the fishing industry looked even harder.

The Clyde Fishermen's Association exists to represent its members, the majority of whom use small family-owned fishing vessels, as is the tradition around the Clyde. Usually, the boats are under 400 horsepower. The fishermen work only Monday to Friday and no weekend working is allowed. The landings are mostly of prawns, with some scallops, at the ports of Campbeltown, Tarbert, Carradale, Rothesay and the Ayrshire ports that my good friend, Phil Gallie, mentioned earlier.

In some ways, the Clyde fishermen are unique. In many other sectors, fisheries are dominated by industrial fishing by boats that spend many weeks away at sea and that have much greater horsepower. The traditional family fishing industry in the Clyde is unique—the Clyde Fishermen's Association wishes to protect it. The association has a good track record in ensuring that fish stocks are preserved. We need only look at the history of the Clyde villages to realise that overfishing removed the herring and the cod that dominated the fishing industry in those villages and which supported many communities on the Clyde in the past.

I want to mention the closure of the Firth of Lorne special area of conservation. I could spend time debating whether that closure is right or

wrong, but the important point is the impact that it will have on the McLaughlin family, who are scallop dredgers based on Luig. I have raised the matter with ministers on a number of occasions and I have had a constructive response to my representations on the family's behalf. Ministers acknowledge the need for a package of measures that will provide the McLaughlin family with a viable future. Ultimately, with the closure of the SAC, the state is intervening and taking away their financial future and future fishing from that area. I ask that decisions be made as soon as possible so that the McLaughlins are reassured that they have a future and understand what assistance will be made available to protect that future.

On behalf of the Clyde Fishermen's Association, I extend an invitation to the minister—if she happens to be in her role past May—to the next annual general meeting and lunch, which will be held in the Holiday Inn in Glasgow. The minister will need a strong constitution, some good stories and—depending on the subject of the debate—a hard hat. It is a fantastic afternoon and the minister will enjoy some great companionship.

17:27

**Eleanor Scott (Highlands and Islands) (Green):** I am happy to debate the motion in the name of Phil Gallie because it relates directly to work that the Environment and Rural Development Committee, of which I am deputy convener, has been doing lately. I have not signed the motion because, although I agree with some of it and I always want to acknowledge the efforts of any group towards conservation, I feel that the historical context makes the motion a bit—dare I say it?—complacent.

Much of what I am going to say will not be my own words but those of people who have submitted evidence to the committee during its inquiry into Scotland's marine environment. I will not read out the names, but it is all in the public domain, on the committee's website. Here is part of a submission from a sea angler:

"In the late 60's and 70's before intensive inshore trawling destroyed the upper Clyde and its sea lochs there were scores of Angling charter boats, hire boats, hotel trade and tackle shops (Dumbarton and the Vale area had four tackle shops at that time) catering for the demand from sea anglers. Thousands of anglers from all over the UK and even a few from abroad came to fish these waters, indeed European cod festivals were held on the Clyde, the Clyde had the title European Cod capital. All this was lost to allow a few inshore trawlers to systematically destroy the area and after a few short years leave it a ploughed up marine desert. Now there are no specialist tackle shops in the Dumbarton/Vale area and no charter boats in the upper Clyde.

In 2001 after more than 20 years of lying barren upper Loch Fyne showed some signs of a small recovery and anglers flocked from all over Scotland to enjoy the revival,

indeed a local boat hirer began operating from Furnace. It didn't last long as the commercial fishing fleet from further down the Clyde got wind of it and just one or two trawlers arrived and in less than a year turned upper loch Fyne back to a barren desert before departing to their more usual grounds."

The next submission comes from a charter skipper, who said:

"In 1969 as a young boy I came to the Clyde for the first time on a fishing trip. Coming from rural England this was a great experience. Cod to 40 pounds was the big lure that brought anglers from all over England. Over the winter period thousands would come filling local hotels and bed and breakfast accommodation.

