

# **MEETING OF THE PARLIAMENT**

Wednesday 6 June 2007

Session 3

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## Scottish Parliament

*Wednesday 6 June 2007*

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Alex Fergusson):** Good afternoon. The first item of business is time for reflection. Our leader today is Mark Greene from the London Institute for Contemporary Christianity.

**Mark Greene (London Institute for Contemporary Christianity):** It is extremely good to be here. Before I begin, I need to tell you that I used to work in advertising, so you can trust every word that you hear from me this afternoon.

If someone asked you for just one piece of advice to help them in all their life, what would your advice be? Would it be practical enough to help them with all kinds of decisions, such as whether to buy a television for their kids, close a community school or build a tower block?

When a young rabbi was asked, "What's the most important piece of advice?", his answer was soundbite simple and slogan succinct:

"Love the Lord your God with all your heart and with all your strength and with all your mind"

and

"love your neighbour as yourself."

Those words are so familiar to us that we might not see their critical relevance to our culture.

To a culture that is trying to push God to the periphery, Jesus says, "Put him in the centre," because human beings are spiritual beings. To a culture that is obsessed with rights and the dead-end trinity of me, myself and I, Jesus says, "Focus on others." To a culture that is suffering from epidemic levels of loneliness, alienation and depression, Jesus says, "Focus on community." Finally, to a culture that is obsessed with acquiring quality things, Jesus says, "Focus on building quality relationships," such as a quality relationship with God and with other people.

This question then becomes the main criterion for making any decision: how will it impact on relationships? Of course, as a Christian, I would say that the power to truly and selflessly love a stranger, an alien, the Opposition, a neighbour or an enemy comes from God, but even if you do not embrace God's warm invitation through Jesus, Jesus's relational criterion of love is a wonderful yardstick to evaluate almost any decision.

For example, should I buy my kids a TV for their room as do two thirds of British parents? That is fine, but do not complain when they stop talking to you. Should we close that community school and bus everyone to five different schools around the region? That is fine, but do not complain if the closure rips the heart out of that community, as it did in ours, and the crime bill soars. Should we have built those tower blocks, as we did in London, which housed humans efficiently but destroyed relational dynamics?

Everyone knows that relationships are critical to personal happiness, social stability, educational attainment, and sustainable business success. We just find it tough to put practical, relational thinking where Jesus puts it—at the centre of our decision making and our policy making. If we did that, it would be good news for a lot of people, and it could change this country. May it be so.

## Point of Order

14:34

**Tavish Scott (Shetland) (LD):** On a point of order, Presiding Officer. As you know, I lodged an emergency question about last night's Government announcement that it would order Audit Scotland to investigate the financial position of Edinburgh trams and the Edinburgh airport rail link. I accept your right to reject my question, but are you in a position to inform Parliament about the reasons for the substantial issues that have arisen since last night and which the Government has not clarified? Those issues include the independence of the Auditor General, the remit of the inquiry, the fact that it will last just 10 working days, and whether the report will be published as it is made available to ministers or whether they will receive an advance copy. Given those important and fundamental questions, and the short timescale with which the Auditor General has been asked to comply, will you advise Parliament and members how they will be able to receive answers to those and other questions?

**The Presiding Officer (Alex Fergusson):** I thank the member for the notice of his point of order, and am pleased that he accepts my right not to select the question that he lodged earlier today.

As the member is no doubt aware, it has been the practice of my predecessors not to get into discussions on the reasons for the selection or non-selection of questions, and I do not intend to alter that practice in any way. As for receiving answers to his questions, he might like to take the opportunity that is presented by tomorrow's debate to seek responses from the Executive.

## Accident and Emergency Units (Ayr and Monklands Hospitals)

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement by Nicola Sturgeon on the future of accident and emergency units at Ayr hospital and Monklands hospital. The minister will take questions at the end of the statement, so there should be no interventions.

14:35

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** I am delighted to have the opportunity to deliver my first statement to Parliament since my appointment as Cabinet Secretary for Health and Wellbeing. The people of Scotland and members should be assured that the Government is committed to serving the best interests of national health service patients. It is therefore fitting that my first statement should be on an issue that has galvanised patients, public opinion and elected representatives of all parties in Ayrshire and Lanarkshire: the previous Administration's decision to endorse the closure of the accident and emergency departments at Ayr hospital and Monklands hospital.

Let me be clear from the outset. The Government's view is that the decisions to close the A and E departments at Monklands hospital and Ayr hospital were wrong. Those decisions will now be reversed. [*Applause.*]

**The Presiding Officer:** Order. Members and those in the gallery must not applaud or interject in any other way, please, although I know that doing so is tempting.

**Nicola Sturgeon:** I will outline why I believe that the decisions to close the A and E departments at Monklands hospital and Ayr hospital were wrong, the action I have taken to reverse those decisions, and what will happen now in those health board areas. I will also make it clear what my decision will and will not mean for health service reform in Ayrshire, Lanarkshire and Scotland generally.

First, I turn to why the decisions to close the A and E units at Ayr and Monklands were wrong. We have been consistent in our view that NHS Ayrshire and Arran's review of services and NHS Lanarkshire's picture of health review failed to address sufficiently the very real concerns of a significant proportion of their local populations about the centralisation of accident and emergency services. Many of those concerns were based not on an emotional attachment to bricks and mortar, as some have rather dismissively suggested, but on a level-headed analysis of particular local circumstances and the

needs of communities now and in the future. There were concerns that the boards' proposals would inhibit access to A and E services; concerns, particularly in Ayrshire, that insufficient consideration was given to geographical, local transport and ambulance infrastructure issues; and concerns, most notably in Lanarkshire, that the proposals would have meant diminished emergency care provision in some of the most deprived areas of Scotland, where people need it most.

Those concerns remained even after the consultation and public engagement work that the health boards carried out, because neither the boards nor ministers were able to make the case convincingly that the proposals to centralise A and E services would be to the benefit of local communities. They were unable to demonstrate that the changes would mean an improvement in the level of available services. The overwhelming feeling in both communities was that the boards' processes and their subsequent recommendations, which ministers endorsed, paid scant regard to their clearly expressed views.

I want to make clear what I consider to be the place of public opinion in decisions about health care provision. Public opinion cannot, should not and will not, while I am the Cabinet Secretary for Health and Wellbeing, override genuine concerns about the safety of services. However, where choices are to be made about how services are redesigned to meet the challenges that health boards face—there will be options in most circumstances—public opinion cannot simply be ignored.

We must never forget that the NHS is a public service—a service that is used and paid for by the public. It is the duty of health boards and of responsible Government to take full account of particular local views and circumstances. It is my view and the Government's view that, given the circumstances that are involved in these cases—the geography and demographics, the high levels of deprivation and ill health, and the concerns about access and public transport—A and E services at Ayr and Monklands should be maintained.

I turn to the action that I have taken. The first meetings that I undertook as Cabinet Secretary for Health and Wellbeing were with the chairs and chief executives of NHS Lanarkshire and NHS Ayrshire and Arran. At those meetings, I told the boards that I do not accept the previous decisions to close the A and E departments at Monklands and Ayr. Today I have written to both boards confirming that decision. I have instructed them to look again at their original plans and to produce revised proposals that will enable A and E services to continue at all three sites in

Lanarkshire and at both sites in Ayrshire. Let me be clear—the A and E departments at Ayr and Monklands will not close.

I recognise the challenges that both boards face and have made it clear to them that the Government will work with them to ensure a safe, sustainable, high-quality network of modern, patient-centred health services. I have also made it clear to them that there was much to be commended in their original proposals to develop, modernise and maximise access to primary care, and to develop community casualty facilities that can appropriately deal with a high proportion of unscheduled care at local level. The decision that I have taken today will have an impact on those other proposals, but I am clear that, as far as possible within the resources available to them, I want the boards to retain their primary care and community development programmes. I put on record my thanks to NHS Lanarkshire and NHS Ayrshire and Arran for the commitment that they have already shown to working constructively to meet those challenges. I have the utmost confidence in their ability to respond positively to the announcement that I am making today.

I turn to what will happen next. Local people and clinicians will rightly expect the revised proposals that come forward for consideration to be robust, evidence based, patient centred and consistent with clinical best practice and national policy. To ensure that that is the case, I have decided that the revised proposals will be subject to a process of independent scrutiny. I will make a further announcement soon about the form of independent scrutiny that will apply to all future significant service change proposals. However, in order to minimise uncertainty and the impact on service development in Ayrshire and Lanarkshire, I will today announce separate arrangements in those cases.

I intend to set up an independent panel, which will have access to expert clinical and financial advice and will take account of the views of local people, to scrutinise the boards' revised proposals and report back to me. I have made it clear to both boards that their revised proposals must enable A and E services to continue at all three sites in Lanarkshire and at both sites in Ayrshire. I will look to the independent panel to assess the safety, sustainability, evidence base and value for money of the revised proposals, and to be satisfied that due account has been taken of local views. I have agreed with the boards that their revised proposals, having been scrutinised and evaluated by the independent panel, should be with me for a final decision by the turn of the year. That is a demanding timescale, and members should be assured that both health boards will have the full commitment and support of the Government in taking forward this important work.

I turn to the implications of my decision for health service strategy as a whole. I say unequivocally that it is not our intention comprehensively to rewrite the established national service strategy for our national health service, but we will update that strategy to reflect new priorities and challenges. For example, we will consult soon on new waiting time guarantees for patients. However, in doing so, we will adhere to the principles that were laid down in the framework report, "Building a Health Service Fit for the Future", which was published in 2005. Indeed, seldom has this Parliament been more united than it was in its response to that report. There is a great deal in the report to commend, and I support its general direction.

The report addressed not only Scotland's long-term health needs and the shape of services required to meet our communities' needs, but changes and developments in clinical practice and training. We agree that it is important to shift, where possible, the balance of care into communities; to tackle inequalities by anticipating and preventing ill health; and to take account of demographic and workforce pressures in the planning of services.

We see the logic of separating where possible the delivery of planned and unscheduled care. Such a move helps to improve efficiency and minimise waiting times for patients. Moreover, we appreciate that in certain instances—for example, in specialist cancer care, neurosurgery or heart treatment—a concentration of skills on a specialist site really benefits patients. This Government will adhere to those important principles in its stewardship of the health service.