My dream was to own and work an angling boat in the Clyde. In 1985 the future looked bright when this dream became a reality with the help of a Scottish Tourist Board grant. I was able to purchase my boat ... I was not alone at this time. There were 40 other angling boats working the Clyde providing employment to local people and contributing millions to the economy. The Arran Fishing Festival is long gone and I am the only full time sea angling boat left in the Clyde. There is so little fish now. How could things have got so bad in such a short time?

Shore angling has suffered too. The White Horse Fishing Festival where over 2000 anglers took part is also gone. On the last occasion the festival was cancelled due to lack of fish—not one cod was caught.

I could go on. The price for lack of fish has been paid for with people's livelihood and the cost to the economy must be considerable. Anglers have also paid a heavy price with lack of fish. There are no winners only losers.

Today I believe we are at our lowest point. Some very difficult decisions have to be made and very soon. Our inshore waters are vulnerable to over fishing and exploitation. I hope that I will not be the last full-time charter skipper in the Clyde."

As I said, those are not my words; they are the words of people who are much closer to the issue than I am. I am certainly not placing the blame for the decline of stocks entirely on the Clyde fishermen; as we all know, such a decline involves many factors.

I want to end on a slightly more optimistic note. Rob Gibson mentioned the COAST project, which was also highlighted during the Environment and Rural Development Committee's marine environment inquiry. The Clyde Fishermen's Association is to be praised for coming on board that project and agreeing to leave Lamlash bay unfished in exchange for the introduction of a scallop-seeding project. However, as Mr Gibson pointed out, there is a cloud on the horizon—and it has been caused not by fishing, but by aquaculture. Marine Harvest wants to put cages in Lamlash bay. I am sure that the Clyde Fishermen's Association and I agree that that should not happen.

17:31

**Mr Adam Ingram (South of Scotland) (SNP):** I congratulate Phil Gallie on securing a debate on a

subject that I know is close to his heart. As he said, he has a long association with the Clyde fishermen and they and, indeed, many other groups and people of all political persuasions throughout Ayrshire will miss his robust and vigorous endeavours on behalf of his constituents. Although we often take issue with his views, we all admire his devotion to doing his best for anyone who seeks his help. That said, this Parliament's loss after May will be a gain for others, and I am sure that the Scottish body politic will not have heard the last of Phil Gallie when he finishes here.

Phil Gallie's central point was that fishing communities have a vested interest in sustaining their livelihoods, which means protecting fish stocks and the marine environment from overexploitation. Even in this short debate, I have learned quite a lot about the subject from Phil Gallie, Rob Gibson and Eleanor Scott, and I now have a better understanding of what has happened to the fish stocks in the Clyde area.

Mr Gallie also gave us chapter and verse on how the Clyde fishermen are managing their activities to ensure that their industry and way of life thrive into the future. He is certainly right to draw the attention of the public and the minister to their responsible behaviour and actions, and to remind us all that the fishermen and their associations are our key advisors in the development of fishing policy. Their views—and, of course, all the scientific evidence—must be given due weight in our considerations.

I am pleased to have participated in this debate, which has certainly educated me about fishing in the Clyde. Again, I thank Phil Gallie for securing it.

17:33

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I, too, congratulate Phil Gallie on securing this important and long overdue debate. His motion congratulates the Clyde Fishermen's Association on its attempts to conserve stocks—and rightly so. The Scottish fishing industry has done far more for conservation than any other European fishing fleet; it has gone through a great deal of pain and has made many sacrifices in the process, but instead of being rewarded for its efforts, the industry has often been further penalised by bodies that seek to micromanage fisheries from afar.

The Clyde Fishermen's Association has always taken the lead in conservation. I well remember its efforts with regard to special gear for scallop fishermen that would allow small scallops to slip through the rings. Moreover, the association proposed a limit on the number of scallop dredges that are used by fishing boats. They were the Scottish pioneers of that method of fishing and, of

course, they want scallop fishing to remain sustainable. They were forced to live through a period when scallop fishing was banned in many areas, even though there had been not a single case of illness attributable to consumption of scallops. Little thanks did they get for their patience during that desolate period.