However, that does not mean that we will automatically endorse every decision that is taken in the name of the Kerr report. Service change proposals must always be critically assessed against the report's broad framework. Clinical issues, service quality, sustainability, local circumstances and affordability must be considered alongside the views and preferences of the public and of patients. We must have an NHS that now and in the future provides patient-centred, high-quality, efficient and effective services that take account of particular local circumstances.

I want to be clear that, in honouring our commitment to maintain A and E services at Ayr and Monklands, I am not signalling a general review of service changes that have been made in the NHS. I recognise that difficult decisions have had to be made, and that some of those decisions have been hard for local communities to accept. That said, I appreciate that uncertainty, instability, delay and costs would flow from any general review of decisions that in many cases were taken

several years ago and which, unlike the situation at Ayr and Monklands, are now in advanced stages of implementation. However, I am determined to engage with communities that still have concerns to build confidence in the range of services that is provided locally.

Finally, I will comment on how I will approach future proposals for significant service change. As I said, difficult decisions about the NHS will have to be taken, and my job is to face up to those decisions. However, my job is also to ensure that the public have greater confidence in the process leading to those decisions and in the evidence underpinning them. I have made it clear that I will expect all proposals for service change to be subjected to rigorous independent scrutiny before full public consultation takes place. That will ensure that the information that is presented by health boards is factual and evidence based, and that the choice that is presented to the public is fair and genuine. In Ayrshire and Lanarkshire, the public were not even consulted on an option that would have retained all A and E departments. It is no wonder, then, that public confidence in the process was absent from the outset.

After independent scrutiny and public consultation, proposals will come to me for a decision. I will operate a presumption against centralisation. That is entirely consistent with the Kerr report, which clearly stated that before decisions are taken about centralising services

"on the grounds of resource or workforce constraints",

it must first be demonstrated that no alternative service redesign can be achieved. I will apply that principle.

That does not mean that there will be no change in any circumstances. However, it means that any proposals must be robust; that all alternatives for service redesign must have been properly considered; and that the health board can demonstrate that due weight has been given to public opinion.

This Government is committed to working with all in this chamber, with all in the NHS and with communities across Scotland to deliver a health service that is truly fit for purpose; that is efficient and effective; that delivers a consistent, high-quality service to the Scottish people; that takes full account of—and is responsive to—the needs of patients and the public in the way it develops its services; and that is straightforward, open and honest about the challenges and pressures it faces in doing so.

We will retain the core strategic plan for the NHS, but we will also ensure that the NHS maximises the involvement of local people in the way that it delivers and develops services, and that those developments are subject to



independent scrutiny. Let there be no doubt—when decisive action is necessary to safeguard the best interests of patients and communities, such as in the case of our decision to reverse the closure of the A and E departments at Ayr and Monklands, we will not shirk from taking that action. Those communities—and, indeed, all of Scotland—deserve no less.

**The Presiding Officer:** The minister will take questions on the issues raised in her statement. I intend to allow around 30 minutes for questions, after which we will take the next item of business.

**Andy Kerr (East Kilbride) (Lab):** I thank the minister for the copy of her statement.

This is a con and a sell-out of gigantic proportions. We already knew that the Scottish National Party wanted to reverse the decisions in question, but it is simply not acceptable or credible for the minister to come to the chamber with no detail. She has reversed nothing and given no detail regarding the future of the two units. To simply instruct boards is an irresponsible and empty gesture, and it is unbecoming of a minister. She has abdicated her responsibility to take tough decisions and has passed the buck back to NHS boards.

Let me be specific. The British Association for Emergency Medicine recommends that a modern A and E department needs to have immediate access to intensive care, high-dependency services, anaesthetics, acute medicine, general surgery and orthopaedic surgery. Will the minister therefore guarantee that those services will be available on all sites 24 hours a day, seven days a week?

Why does the minister believe that Lanarkshire can support three A and E departments when the recently retired medical director of NHS Lanarkshire, John Browning, said:

“Lanarkshire cannot support three A&Es ... the service will deteriorate and collapse”?

Will the minister give an absolute guarantee that all the proposals that are contained in the current plans for health services in Lanarkshire and Ayrshire—including those on the 13 community casualty units, the investments in the hospitals at Monklands, Wishaw, Hairmyres, Ayr and Crosshouse and the building of new hospitals and primary care facilities—will be delivered on time and as agreed by the previous Executive?

Does the minister's statement mean that the commitments that her party made during the election campaign to restore services at St John's hospital, Stobhill hospital and the Queen Margaret hospital have been reneged on? Has she not read, or has she simply failed to understand, the latest available evidence on the need for emergency

care services—just like the other services to which she referred—to be specialised?

What would the minister say to the chairman of the British Medical Association, who said recently:

“This strategy is a package and to break it apart would be to return to the old problems that have dogged the NHS for too long”?

What would she say to the consultant orthopaedic surgeon Gavin Tait, who asked :

“Will Ms Sturgeon take responsibility for the future crises that will arise in emergency care, and the lives damaged or lost for want of the best specialist care in second-rate A&E departments”?

The minister had the audacity to mention David Kerr, who said that her decision was “sentimental, emotional, irrational”. Does she share my view that her gesture guarantees nothing and that it will cause months of uncertainty, put services at risk, shatter the confidence of clinicians, cause a flight of specialist skills and, most notably—as the evidence demonstrates—put patients' lives at risk?

**Nicola Sturgeon:** It is interesting that the former health minister managed to criticise me for protecting some services and for allegedly failing to protect others. He should make up his mind what side of the debate he is on.

Mr Kerr was rather selective in his quotation of clinical opinion. I have the greatest of respect for the clinicians whom he quoted, who are absolutely entitled to their opinions. However, I will quote Dr Christine Rodger, a recently retired consultant at Monklands, who said:

“the decision was made on financial rather than clinical grounds ... alternative strategies were never seriously considered.” [*Interruption.*]

**The Presiding Officer:** Mr Kerr—please.

**Nicola Sturgeon:** How about Martin Watt, a consultant at Monklands, who said that A and E services in Lanarkshire would not survive with only two units? The medical staff association at Monklands said that the closure of A and E at Monklands would be a serious error of judgment. Perhaps Mr Kerr was prepared to make that error of judgment, but I am not prepared to do so.

The former minister's comments about lives being lost are utterly reprehensible and irresponsible. I remind him that, even under Labour's plans, Monklands hospital and Ayr hospital would have continued to provide accident and emergency services until 2010. To suggest, as he has done repeatedly in the past few days, that those services are somehow unsafe or substandard is wrong and insulting to the staff who deliver them—it represents scaremongering of the worst kind. Safety and sustainability will be the bottom line of any decision that I take.

Mr Kerr criticised me for giving no detail. I repeat that I have today reversed the closure of Ayr and Monklands accident and emergency units. I responsibly asked the health boards to go away and revise their proposals and, even more responsibly, said that the proposals will be subjected to rigorous, independent scrutiny to ensure that they will be safe and sustainable, and provide the best service for patients.

I understand that Andy Kerr, having taken the decision to close the A and E units, has no choice but to come here and criticise me for keeping them open. However, perhaps the key difference between him and me is that he is still not prepared to listen to public opinion. I will always listen to the opinion of the people who fund the national health service in Scotland.

**John Scott (Ayr) (Con):** I welcome Nicola Sturgeon to her new position as Cabinet Secretary for Health and Wellbeing. I thank her for her very positive statement and for the advance copy of it.

I am delighted that Nicola Sturgeon has announced plans to keep the A and E unit open at Ayr hospital, thereby delivering on an SNP and Conservative manifesto commitment. I welcome her can-do attitude to making two A and E units in Ayrshire work. I also welcome to the public gallery—Nicola Sturgeon may have forgotten to do so—the local campaigners who supported Adam Ingram and me during the campaign.

Problems with staff recruitment and retention and the impact of new contractual arrangements were cited as factors in the drive to centralise A and E services. The pressures on workforce planning that arise from such arrangements are, of course, genuine, so it would be helpful if the minister could say what approach the Scottish Executive intends to take to easing problems in recruitment and retention.

I agree with the minister that there is much to be commended in NHS Ayrshire and Arran's original proposals to develop services generally and that the disagreement was essentially about the provision of A and E services. With that in mind and on the understanding that it is a matter for NHS Ayrshire and Arran to present revised proposals for consideration, will she confirm that the Executive remains supportive of plans for a new integrated cancer unit at Ayr hospital?

I share the minister's clearly expressed view that greater weight must be placed on the views of communities in consultations. In light of her concern that communities should be confident that their view will be given due weight in consultations on the reconfiguration of health services, does she intend to issue revised guidance to health boards about the conduct of such consultations?

**Nicola Sturgeon:** I thank John Scott for his questions. I also pay tribute to him and Adam

Ingram, who represented their constituents on this issue very well.

I recognise the challenges that health boards face—no health minister can wish or magic them away. Some of the issues are to do with the workforce and recruitment. I remind John Scott that many of the problems were exacerbated, if not caused, by the poor workforce planning decisions of the previous Administration. Andy Kerr might be interested in being reminded that, when he was Minister for Health and Community Care, he failed to deliver on, and then completely abandoned, his pledge to recruit 600 extra consultants, because in his view they were not needed in the NHS.

There are issues to do with staff shortages. There are also issues to do with appropriate case loads for consultants and skills mixes. However, I want us to face up to such challenges in a way that puts patients first and in a way that is innovative and looks to retain as many services as possible locally, while acknowledging that some services are best delivered on specialist sites.

I made it clear in my statement—I am happy to do so again—that I want the health boards to retain as far as possible the other proposals that were part of the package. As I said, much was commendable and I want as many proposals as possible to continue. I will look closely at that when the revised proposals come to me for a decision. Indeed, the additional resources that were made available to both boards as part of the package remain in the forward plan and remain available to boards as they take their plans forward.

On future consultation, I have announced specific arrangements for independent scrutiny in NHS Ayrshire and Arran and NHS Lanarkshire, which will take full account of the views of the public. I will shortly consult on the arrangements for building independent scrutiny into all proposals for service change. As we go forward in the health service, it is essential that the public should have confidence in the information and choices that are presented to them. Rigorous independent scrutiny will be a key component. I anticipate that new guidance to health boards will follow the consultation exercise.

**Ross Finnie (West of Scotland) (LD):** Like John Scott, I take the view that our proceedings should be conducted in a civilised way, irrespective of political differences, however profound. Therefore, I welcome the cabinet secretary in making her first statement to the Parliament and I thank her for providing an advance copy of her statement.

I have a general concern about how the cabinet secretary could make such a definitive decision

and announcement before the respective health boards have had an opportunity even to draw up alternative proposals. I am even more curious as to what role an independent scrutiny body could have, given that the decision has definitively been taken.

I want to probe the cabinet secretary further on three areas. First, a presumption against centralisation might be all right in general terms but, as the cabinet secretary is well aware, Professor Kerr considered such a proposition specifically in relation to emergency services and concluded that the provision of core admitting services and sub-specialised services at every A and E unit was “not sustainable”. However, the cabinet secretary clearly believes that the provision of core and specialised services at every A and E unit is sustainable. What is the evidential base that has led her to overturn the Kerr report’s conclusion? What steps has she taken to overcome the difficulties in the provision of 24/7, 52-weeks-a-year, high-intensity emergency care services that were identified in the Kerr report?

Secondly, as the cabinet secretary is well aware, Kerr called not for the closure but for the redesign of A and E services. He suggested that wider community involvement be embraced, through the establishment of community A and E units. I regret that the cabinet secretary’s announcement contained the clear inference that the Government regards the establishment of community A and E units—at Monklands hospital, Ayr hospital and elsewhere—as possibly inadequate. If the cabinet secretary has rejected the Kerr report’s model for a two-tier redesign, what are her plans to provide more A and E services locally?

Finally, as the cabinet secretary admitted, the proposals of NHS Lanarkshire and NHS Ayrshire and Arran contained other plans for primary care and scheduled services. Given that her announcement will require the boards at the minimum to employ additional specialist clinicians and provide additional equipment and accommodation, which were not in their plans, it is not credible for the cabinet secretary to say that she believes that the revised approach can be contained in the current budgets. What impact on previously planned improvements to scheduled primary care and waiting times will she regard as acceptable?

**Nicola Sturgeon:** I thank Ross Finnie for the nice words at the start of his questions.

I am slightly amused. At question time last week, Ross Finnie asked me—as he is entitled to do—to instruct another health board not to make changes, before any proposals were on the table and before any public consultation had taken place. Today, if I heard him right, he has almost accused me of making this announcement without

due process. Like Andy Kerr, Ross Finnie should decide which side of the debate he is on. I know that he is new to the health brief, but perhaps he should ponder that question a little bit longer.

I have made this decision because, after long consideration both before and after I took up my post, I believe that the decisions to close Ayr and Monklands accident and emergency units were wrong. I have given the reasons why I believe that to be the case. As I said in my statement, the first meetings that I had in this post were with the chairs and chief executives of both health boards to advise them of my view, to give them advance notice of the decision and to ask them to revise their proposals in light of it. That is the reasonable and responsible way to proceed and I am sure that people throughout Lanarkshire and Ayrshire will agree.

Ross Finnie asked me about the presumption against centralisation. I think that I laid out my position reasonably in my statement. He quoted from the Kerr report, as I did in my statement. Kerr was talking about emergency services—among other services—but he was clear that centralisation on fewer sites because of workforce or resource constraints should take place only when there were no viable alternative service redesign proposals. That is what I consider to be a presumption against centralisation. It does not mean that there should be no change in any circumstances, but it means that there is a greater onus on health boards to convince me or any future health secretary that their proposals are robust, that they have considered all alternatives and that they have taken due account of public opinion. That is the responsible way to proceed.

I made it clear in my statement that I support the development of community casualty units. I support the shift from acute to community care and I think that there is a need to develop primary care, particularly in Lanarkshire, where it has been underdeveloped for a considerable time. However, I strongly believe that community casualty units should be supplementary to, rather than a replacement for, adequate A and E provision. Perhaps that is the key difference between me and some members in other parties.

I made it clear that I want as many as possible of the other proposed primary and community care developments to proceed. I made it clear that I am not trying to suggest that my decision has no impact on the health boards’ other proposals. Ross Finnie is right that it would not have been credible for me to say that, which is why I did not. I want as many as possible of the other proposals to continue. I will look closely at that aspect when, following independent scrutiny, the proposals come back to me for a decision.

**The Presiding Officer:** We move to open questions, which I hope will be kept concise. If the

answers are also concise, we will fit in as many members as we can.

**Alex Neil (Central Scotland) (SNP):** I welcome the statement by the cabinet secretary and tell her that the people of Lanarkshire and Ayrshire will be dancing in the streets with joy tonight. It is sad to see the party of Nye Bevan complaining because we refuse to close down essential services in the national health service.

I have two substantive points. First, does the health secretary agree that it is a myth that clinical opinion is unanimously in favour of the closure of these A and E units? Opinion among consultants is divided, but nurses and those in the ambulance services are almost unanimous in agreeing with us that the units have to be kept open.

Secondly, in the light of what has happened, particularly in Lanarkshire, will the health secretary review the consultation process? It was farcical that the decision was taken to reduce the number of A and Es in Lanarkshire from three to two without any consultation. It was also farcical that the decision was then taken that the choice would be between Hairmyres and Monklands. Is it not the case that a political decision was taken and that the A and E in Jack McConnell's constituency and the A and E in Andy Kerr's constituency were always going to be kept open?

**Nicola Sturgeon:** I agree absolutely with Alex Neil. Clinical opinion is divided and I respect the clinical opinion that does not agree with me. I have read out some of the clinicians who take a different view from that of the former health minister: Christine Rodger; Martin Watt; and the majority of the medical staff association at Monklands. Even—if I read him correctly—Gavin Tait, who I accept supports the original decision in Ayr, suggests that the decision in Monklands was based more on financial and private finance initiative grounds than it was on clinical grounds.

Clinical opinion is divided but, with the possible exception of Andy Kerr and one or two others, political opinion is not divided. Eminent politicians such as John Reid have described the closure of Monklands as unacceptable. Mr Reid said that health care professionals were against the closure. Cathie Craigie has called Monklands A and E "the busiest in Lanarkshire", while Karen Whitefield has said that the case for retaining Monklands A and E is clear. Tom Clarke MP has said that there is no case to close any A and E facility in Lanarkshire and Michael McMahon has called the decision "fundamentally flawed". It is clear to me that political opinion is pretty united.

I have made my views about future consultation clear. I accept that there will be cases in which, although public opinion is against the change, there are grounds for making it. In those cases, I

will not shirk from taking the tough decisions. However, in order to get there in a way that builds as much public confidence as possible, we must have consultation exercises in which the public have faith. That is why independent scrutiny is an essential component—it is so that the public know that the facts that they are being given are accurate, that the evidence is accurate and that they are being given a fair range of choices. Independent scrutiny will greatly enhance the consultation process in future.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I, too, congratulate the minister on her appointment.

I welcome any move to reverse the decision to downgrade Monklands accident and emergency. It is a matter of record that, from the outset, my colleagues Elaine Smith and Cathie Craigie and I believed that the decision to downgrade Monklands A and E was wrong and called on the Scottish Executive and NHS Lanarkshire to reverse it.

Having stated my support for the retention of full A and E services at Monklands, I would be keen to hear from the minister whether she intends to instruct NHS Lanarkshire that, in reversing its decision, it must retain a 24/7 intensive therapy unit; a 24/7 high-dependency unit; 24/7 anaesthetist general and emergency cover; 24/7 orthopaedic cover; and 24/7 acute medicine cover—all of which are currently provided and without which the closure of the accident and emergency service cannot be reversed. I know that she will understand that. We cannot and must not end up with a soap opera version of A and E—all props and dressing without the expertise to back it up. Does the minister agree that that would be unacceptable? Will she also give my constituents a cast-iron guarantee that the £100 million refurbishment of Monklands hospital, committed to by the previous Administration, will be delivered? That is vital for the long-term viability and future of the hospital.

Finally and importantly, will the minister give an assurance that the full business case for Airdrie health centre will be signed off in time to allow construction to go ahead in early 2008, and that there will be no backtracking and no doubt that Airdrie will have a fully operational new health centre by 2009, as promised by the previous Administration?

**Nicola Sturgeon:** I recognise that Karen Whitefield has campaigned hard to keep A and E services at Monklands hospital. I am sorry that, when there was a Labour Government in office, her pleas fell on deaf ears, but I am glad to say that this Scottish National Party Government has acceded to her calls to protect that local hospital.

I fully understand the point that Karen Whitefield makes on other services. I have asked the board

to bring forward proposals that will retain A and E services at all three hospital sites in Lanarkshire, but I have not set any other preconditions. The nature of services and how they will be sustained are matters for the boards to cover when they produce their proposals. Of course, the independent panel, which will have access to expert clinical and financial advice, will ensure that the services are provided correctly, safely and sustainably. I hope that that gives Karen Whitefield the assurance that she is looking for.

I will respond quickly to the two other issues that Karen Whitefield raised. On Airdrie health centre, I say that the reason why I have set a tight and, some may say, challenging timescale for the final decision to be made is that I want to minimise the delay to and uncertainty around other developments. I have said that I want as many of those to continue as possible, and the timescale that I have set will minimise any delay and uncertainty. That is the right thing to do.

The simple answer to the question about the £100 million is yes.

**Aileen Campbell (South of Scotland) (SNP):** Does the cabinet secretary agree that the people of Ayrshire will welcome the decision to maintain the accident and emergency unit at Ayr, given that they will no longer be fearful of having to make potentially risky and significantly longer journeys to receive vital treatment? Furthermore, does she believe that her decision to reverse the closures shows that the SNP Government listens to the people and local groups instead of ignoring their concerns? Will she confirm that that listening approach will be the hallmark of her department? Is she aware that the people of Ayrshire were sickened by what can only be described as a sham consultation process? More than 50,000 members of the public registered their opposition to the downgrading of services at Ayr in a petition, but every one of them was simply ignored.

I congratulate the cabinet secretary on today's strong commitment—

**The Presiding Officer:** Would you be brief, please, Miss Campbell?

**Aileen Campbell:** Yes, okay. I congratulate the cabinet secretary. I am sure that the people of Ayrshire will welcome the fact that they have a Cabinet Secretary for Health and Wellbeing who realises that the NHS is run for the people who use it instead of a health minister who rides roughshod over the people of Ayrshire, who made their feelings very clear.

**Nicola Sturgeon:** Yes, I think that people in Ayrshire will welcome the decision. I come from Ayrshire and I know its geography well, which is one of the reasons why I believe that the decision to downgrade Ayr hospital was fundamentally wrong.