I know well the areas of Loch Fyne and Loch Shira that Phil Gallie mentions in his motion because I have often swum in them. They are important to trawlers from the Tarbert fishing fleet. It is a credit to the Clyde Fishermen's Association that it has voluntarily ceased trawling to protect biodiversity and to conserve the shallow tops of the sea lochs.

Trawlers come in for a lot of stick: they are sometimes blamed for overfishing prawn stocks in comparison with the softer method of creel fishing. However, having been out in prawn trawlers and done creel fishing, I am bound to say that the bycatch of trawlers is minimal. Also, trawlers often fish the prawns when they are down in their burrows in the mud and not up on top. Sometimes, therefore, they do not catch fish, whereas a creel will fish for 24 hours a day. Fishermen with too many creels are more likely to overfish than trawlers. Creel fishermen on Loch Fyne have, on the whole, managed to live with trawlers. Trawlers can avoid snagging and damaging creels as long as the creels are properly marked. If people act sensibly, there is room for both methods of fishing.

I am disappointed that the CFA was not properly consulted on the closure of the Firth of Lorne. George Lyon spoke of the difficulties that one family is facing—there are particular difficulties for the industry on the island of Luing. The closure has led to the loss of livelihood of a family that has happily avoided for 40 years the coral reefs that the ban seeks to protect. No sensible scallop fishers would dredge near the reefs for fear of losing their gear. The firth could easily have remained open while experiments were done.

I hear the CFA's plea for a United Kingdom approach to marine spatial planning based on the regional sea. The CFA played an important role in the Irish sea pilot, which was a Department of the Environment, Food and Rural Affairs initiative to review and propose improvements to marine nature conservation in UK waters. It would be tragic if the sensitivities of the devolution settlement led to the sabotage of a team effort of such importance to the protection of our marine environment. I ask the minister to examine the matter without further delay.

I also ask the minister to consider the CFA's proposal for a marine laboratory at Holy Loch, where the fishermen wanted to stop fishing after demilitarisation. It may have been that they were worried about what they might pull up in their nets,

but a marine laboratory could act as an open window on the effects on fish and shellfish of climate change and global warming. The Executive should examine the CFA's proposal and liaise with it more closely.

17:38

**The Deputy Minister for Environment and Rural Development (Sarah Boyack):** First, I join colleagues in congratulating Phil Gallie on raising the matter and giving us the chance to discuss not only the laudable step that the Clyde Fishermen's Association has taken but other issues and pressures that affect our inshore fisheries. Phil Gallie made a reflective speech. It is unusual that we all agree with him, so I also congratulate him on that.

The fact that the CFA agreed voluntarily to stop trawling in areas of Loch Fyne and Loch Shira in the interests of biodiversity and conservation is commendable. The key beneficiary of the action is the firework anemone, which is present in the area. It is a burrowing sea anemone that is found in deepwater mud habitats and can grow up to 30cm in length. It is susceptible to physical disturbance, so it is good that the CFA has put in place a self-limiting process. The firework anemone is present extensively in the area concerned, which is an indication of good biodiversity and that the area is relatively undisturbed. That is a good-news story.

I am keen on initiatives that involve stakeholders from different sectors and which have multiple benefits. I am pleased that the CFA has worked with the Argyll Fisheries Trust, the district salmon fisheries board and Argyll and Bute Council on the initiative. Partnership is the way forward on some of the difficult issues and projects to which colleagues have referred. A range of multi-agency initiatives are under way in the Clyde. The project that is mentioned in the motion is one of four pilot management schemes that are being prepared under the Scottish sustainable marine environment initiative. The Clyde and Sound of Mull projects aim to deliver an improved integrated management plan to help ensure the sustainable management of local marine resources. They are welcome initiatives.