I have answered the points about public opinion before, so I will be brief. Clearly, public opinion cannot and should not override questions of safety, but it should be given greater weight in the process of change in the health service because that is the way to build confidence in changes that have to take place.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** As someone who lives in Ayrshire and uses the health services there, I have a particular interest in the matter. I noted the minister's reference to a meeting with NHS Ayrshire and Arran. Will she, for the record, tell the Parliament exactly when that meeting took place, how long it lasted and whether she discussed at it the impact on community casualty units and other primary care services?

I, too, met the health board this week and, as a result, I have some specific questions for the minister. Referring to the impact that her decision will have on the other proposals on community casualty facilities and primary care, she said that she was clear that

“as far as possible within the resources available to them”

boards should retain those programmes. That does not sound particularly clear to me, so will the minister give me a categorical assurance that the new community hospital that is planned for Girvan will go ahead with all the services and facilities that Andy Kerr promised and that the extension to the East Ayrshire community hospital—which he instructed should be the first of the new CCUs to proceed—will go ahead with all the facilities and services that he promised? Will she give me a date for when that work will be completed? Will she answer John Scott's question, to which he did not receive an answer, about whether the specialist cancer care unit that Andy Kerr promised for Ayr hospital will go ahead? Will she put all the funding in place to ensure that no other health services or programmes in Ayrshire, including the mental health review, are delayed or cut?

**Nicola Sturgeon:** I will give specific answers to those specific questions. I met the chair and chief executive of the Ayrshire and Arran NHS Board on 21 May. I cannot tell the member to the precise minute how long the meeting lasted, but we had a lengthy and detailed discussion about my views on the board's proposals and about the next steps. The chair and chief executive engaged extremely constructively with me on the challenges that lie ahead, and I assured them of the Government's support in ensuring that they are able to face up to those challenges.

I have already made my views clear on the other proposals. I would like as many of them as possible to go ahead. [*Interruption.*] If Cathy

Jamieson waits, she might get the answer that she is looking for. The proposals for Girvan will go ahead—the health board has told me about that. On the issue of the £100 million for the development of Ayr hospital, I have already said that that remains in the forward plan. I expect that money to be invested in the development of Ayr hospital and services in Ayrshire and Arran. I think that that, as well as my wider announcements today, will be greatly welcomed by the people of Cathy Jamieson's constituency.

**The Presiding Officer:** I apologise profusely, particularly to Margaret Mitchell but also to all other members who wished to ask questions, as we have run out of time. The truth of the matter is that the longer members take to ask their questions, the fewer questions we can fit in.

There will now be a brief interlude to allow members to change seats.

**The Deputy Presiding Officer (Alasdair Morgan):** Order. I ask members who are having conversations to desist.

**Robert Brown (Glasgow) (LD):** On a point of order, Presiding Officer. It has come to my notice that, in the course of the questions that we have just had on an important subject that affects a lot of areas, no Liberal Democrat back-bench members were called. I appreciate that you were not in the chair, but would you look into the matter and ensure fairness across the board among all the parties that are represented in the chamber, particularly where there are constituency interests involved?

**The Deputy Presiding Officer:** I understand the point that you have made. I am sure that the Presiding Officers always use their discretion in whom they pick to ask questions. To some extent, however, they are in the hands of members. As the Presiding Officer said, the longer those members who are called take to ask their questions, the less time there is for other members.

## Safer and Stronger

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on a safer and stronger Scotland.

15:23

**The Cabinet Secretary for Justice (Kenny MacAskill):** Most of Scotland's communities are great places in which to live, work and bring up a family. However, too many of them are blighted by antisocial behaviour and some are plagued by serious crime. Tougher laws on prosecution and weapons, much-needed reforms of the courts and enhanced support for victims and witnesses were all brought in by the previous Administration. We supported the previous Executive at the time and we acknowledge its efforts.

However, as well as being tough on crime, we need to be tough on the causes of crime, which means that we must deal not only with the manifestations of crime but with the factors that so often contribute to it: drink, drugs and deprivation. That does not mean excusing bad or poor behaviour—it is a recognition that there are clear links. We believe that our criminal justice system must be guided by rights and responsibilities. We must instil a culture of responsibility: individuals must take personal responsibility for their actions and face the consequences. Equally, Government and agencies must take responsibility for all our communities.

We need to promote good behaviour as well as punish bad behaviour. We will come down hard on serious and dangerous offenders, but we must at the same time deal with the underlying social and economic problems that lead to lack of self-esteem and a sense of hopelessness and despair. We will detain the dangerous, but treat the troubled.

Tackling the fear of crime and deterring criminals requires effective front-line policing. A visible police presence deters crime and reassures communities. Therefore, our commitment is to deliver additional policing capacity—the equivalent of an extra 1,000 officers—and to seek to place them in our communities. We need—by cutting bureaucracy, streamlining processes, exploiting new technology and improving accountability—to help our police forces to work smarter and more efficiently to meet the complex challenges of modern policing. Modern policing is complex, but communities require a visible police presence.

Much crime and antisocial behaviour is fuelled by alcohol. If that extra police capacity is not simply to be poured down the drain, we must do more to tackle alcohol abuse, but changing attitudes to alcohol will take time and it will involve

people taking personal responsibility. However, the Government must also face its responsibilities, as must those who sell alcohol. Tackling the underage drinking that fuels youth disorder is a priority for this Government. Licensees already have clear obligations: we expect them to comply or to face the consequences. In our manifesto, we said that we would crack down hard on those who sell or supply alcohol to underage drinkers. I will be meeting police and licensing boards to consider how best to achieve that as part of the implementation of new licensing laws. I also want to crack down on irresponsible promotions and discounts on alcohol. If the buy-one-get-one-free approach is unacceptable in our pubs, why should it be acceptable anywhere else?

On weapons—as my predecessor, Cathy Jamieson, said—Scotland is scarred by the booze and blade culture. As was the case under the previous Administration, knife crime will not be tolerated and will be severely punished. However, it is insufficient simply to hammer knife crime. We must also tackle the underlying culture of knife carrying. For too many people in our communities, knives are seen almost as fashion accessories, not the lethal killers that we know them to be. We need to understand what motivates young people to carry blades and, more important, what will make them stop. Our solutions could involve our taking former knife carriers into schools to talk about their experiences, or our enlisting role models such as footballers or musicians. An increase in the emphasis on prevention and the changing of attitudes to knife carrying will be just as important as taking knives off our streets and will lie at the heart of our anti-violence agenda when we launch its next phase later this year.

Organised crime causes misery to the people of Scotland. It also undermines legitimate businesses and damages our national economy. We intend to pursue organised crime with vigour and with a vengeance. We will be uncompromising in pursuing those who peddle drugs. I want their ill-gotten gains to be removed from them in as public a way as possible—there must be no incentive for a career in crime. The Scottish Crime and Drug Enforcement Agency has an impressive record in bringing down such gangs and tackling those networks and the Crown, too, has had important successes, so we will build on and enhance that situation. We will create a serious crime taskforce to bring together in one place all the specialist expertise, skills and knowledge that we need, which will give us the best possible chance of achieving not only successful investigations but successful prosecutions. In that context, I am discussing with the Lord Advocate and the Solicitor General how we can ensure that prosecutors work in settings that allow them to investigate cases more effectively together with

the SCDEA in order that we can ensure that we get the relevant and requisite prosecutions and convictions.

However, as well as tackling supply of drugs, we must address demand. Drugs are the great social challenge of our age. We must stop the situation in which young people, whether because of low self-esteem or lack of opportunity, shoot up and opt out. Our clear aim is to prevent and deter crimes, but those who offend must face the consequences of their actions, which is part of our belief in personal responsibility.

We need a coherent penal policy. Prisons should be for serious and dangerous offenders and not for fine defaulters or the flotsam and jetsam of our communities, so we need to shift the balance, with the less serious offenders who currently clutter our prisons being sentenced to community punishments. I want tough community punishments that will protect the public, help offenders to turn their lives around and include some clear payback to the communities that they have harmed. I want to make early progress on reforming and revitalising community services by working across the political spectrum and with organisations throughout the criminal justice system. We will examine what more can be done to improve reparation and rehabilitation, to improve outcomes for persistent offenders, to drive up quality, and—perhaps most important—to change attitudes not simply to community disposals but to how we deliver them. I acknowledge that Government alone cannot and does not have all the answers to what are fundamental social problems. I will therefore work with others to find the solutions—the Airborne Initiative or whomever. This must be a common cause throughout our country.

I am looking carefully at the pattern of investment in the Scottish Prison Service. We need to take time to address and assess the current situation and to see whether the developments that are under way will deliver the facilities and quality of service that we need as well as value for money. For the future, we are committed to a shift away from private running of new prisons being the expected norm.

Debates on law and order always touch, at some point, on youth offending. It is important to remember, however, that the vast majority of youngsters do not offend. We must promote good behaviour as well as punish bad behaviour. I am delighted to announce that, thanks to the increasing amounts of money that are confiscated from criminals under the Proceeds of Crime Act 2002, we will establish a new approach to reinvesting that money to benefit Scotland's communities, especially those that are hit hardest by crime.

Today, the Lord Advocate announced that more than £4.4 million has been confiscated after convictions in the criminal courts in the past year, and that £1.6 million has been recovered through the civil courts as proceeds of crime. By the autumn, the Scottish Government will have about £8 million to reinvest in services and activities that will make a difference to young people's lives. We will seek early talks with a range of key players to determine the best way in which to make a visible impact where it is needed. I want the money to be matched by contributions from the worlds of business, sport and cultural interests, which will add value to the sums that have been recovered.

A safe and strong community is not just one that is safe from crime and free from antisocial behaviour. There is such a thing as society, within which individuals have rights but also responsibilities. Individuals are responsible for their actions and the Government is responsible for all our communities. Where that culture flourishes, we will support it. Where it is fading, we will rekindle it. Where it is undermined and abused, we will fight for it.

**The Deputy Presiding Officer:** I call Margaret Curran.

15:34

**Margaret Curran (Glasgow Baillieston) (Lab):** Thank you, Deputy Presiding Officer. I congratulate you on your appointment. I also congratulate Kenny MacAskill and Fergus Ewing on their appointments. They have a challenging brief, and Paul Martin and I are certainly looking forward to working with them, although I am not sure whether the feeling is reciprocated. Time will tell.

I congratulate the Scottish National Party on its inheritance, which Kenny MacAskill has just outlined. Our legacy is substantial and seemed to constitute most of the minister's speech. We delivered an overhaul of the Scottish legislative framework, including feudal reform, new rights for victims and witnesses, a new approach to domestic abuse, court reform and the ending of automatic early release. We delivered substantial increases in the Scottish Executive budget to allow for top-to-bottom reform of the criminal justice system in Scotland, which led to 1,600 additional police officers, 20,000 fewer recorded crimes, and clear-up rates improving by 25 per cent since 1997. That is a substantial legacy.

Alongside those provisions have been a tightening up of conditions for bail and remand and a doubling of sentences for knife crime. There is certainly more to do, but we delivered significant change.

Perhaps more than anything, Labour changed the nature of the debate on criminal justice. Scottish Labour said that we should tackle crime at its earliest expression, that poverty is no excuse and that we should not abandon the most vulnerable people to suffering in silence—from women who are terrified in their own homes, to the disabled child who becomes a target in his or her own community, to the elderly couple who are constantly targeted because they dared to complain.

I urge the minister to caution. He will do a disservice to people who perpetrate crime if he fails to take serious and decisive action, because such people move on to more serious crime and more broken lives. As any parent will say, setting boundaries of acceptable behaviour is a requirement of life: those who fail to learn that are a danger to themselves and other people. That is what led to our groundbreaking work on antisocial behaviour, with new powers and new resources that are just beginning to show results. I sincerely hope that the new Administration does not wobble on that.

As we—Cathy Jamieson, in particular—have always said, we need to look at cause and consequence and to address such contributory factors as drugs and alcohol, which is why we overhauled services in respect of both. I hope that the new minister does not abandon the holistic approach on alcohol that the previous Executive delivered. When he examines our work, he will find that there has been sustained investment in drug and alcohol services, including a coherent programme of intervention and the introduction of effective drug treatment and testing orders.

Labour always knew—and will continue to appreciate—that we, as a society, need a framework that enables us to strike the right balance between punishment and the opportunity for offenders to do better. I assure Kenny MacAskill that Labour in opposition will not indulge in petty point scoring on such vital issues, but will instead work to ensure that the SNP does not squander its inheritance. We must insist at the outset that the minister pledge to work with Parliament in the chamber and its committees and that he will not ignore the will of Parliament. Alex Salmond abandoned consensus politics at the first experience of pressure; Kenny MacAskill cannot afford to do the same.

I hope that the new minister will expect robust questioning on the SNP policy to abolish sentences of less than six months. We need to be clear about the implications of that policy and the signal that it sends. Will the SNP policy mean that people who have committed acts of violence will be released into the community? The report



"Criminal Proceedings in Scottish Courts, 2005/06" stated:

"Over 80 per cent of all custodial sentences were for six months or less".

Is the first act of Kenny MacAskill in his new post to hand more than 80 per cent of criminals in the dock a get-out-of-jail-free card?

Based on the 2005-06 figures, the criminals whom the courts currently jail but whom the SNP would release back into the community include 97 per cent of criminals who are jailed for breach of the peace, 97 per cent of criminals who are jailed for drunk driving, 89 per cent of criminals who are jailed for common assault, 40 per cent of criminals who are jailed for indecent assault and—unbelievably—95 per cent of criminals who are jailed for handling offensive weapons. When the SNP said "Free in '93", I did not know that it was a reference to the prison population of Scotland.

The minister has called those people the "flotsam and jetsam" of society, but they are not—they are convicted criminals whom sheriffs and judges think should be put in prison. If he thinks that people who are convicted of drunk driving, indecent assault and carrying an offensive weapon are only from among the "flotsam and jetsam", he has some serious thinking to do.

Moreover, the SNP will tie the hands of sheriffs and judges—the people who possess the full facts and know the circumstances of a crime and who could assess the impact of deterrence on behaviour and take into account a criminal's record. I make it crystal clear that I need a cast-iron guarantee that the minister is not clearing out the prisons purely to save money and that his sentencing policies are not driven by dogma to change the funding formula for Scottish prisons.

**Kenny MacAskill:** Will the member give way?

**Margaret Curran:** I look forward to hearing such a guarantee.

**Kenny MacAskill:** I am happy to assure the member that we will not seek to tie sheriffs' hands. That would be entirely inappropriate and would run counter to the criminal justice system's ethos. Parliament sets down the clear law and sheriffs make the decisions.

Given where the member is coming from, is she arguing for mandatory sentences? The tone and tenor of her speech are that she wishes to tie sheriffs' hands and to make it clear that people should be jailed.

**Margaret Curran:** Given the length of that intervention, I hope that the Presiding Officer will look kindly on me. If I had known that the intervention would be so long, I would not have taken it.

The minister needs to look at the SNP manifesto, which says that the SNP will not allow sheriffs and judges to issue sentences of less than six months. That is the SNP's policy.

The problem with the SNP's approach is that it is driven by sentence length rather than by the content of a crime. The minister should not release prisoners until he knows that community punishments are in place. The SNP seems to be putting the cart before the horse. Kenny MacAskill needs to ensure that the non-custodial sentences that he proposes are not a cheap alternative to prison. Community punishments need to be exactly that: punishments that fit the crime and which the community finds fair, reasonable and effective. They need to impact on offending behaviour and help to change offenders into responsible citizens. The minister will face that test, against which we will scrutinise his policies. Community disposals need to be robust, transparent and properly funded. As the minister acknowledged, Cathy Jamieson spearheaded much work on the subject—particularly on community alternatives and community courts. However, I leave no doubt that Labour's view, unlike that of the SNP, is that those who deserve to be in prison should be in prison.

I note the SNP's commitment that prisons will be built and delivered entirely by the public sector and that a 5 per cent reduction in the prison budget will pay for community sentences. That sits alongside commitments to increase drug rehabilitation funding by 20 per cent and to increase the resources for social work. We await the minister's budget proposals with keen interest.

In "A new approach: Our first steps", the SNP promised an early criminal justice bill. I look forward to scrutinising its justice proposals, including those for police, sentencing and prisons—which I presume will be fully costed—and to scrutinising what I presume will be a proper framework for implementation.

The work that is done under the justice portfolio is critical to the people of Scotland. I know, especially from my constituency experience, of the cost, profound misery and untold suffering that crime brings. I have met too many families who cannot comprehend the pointless injuries and deaths that happen in Scotland. As the *Daily Record* pointed out recently, one person a week is killed by a knife in Scotland and assaults cost the national health service £545 million per annum.

When the SNP Administration acts to enhance security and protection, it can certainly work with our support—I promise that Labour's approach will be constructive. However, I give Kenny MacAskill and the SNP fair warning that we will not flinch from our responsibilities when—as, today, they

seem to—the SNP's policies jeopardise the public safety of the Scottish people.

15:44

**Bill Aitken (Glasgow) (Con):** I, too, congratulate Kenny MacAskill and Fergus Ewing on their appointments.

As we have seen this afternoon, it is incumbent on any new Administration to set out its stall. At the same time, it is for those of us in the Opposition to present our ideas and to suggest ways in which we can expand on Executive policy. In other cases, we will not be able to support it at all.

I was pleased to learn that there is genuine recognition around the chamber that we live in the era of drugs—the 21<sup>st</sup> century curse—the effects of which are painfully apparent in the streets of Glasgow and Edinburgh and even in our rural communities. We support all actions that are required to get tough with those who are prepared to peddle human misery—it has been done in the past and we will support steps to do it in the future. At the same time, we must consider drug rehabilitation. We must examine how people have been affected by drugs and we must encourage them to get off their habits and start contributing to society, rather than their being simply a debit on the account as a whole.

We note that the Executive promises to add police officers to the existing number. We applaud that. The Glasgow city centre experience has demonstrated that where there is a high-profile and visible police presence, the number of crimes and offences is cut. We should certainly seek also to cut bureaucracy in the police force.

On the problems of alcohol, the most disappointing aspect is that those who have failed to live up to their duties and have sold alcohol to underage people have been allowed to retain their licences. That matter will require to be pursued vigorously with licensing boards.

I come to the matter on which we are likely to part company significantly with the Executive—short-term custodial sentences. Frankly, nobody is sent to jail who should not be sent to jail. As I have said before, it is not done on a whim. Sentencing—as Margaret Curran correctly said—is also a matter for judges, who act in the public interest. Part of the problem is that there is a total lack of confidence in the existing community disposals. There are far too many instances of fines not being paid, of community service not being done and of probation orders not being adhered to. Until action is taken under those headings, the judiciary and the public will not feel confident that such sentences operate as realistic deterrents to wrongdoers. Sentencers will not be

persuaded unless the Executive can demonstrate its determination to ensure that fines are paid by implementing powers to deduct the money in instalments from wages or benefits.

The public need to know that community service is being done. It should be done visibly and should be measurable. At the moment it is simply not—in far too many instances, the work is not done and orders are not enforced by social work departments. That, too, will have to be looked at. We need to get real on these issues if we are to deter offending and avoid people going to jail when they can be dealt with in the community.

Members have heard me speak on the issue before, but one of the problems is that jail sentences currently do not have the deterrent effect they should have. I accept that there may be societal reasons for that, but—despite what may be said by members on the Labour benches—we still, in effect, have early release. I am not convinced that the terms of the Custodial Sentences and Weapons (Scotland) Act 2007 will create a situation in which we will require seven new prisons, as was reported in one newspaper today. It seems to me that, if the custodial part of a six-year sentence can be cut from four to three years, prison numbers will not go up. In the vast majority of cases, the prison sentences that are served will be less under the new system than under the old system.

Nevertheless, I flag up to the minister the fact that difficulties will arise with the prison estate if he maintains the present SNP policy of denying that the most realistic way in which to provide new prisons is through private finance initiatives. I do not think that he will be able to square the economic arguments in that respect. It is something that will have to be looked at again.

Uncharacteristically, perhaps, I will return to a more consensual note. We all recognise a success story in that we have been able to recover so much money from the ill-gotten gains of those who peddle human misery. It is a good idea to utilise that money to assist young people in filling their time and giving them constructive things to do. That will have a beneficial effect on the behaviour of young people, and we welcome the proposal.

We must consider realistically the minority of youngsters who are persistent offenders. We have to examine the operation of the children's hearings system, which is selling us short at the moment and is not achieving what it seeks to achieve—namely, helping those who need help and deterring hard-core offenders. I hope that the minister will look at that matter and, in due course, bring back to Parliament ways in which the system can be revamped.

It is early days and I have been encouraged by some of the Executive's proposals, but it remains to be seen what it will actually deliver. Like Ms Curran, I assure the cabinet secretary that I will not be slow to point out when he is in error.