There is also the Clyde fisheries development project, one objective of which is to develop and promote best practice in the operation and management of Clyde fisheries. The project includes a set of quality environmental standards and involves a range of organisations, including the Clyde Fishermen's Association, Scottish Creelers and Divers, Seafish, Scottish Natural Heritage and WWF. Another initiative is the Community of Arran Seabed Trust's proposals for Lamlash bay, which Rob Gibson and Eleanor

Scott mentioned. The proposal has developed into a marine management project that aims at involving areas in which fishing is controlled and managed. Scallop enhancement proposals are also involved. Crucially, in addition to the input by the Firth of Clyde forum, SNH and Fisheries Research Services, the proposal has been developed jointly by COAST and the Clyde Fishermen's Association.

From previous discussions in the Environment and Rural Development Committee and with Allan Wilson, who is a strong supporter of COAST, I know that there is a great deal of enthusiasm for and momentum behind the project. I will update colleagues on further progress that has been made on that initiative. SNH has helpfully prepared and will soon circulate a paper setting out the possible next steps for the project. My expectation is that the paper will help the acceleration of the initiative. To clarify, and for the record, the Scottish Executive remains committed to supporting the project and to the statutory underpinning for the restrictions and closures that would be required as part of the work.

Another initiative is the Scottish Executive's development of the Clyde inshore fisheries group, which will be one of up to 12 such groups throughout the country. That mechanism will provide for the management of the Clyde inshore fisheries to be devolved to local fishing interests. However, that will not be fisheries management in isolation. Those who are involved in the group will be required to take account of the requirements and aspirations of others who are involved in or dependent on our inshore marine environment.

Colleagues will have noticed a common theme in my comments—the Clyde Fishermen's Association is involved in every one of the initiatives that I have mentioned. To me, that shows a willingness to engage on a wide range of issues with a diverse range of organisations and it demonstrates an awareness and understanding of those organisations' aims and objectives, despite the fact that many of them will differ with the association from time to time. The process is about people bringing their perspectives to the table. Phil Gallie asked me to say that we consider fishermen's organisations to be crucial to the future partnership discussions. I say on the record that I agree fully with that.

It is important to note that each of those initiatives has a scientific basis, to varying degrees. In particular, the Executive is keen for the inshore fisheries groups to have access to science and research so that the management proposals that the groups develop have a sound evidence base, and appropriate monitoring or evaluation is incorporated. That is one issue that I will certainly take away from the debate. Jamie

McGrigor asked me to examine the DEFRA proposal that is currently being considered. I am happy to consider that further and ensure that progress is made. A couple of members mentioned science and research. I will certainly take their points on board for our future discussions of the development of fisheries science.

I welcome the work that has been done thus far. George Lyon and Jamie McGrigor referred to the Firth of Lorn SAC. George Lyon referred to the importance of family-scale fishing interests and the importance of responsible fishing to encourage conservation and sustainable sea fisheries. He was right to say that discussions are on-going, and I reassure colleagues with a particular interest that although the issue is challenging in some ways, we expect progress to be made shortly.

I welcome the step that Phil Gallie has highlighted in his motion. We welcome the Clyde Fishermen's Association's initiative in Loch Shira and Loch Fyne, and its appreciation of the need to take account of broader issues—not least, the environmental issues. As Eleanor Scott said, difficult and sensitive choices will have to be made. We will have to get people round the table to discuss those choices.

I hope that the next step will be to take the debate further. For example, I hope that the Clyde Fishermen's Association might consider shifting the depths slightly further in the boundary of the fishing area, from 20m to 30m. I am told that a small step such as that would result in a significantly wider area of habitat for the firework anemone, thus giving it further protection.

We probably all have specific issues that we would like to discuss tonight. I look forward to hearing further examples of the Clyde Fishermen's Association—and other fishermen's associations around Scotland—moving ahead of the game and being involved in other management proposals from the inshore fisheries groups, to ensure sustainability in fisheries management and to help maintain and improve our marine environment. That is an exciting challenge.

I thank all the members who have offered specific proposals and ideas tonight. I hope that we can take these issues forward as we consider marine issues over the next few months.

*Meeting closed at 17:46.*



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