15:50

**Margaret Smith (Edinburgh West) (LD):** I welcome Kenny MacAskill to his new role as cabinet secretary and wish him well in his new job, which is a tough one. He can probably console himself with the thought that he is taking over the justice department here, and not the Home Office at Westminster.

The past few years have seen a number of positive developments in justice: record clear-up rates, record numbers of police officers, a fall in recorded crime and greater rights for victims and witnesses. Kenny MacAskill's opening remarks mentioned the former Executive's progress on many issues. It is only right to acknowledge that many of those achievements, including the crucial reform of the court system, were made with good cross-party support. We all look forward to working with the new Government, when that is possible, to try to find a way forward.

There is agreement on some areas. We agree on the need for an increased, more visible police presence, so we welcome the minister's comments. We are committed to an extra 1,000 police officers, which would mean two more police officers in every council ward. We want to ensure that those officers are deployed in the community, not elsewhere, and dedicated to it. We want the additional funding to go through police boards that could demonstrate through an annual community policing plan that those officers would be deployed in local communities. I know that that is difficult and that chief constables are often under a great deal of pressure, but the people we represent want to see the police out on the streets in local communities and we want to ensure that the extra police whom the minister mentioned end up there.

Young people should have a greater say in their own lives and in their communities. Too often we hear about the problem kids. We support local initiatives—such as the Drylaw youth action team in my constituency—that focus on engaging young people. We should ensure the availability of alternative facilities such as youth cafés and sports facilities. We welcome what we heard about this Executive continuing the previous Executive's work of redistributing drug dealers' assets and that a further £8 million will be distributed to services for young people. The cabinet secretary says that he will ensure that proper discussions are held with the relevant bodies. I want those relevant bodies to be the Youth Parliament, as well as

other young people's groups, so that we can be sure that those funds are well spent.

We will undoubtedly return to the issue of youth justice; there has been a great deal of investment in it, but we have yet to tackle it properly. Young people are too often the victims of crime at the hands of other young people and too often the offenders are carrying knives. It is essential that the Government continues to take a tough line on knife crime; I hope that it will look favourably on our suggestion for an increase in the length of sentences for knife crime.

Children's reporters and panels need to continue to be funded properly. The role of panel members has changed in recent years. More than half of the children who are now referred are there, not because of their behaviour, but because of their parents' behaviour. Many of those children will go on to offend. We must make sure that children who are at risk have social workers and that there is early intervention in families where a parent has a drugs habit, where there is a history of offending or, indeed, where a child is at risk.

The use of effective community sentencing, rather than short-term prison sentences, is one key area in which agreement between us is likely. According to the available statistics, community sentences are likely to cut reoffending rates. It is clear to me from my time as a justice spokesperson that when someone who has been in prison for a few months comes out, it is likely that they will have lost their job, and it is possible that they will have lost their home. Some will have lost their family, which makes it even more likely that they will reoffend.

We need to ensure that communities know that the action that the courts take is effective. That is why we should agree with many of the points that Bill Aitken made about how we should progress and the confidence that sentencers need.

Prison is clearly right for those who have committed violent crimes and for persistent criminals, but it is wrong for many others, including offenders who are turning to crime to fuel a drug habit and for growing numbers of women. We would welcome the introduction of community sentences that are not only cheaper to administer than short prison sentences, but more likely to be effective. The greater use of a full range of community disposals is needed.

We are concerned that the Scottish National Party may not provide the prison spaces that are needed to tackle overcrowding because of its plans to abandon current public-private partnership prison building programmes. Decisions about new prisons should be based on need, costs and likely timetables, rather than on dogma. Taking short-term prisoners out of jails is

crucial, but that is only part of ensuring that our prisons have the spaces that are needed so that people are held securely and in a way that increases rehabilitation efforts.

The cost of drug crimes has been mentioned. We would like drug treatment and testing orders to be rolled out into district courts.

Finally, I would welcome the minister's comments on whether he can confirm the Government's commitment to legislate on hate crime.

15:57

**Michael Matheson (Falkirk West) (SNP):** I welcome the cabinet secretary to his post and I welcome his speech.

During election campaigns, political parties are often keen to talk about ways of addressing criminality. People consistently raise with me not fancy new courts or organisations, but the need for more community policing. The previous Executive often said that there were record numbers of police officers, but that did not address the fact that the police have record responsibilities and that record demands are being made of them, particularly with respect to the paperwork that goes along with new legislation. I hope that the minister will increase the number of community police officers and make the existing system work more effectively, so that more officers are released on to our streets.

I hope that the minister will consider several issues in trying to reduce crime. Area commanders in the Falkirk area have raised with me the need to plan new housing developments and town centre developments better, in order to try to design out crime. Individual constabularies undertake a considerable amount of work with local authority planning departments, but it is difficult for the police to keep up to speed with developments in some communities and to address the issue effectively. Some simple things could be done to make new housing estates and shopping centres much safer. I hope that the minister will consider that, and how we can improve liaison between local authorities and police departments to ensure that there is greater recognition of designing out crime.

We need to ensure that young people who often get caught up in crime have access to good-quality local facilities and I know that the minister is committed to a more holistic approach to tackling criminality. In Falkirk, for example, there are five PFI schools, many of the sports facilities of which lie idle at night because the local community cannot afford to use them. Youngsters who could be making use of those facilities are locked out of them because of the associated

costs. In looking at the issue across departments, will the minister examine what his department can do to unlock those schools by ensuring that there are resources to subsidise the cost of accessing those facilities, from which the local community is barred? That is a legacy of the former Labour council in Falkirk.

I recognise that the minister wants to address the issue of two-for-one promotions and that that will have some effect on underage drinking, but I want to raise three further issues with him. The first is the need for an effective proof-of-age scheme that is robust and reliable. I know that there is a range of initiatives, many of which are subject to fraud. We must have a scheme that is reliable both for licensed grocers and for the police. I hope that the minister will take on board the concerns that those in the trade have expressed and that he will ensure that such a scheme is effectively put in place.

The second issue that I want to raise is the number of licences that are issued for licensed grocers in different populations. I know that under existing legislation local licensing boards should take account of the size of the local population when deciding how many off-sales should be allowed in an area. However, I get the impression that, if an application qualifies, a licence is usually issued. When we plan housing, education and health services, we should ensure that the number of licences that are issued is related to the size of the population. I understand that there is scope in legislation for that to be done. I hope that the minister will consider issuing clearer guidance to local authorities on how the legislation should be implemented, as a way of addressing the matter and of ensuring that there is greater consistency across local authorities in applying the law in this area.

Thirdly, I ask the minister to consider the possibility of raising the age limit for those who may purchase alcohol from an off-licence. As things stand, the limit is 18 for both pubs and off-licences. If someone drinks alcohol in a pub, technically they are under the supervision of the bar staff and the licence holder for those premises, but when they purchase alcohol from an off-sales, their drinking is unsupervised. It is therefore reasonable to argue for the age limit for individuals who may purchase alcohol from an off-sales to be increased. I ask the minister to consider establishing a pilot in a given local authority area, to see whether raising the age limit is an effective way of tackling the problem of underage drinking. Many supermarkets have an age limit of 21 and some have raised it to 25. That may be another way of tackling the issue. I hope that, in pursuing the safer communities that he seeks in Scotland, the minister will consider the ideas that I have suggested.

16:03

**Bill Butler (Glasgow Anniesland) (Lab):** I congratulate the Cabinet Secretary for Justice on his promotion to ministerial rank. It is my sincere hope that he will bring to his office the same open, commonsense approach that he displayed in his thoughtful contributions to the work of the Justice 2 Committee during the previous session, when he acted as a substitute member for his colleague Stewart Maxwell. I assure Mr MacAskill and his colleague Fergus Ewing, to whom I also offer my congratulations, that the Government will have the Labour Party's support when its policies demonstrably assist the development of a safer, stronger Scotland.

One of the early statements from the Executive, on 1 June, promised

"to focus on promoting positive social behaviour among young people as well as cracking down on the antisocial minority".

Such an approach will find support on the Labour benches, as it seems to be a sensible continuation of the balanced, realistic approach that the previous Labour-led Executive took. Moreover, it is gratifying to read that the Cabinet Secretary for Justice was "delighted" with the diversionary schemes that he saw in Govan. During his visit, he stated:

"Young people across Scotland make a vital contribution to the life of our communities"—

a view that he echoed in his speech today. Of course, that was the view of the previous Executive, just as Mr MacAskill's pledge to come

"down hard on ... the small minority of youths who disrupt their communities"

clearly echoed the commonsense approach of his Labour predecessor, Cathy Jamieson.

As Mr MacAskill will be aware, Labour in government invested a substantial amount of the proceeds of crime in community activities. Indeed, he has said this afternoon that there will be a new approach to reinvesting those moneys. I, of course, welcome that announcement, and I wonder whether Mr Ewing will provide some specific details in his summation.

Similarly, I hope that the aspects of the Antisocial Behaviour etc (Scotland) Act 2004 that have clearly worked, such as dispersal orders and closure orders, are employed fully and effectively. Where such orders have been so employed, they have proven to be a considerable help in transforming the lives of our fellow citizens in communities throughout Scotland.

It is right to accept that, in a Parliament in which the people have decided that no party should have a monopoly on power, no party has a monopoly on wisdom. Labour in government enacted sensible

legislative reform in a number of areas, many of which were in the justice portfolio. To accept that—and to acknowledge that several of those reforms had the support of many, if not all, parties in the Parliament—is to set where we are in its proper context.

As far as justice is concerned, the situation in Scotland is not perfect, but it is appreciably better than it was during the desperate days of Thatcher and Major. Today, Scotland has a record number of police officers, with 1,500 more than there were in 1999. I welcome the minister's promise of 1,000 more officers. Perhaps Mr Ewing will give us details of the timescale for implementing that and of where the resources will be found to fund such admirable progress.

Crime, including violent crime, is falling, with 20,000 fewer crimes reported by the police. Clear-up rates are higher than ever, with a 25 per cent improvement since 1997. Apposite legislation has helped. The Bonomy report, which ushered in the reforms in the Criminal Procedure (Amendment) (Scotland) Act 2004, has led to business being transacted more expeditiously in the High Court. That has, in turn, quite rightly released more police officers for front-line duties and—most important—improved the lot of victims and witnesses.

The Police, Public Order and Criminal Justice (Scotland) Act 2006 contained such good reforms as the introduction of football banning orders, proposals to double the sentence for possessing a knife in a public place, and the creation of the Scottish Police Services Authority. Pace Bill Aitken, the Custodial Sentences and Weapons (Scotland) Act 2007, which ended the discredited system of automatic unconditional early release—introduced, I should point out, by the Conservatives—was positive legislation, even though the Tories are still being dogs in the manger about it. Those substantial pieces of legislation, passed in the previous session, are now playing their part in making Scotland a safer and stronger place.

Of course, members will accept that more work has to be done in the justice portfolio and that many of the problems faced by all of us as elected representatives and legislators are complex. No uncomplicated solutions present themselves. Soundbites can highlight the problem, but we have to do better than that.

As the minister pointed out, we still have to deal with the problem of legal and illegal drugs in our communities and to find ways of assisting addicts, protecting citizens and punishing the dealers of illegal drugs. There is still an argument to be had, not only about how we strike a balance between custodial and community sentences, but about the more difficult question of how we develop a consensus on a symmetry between punishment

and rehabilitation that can be accepted by the people whom we represent. In Scotland, too many people are locked up who should not be. I was astonished to hear Bill Aitken appear to contradict that fact. We have to find out how to reduce the numbers of people, including those with mental health problems, who are in prison but who should not be there. We must also find out how to cut the rate of reoffending and recidivism in our country. On all those issues, we must strive collectively to develop initiatives, hone policies and introduce focused legislation that meets our constituents' clamour for safer communities.

In my few remaining seconds, I want to make a suggestion to the minister and his team. In light of his comment that we should all work together, I hope that he is able to look favourably on the proposal in the Scottish Labour Party election manifesto for a serious and organised crime bill that would introduce a range of new powers fashioned to make it easier to fight crime both across the border between Scotland and England and internationally. I believe that that would be a positive move. If the cabinet secretary is sincere about co-operation—and I have no reason to doubt him—we should continue the conversation started here today and do all that we can together to fashion a safer and stronger Scotland.

16:09

**Jackson Carlaw (West of Scotland) (Con):** It is a pleasure to make my first speech on a subject that is traditionally guaranteed to rouse any Conservative conference from its afternoon nap. What Conservative would not preface their remarks on law and order and justice—the great *cri de coeur* of the so-called Tory faithful—with the claim made by other members in their first speeches, that the issue is close to their heart?

I wish the new cabinet secretary every good fortune in his responsibility. As a new boy, I am happy to say—perhaps naively—that it has struck me that it has been a hallmark of the new Administration in its early days to convey a sense of the privilege of serving in government. I welcome that and hope that it will not diminish. To me, at least, it has been a breath of fresh air, which contrasts sharply with the assumption of a divine right to rule that characterised the impression that Mr MacAskill's predecessors routinely gave, both in government—and, for the moment, at least—in opposition.

It is a pleasure to welcome to office an Administration that is directly committed to increasing the ranks of front-line police officers. Little mention has been made of the fact that we share that objective—the SNP committed to providing 1,000 more police officers, while we committed to an additional 1,500. It would be

interesting to know how the SNP arrived at its requirement figure; come to that, it would be interesting to know how we arrived at ours. The answer, of course, is through consultation—but no matter. We are agreed on the need and look forward to supporting initiatives to give it effect at the earliest opportunity.

Critical to making the recruitment of those additional police officers effective will be a resolve to have them concentrate on the prevention and detection of crime and not to have them sidetracked with worthy—and sometimes less than worthy—additional but less essential responsibilities.

I am a west of Scotland man, born and raised in East Renfrewshire, which is sometimes parodied as a Shangri-la residential community for wealthy business leaders. In truth, many business leaders, entrepreneurs and owners of small, medium and large businesses reside there—it is a wonderful place for families to live. I fought and, admittedly, lost the constituency last month to Kenneth Macintosh. It may well have been our safest seat in the 1990s, but it is a difficult seat to win back, not least when one's socialist opponent looks and sounds more like a Conservative than the official Tory candidate.

It is a community that has witnessed more sensational crime in recent times. We now have our own local experience of residents having been shot on their doorsteps, been subject to machete attacks or assaulted and violently raped as they waited at a bus stop to go to work on a Sunday morning. I mention that because East Renfrewshire's superintendent of police recently broke cover and said:

"Blame politicians for the lack of cops—People want more Police Officers on the beat. I do as well."

Crucially, Superintendent Daniels noted:

"The job has changed so much over the past three years and we now have to meet an ever increasing level of new priorities. Officers are being taken away from the front line to fulfil specialist roles ... family protection, drug enforcement. Where have they come from? The front line. We can't provide the level of cover people think we can."

Such expressions of concern should have rung alarm bells with the former Executive, but instead they were met with seeming indifference. I hope that the new minister will match his commitment to increase police recruitment with an equal determination to bring about a fresh focus on front-line policing.

The cabinet secretary has trailed tackling youth crime as a priority, which he has coupled with a desire for the law-abiding majority to be encouraged and rewarded. I commend him on that and, of the various proposals that he has made today, I particularly welcome the ambition to

reinstate the Airborne Initiative. He will no doubt tread carefully to avoid the package being characterised as an initiative to hug a MacHoodie, but I remind him of the statement at the front of the justice section of his party's manifesto:

"People are tired of excuses for bad behaviour and it is time that we dealt firmly and effectively with the crime and anti-social behaviour that disrupts the lives of too many of our citizens."

Quite.

I urge the cabinet secretary to embrace our suggestion to ensure that 14 and 15-year-old persistent offenders are presented to youth courts and that children's hearings have the power to issue drug treatment and testing orders. We cannot escape the fact that non-custodial sentences have had mixed reviews, so sending a signal that there will be a presumption that all sentences of less than six months' duration will be served in the community—even if that is recommended by an eminent professor—does not, on the basis of what has gone before, meet the challenge. What is a tough community sentence?

I have two further brief points on policing. First, as in other public services, we have an ageing workforce—many officers are due to retire. Any recruitment programme that seeks to increase the complement of new officers must be ambitious enough to attract and train sufficient staff to address the retirement blip before it can achieve the new complement total.

Secondly, I wonder whether there might not be more of a role for recently retired officers—officers who are actually retiring in their prime. By forming a Dad's Army corps, if you will, they could usefully augment the responsibility of the current active force to meet its community ambassadorial role. I say augment because I appreciate the desire of the police to remain active in community work, but such a resource—casually retained and vastly experienced—could make a significant contribution to the release of officers for front-line policing. I recognise that that ambition may not be realisable, but it is worth exploring.

Annabel Goldie led the campaign against the former, much discredited automatic early release scheme. The former Executive defended that scheme with breathtaking passion until the day that it decided not to defend it with breathtaking passion and to rename it and replace it, not with something stronger but with something inherently weaker. For whatever reason, the SNP was duped into supporting that decision when in opposition. Perhaps in government the SNP will see the need for tough, fair and honest sentencing—it will have our support and that of the Scottish public if it does.

A new Administration has the chance to breathe new life into the flagging morale of the police officers with whom I have spoken—and of those who support them—who do such a terrific job on our behalf. They have grown weary of lavishly expressed votes of thanks that are never matched by a practical understanding of the demands of the many new roles placed upon them.

Inevitably, the new Executive will have views with which we may disagree and that we will challenge. However, we and it are both committed to a direct increase in the number of police officers and their redeployment to front-line policing. Let us make common purpose and early progress on that essential investment.

16:16

**Robert Brown (Glasgow) (LD):** I welcome my fellow lawyers Kenny MacAskill and Fergus Ewing to the justice brief and wish them well in their new positions. It is not unimportant that they are lawyers, because lawyers often have practical experience of meeting the law enforcement agencies, criminals and accused people.

I am not a great fan of the SNP's subject debates, as they are sometimes in lieu of having a coherent Government strategy. However, there could be some merit in having this subject debate, because crime, justice and law enforcement have suffered more than most public policy areas from populist solutions and nostrums from political parties, the media and others.

Most of the public have commonsense views on these issues. They do not expect perfect solutions, but they want to have the sense that the public authorities are on their side. They recognise that we cannot lock up everybody who breaks a window or scrawls graffiti and then throw away the key, but they want a sense that effective action can be taken to reduce crime. They know that many antisocial or criminal acts have deep-seated causes, but they want law and order in their communities. They regard a minority of crimes as being serious or violent or as badly affecting children, and they want the public to be protected by suitable sentences.

Margaret Curran rightly spoke about the legacy that the new Government has inherited, which should not be underestimated. Record numbers of police are in post, although, as was rightly said, there are issues around deployment and the various calls on their time. There have been vast improvements in the courts and their surrounding structures, and in the availability of different remedies. The background is that crime figures are falling, but there are worrying areas, not least those connected with drink, drugs and violent

crime. There are big problems, and nobody pretends that they have all been sorted.

Kenny MacAskill's speech was a mixed bag. Many of the issues to which he referred followed on naturally, understandably and correctly from the previous Executive's themes; one or two general, related issues were added. However, I struggled to find anything particularly new. Kenny MacAskill spoke about being tough and driving up quality, but he should have identified something new. I have a couple of questions for him.

Can the cabinet secretary expand on the central issue of additional policing capacity? He said that the additional policing capacity will be the "equivalent" of 1,000 officers; he did not say that it will be an additional 1,000 officers. There are issues around the budget provision, where the 1,000 officers will come from and how they will be allocated.

Like Margaret Smith, I wonder whether the cabinet secretary will take on board the Liberal Democrat proposal that additional funding for community police officers should be made available to police boards only if the annual community policing plan demonstrates that community officers will be deployed in designated areas and will be on the beat in local communities. We require clarification on that important issue.

We need to know a bit more about the shift away from private prisons being the norm. There is wriggle room for the cabinet secretary in that area, which I hope he will build on. However, such a shift will have significant budgetary implications that have to be viewed against the background of the admitted need for more prison capacity—at least in the short term—which the previous Executive was moving forward on. If a different policy is adopted, there will be issues around the cost of provision and the timescales involved.

I will take up one or two points that members made. Margaret Smith talked about the children's hearings system and made the important point that children who appear before the children's panel usually do so because of their parents' behaviour. I have observed that around 80 per cent of teenagers who come before the courts or the children's panel also came before the children's panel when they were five or six years old because they were in need of parental care and protection.

If I may give the cabinet secretary a little unsolicited advice on his approach, I suggest that he squeeze out the unnecessary processes that take people round the system, and try to redirect efforts to front-line services—I hope that he will try his best to do that. When I was a minister in the Scottish Executive Education Department and had some responsibility in the area that we are

considering, I found that when young people were referred to the reporters and an inquiry was undertaken, action was proposed that should have been taken by the front-line services at the beginning. Let us tackle such issues and get value in that regard.

There are background issues to do with the link between need and crime, the children who do not attend or benefit from school, the young people who leave school with no skills and therefore get no employment, and the young people who suffer as a result of the drug or alcohol addiction of their parents, family members or friends. High levels of mental health problems, homelessness and family and community fracture lie behind many criminal activities. Those are the causes of crime, and investment to address them should continue to increase. In that context, Michael Matheson rightly echoed a theme of the Liberal Democrats when he spoke about the need to open up schools. I agree strongly that there is a need for positive alternative opportunities during school holidays, in the evenings and at weekends, given crime levels at those times.

Liberal Democrats support policies that will effectively tackle the problems of crime and reoffending in our communities. I seek further guidance on the important announcement about short-term sentences, with which Liberal Democrats have considerable sympathy. There are issues to do with funding, but alternatives to custody have a proven track record and are undoubtedly the right direction of travel, rather than the populist gestures that we sometimes hear, particularly from politicians on the Conservative benches.

16:22

**Bill Wilson (West of Scotland) (SNP):** I congratulate the Cabinet Secretary for Justice on his appointment. It is a privilege to give my maiden speech in this beautiful debating chamber—I have looked forward to doing so in several elections.

There can be little doubt about the links between crime and poverty and between crime and relative poverty. The Luxembourg income study showed clearly that countries with lower levels of poverty have lower levels of violence. In Scotland, one in nine men from deprived communities will spend time in prison before they are 24. We might use the probability of imprisonment as an indicator of relative social deprivation.

Crime and drug use are closely related, and drug use and relative poverty are just as closely related. The rapid growth and widening income differences of the 1980s closely paralleled a rise in heroin use.



For those reasons, I would welcome the introduction of a local income tax. Relative poverty damages children and causes crime. Only a fair tax system can eliminate relative poverty—growing the economy will not of itself do so. New Labour has abandoned its commitment to fair taxation. Its insistence on maintaining an unfair council tax and on abolishing the lower tax rate of 10p in the pound will ensure that the tax burden remains proportionately higher for the poorest members of society. In effect, the economic policy of new Labour either denies or ignores the link between poverty and crime.

Other nations combine fairer taxation with economic success. Small independent nations such as Norway and Sweden outcompete the United Kingdom on a range of economic measures and do so with a far stronger commitment to social justice, lower crime rates and healthier children. Lower taxation for wealthier members of society reduces money for education and early intervention and increases inequality—and all those factors increase the crime rate.

The tabloid press and some politicians who argue for lower taxes have a wide variety of scapegoats when it comes to crime. They blame anything but the real causes of crime, which are social inequality, poor social cohesion and a society in which greed is emphasised before the common weal.

There is no easy solution to the problem of crime, but if we are not prepared to break away from the hanging and flogging tradition we will never succeed in tackling it. Diadema had one of the highest levels of homicide within São Paulo state in Brazil. In 1999, homicide rates exceeded an incredible 140 per 100,000. In 2000, Diadema introduced a holistic strategy to tackle its horrific crime statistics. A major part of the initiative was aimed at social intervention for young people. In an attempt to build closer relationships between police and youths, the police organised games and activities during school breaks. The city also provided apprenticeship projects to offer early work experience. The scheme was successful. In three years, murders fell by almost 60 per cent and robberies fell by 16 per cent. Seeking to help people rather than denigrate them, recognising their problems rather than calling them the problem and reaching out a helping hand rather than a pair of handcuffs was the approach that delivered in Diadema.

There is no reason why we should not follow a similar route, and use our schools for both education and wider social benefit. It is true that many projects that have been funded under the expensive PFI scheme have reduced available space and resulted in high charges for community use, but that should not deter us.

In many areas, it is not felt that community wardens have been a success. Perhaps in those areas the Government might consider a pilot programme to redeploy them to run social clubs and sporting events for young people.

Many of our citizens are caught in a poverty trap, because often if they find a job it is low paid, and it can leave them no better off than when they were unemployed. They are left feeling angry, frustrated and abandoned. It is inevitable that some will lash out. That is why, if we wish to fight crime, we must reform the social security system. Of course, only an independent nation can do that—that is one more argument for independence.

A citizen's income might be used to restructure society. By not withdrawing financial support, we can help people to find work and help to build a society in which there is a fair distribution of wealth. A citizen's income could also help to improve school performance. Research from the US has shown that where social security help was better for parents, their children's test scores were boosted. That can, in turn, improve the self-esteem of those children and reduce their risk of future involvement in crime.

The costs of tackling poverty and social exclusion may be far less than at first appearance. A 1998 study on social exclusion in Glasgow indicated that eradicating poverty could reduce hospital admissions by almost 90 per cent. The eradication of poverty not only would reduce crime but would, in part, pay for itself.

For far too long, politicians have been tough on crime but have ignored the causes of crime. It is easy to be tough on crime. Most of the press will congratulate any politician who produces a tough new law and order bill. Equally, many in the press will condemn any attempt to create a fairer distribution of wealth within our society. Any attempt to tackle crime without also seeking some redistribution of wealth will fail. The real challenge is not to be tough on crime; it is to be tough on the causes of crime.

16:28

**Claire Baker (Mid Scotland and Fife) (Lab):** It is an honour and a privilege to have been elected to this Parliament to represent the people of Mid Scotland and Fife.

I have chosen to take part in today's debate on a safer and stronger Scotland because it is at the heart of achieving safe and strong communities. The debate highlights the need to achieve the right balance between dealing firmly with unacceptable and disruptive behaviour and dealing with its root causes—poverty and disengagement from society.

I welcome Kenny MacAskill to his role as Cabinet Secretary for Justice. I hope that he will continue to put, as Labour did, the needs of communities at the heart of his agenda. This policy area is of great concern to the people of Scotland, and I hope that all parties will work constructively to address the issues.

Still too many people are plagued by noise night after night, still too many people feel intimidated by others in their communities and still too many people feel that their quality of life is blighted by vandalism and selfish behaviour. In the previous session of Parliament, Labour ensured that they had somewhere to turn, and in Fife we have been among the first to benefit. While some local authorities have been slow—even reluctant—to use antisocial behaviour powers, Labour, along with Fife Constabulary, have taken action. Although intervention and mediation is always the first route, measures such as closure orders, which can give local residents respite from extreme antisocial behaviour, are last-resort measures that must be available to police and communities. The detrimental effect that just a few people can have on a community cannot be overestimated.

Fife also has an excellent record on participating in preventive measures, and it piloted the successful alcohol test-purchase scheme. I pay tribute to Christine May, the former member for Central Fife, who was a supporter and proponent of that approach. She recognised the importance of the scheme, which is being rolled out throughout Scotland.

Community wardens have been a huge success in Fife. I spoke to a community activist at an event on Friday and was impressed by her enthusiasm for community wardens when she described the role that they play in her community. I hope that the new Executive will continue to strengthen services that previously have benefited from antisocial behaviour funding.

While tough action needs to be taken to protect, other measures are needed to prevent. As representatives, we have a responsibility to consider how we create and support a stronger and safer society. At the heart of that is how we support and foster communities, and how we protect and encourage a way of life that has been at the centre of Scottish society for generations. We must recognise the value to wider society of inclusive communities that foster a sense of belonging.

I grew up in the close-knit community of Kelty, which is an ex-mining village in Fife. It is the kind of place where, no matter what someone achieves in life, they are always known as their father's daughter or son. It has had its fair share of difficult times—the miners strike in the 1980s, and periods

of high unemployment and the hardship that that brought to many families—but as a community it has always held together and its members have always looked out for one another. Such values have made its annual gala day—which takes place at the end of the month—one of the longest running in Scotland.

Officially, we may refer to a network of community organisations, but it is the coming together of groups of people to achieve things for their village—whether it is the old men's club, the community council or youth street projects—that makes communities safer and stronger. There are towns and villages like Kelty throughout Fife—resourceful communities that invest in their own wellbeing. Our role must be to support their work and to help them to tackle the problems that they face.

I welcome the cabinet secretary's recognition that deprivation is an underlying cause of crime. I hope to see a strong anti-poverty agenda from the Government. Labour is happy to work with the Government on such an agenda—Labour put that agenda at the centre of politics in this country. Improving housing, investing in early years education and giving young people goals to aim for are all part of building a safer and stronger society.

I pay tribute to another former member of the Parliament, Scott Barrie, who championed children's and young people's issues. His voice on those issues will be missed. Scott previously highlighted the work of Abbeyview junior wardens in Dunfermline. By supporting the work of community wardens, those young people, who are aged between 10 and 14, take pride in and take part in their community. If we involve such young people in their communities and anchor them into those communities, we invest in their future. The scheme is a tremendous success, and I commend it to the cabinet secretary as a good approach to tackling antisocial behaviour.

We can help our communities to be safer and stronger, but that is not about excluding people—it is about doing more to ensure that they are included. Labour set that direction in this Parliament, and I urge the Executive to continue to pursue it.

**The Deputy Presiding Officer (Trish Godman):** Before I move to the winding-up speeches, I apologise to the members whom I was unable to call.

Mr Pringle, I have to reduce your time to five minutes.

16:33

**Mike Pringle (Edinburgh South) (LD):** I welcome the opportunity to speak in this justice

debate. I congratulate Kenny MacAskill and Fergus Ewing on their appointments and wish them well in their roles over the next four years.

Justice was one of the key areas for legislation in the previous session of Parliament, in which two justice committees were needed to reform our criminal justice system, to tackle the problems in our Prison Service and to try to cut reoffending. The previous Executive went a long way to tackle many of those serious issues. We must acknowledge that great steps have been taken in tackling crime in our communities. The number of police officers is up 31 per cent since 1999, clear-up rates now stand at 46 per cent and crimes recorded by the police are dropping.

The previous Executive introduced strong alternatives to custody that can cut reoffending. Other parties might say that that was being soft on criminals, but what we want is for them not to reoffend. The facts are clear: the reoffending rate for those who are given a custodial sentence is 60 per cent, but for those who are subject to community service orders it is 42 per cent.

I agree with Kenny MacAskill's attitude on trying to keep people out of prison. That was a key pledge in our manifesto, and I was pleased to see it in the SNP manifesto. We need community sentences with stronger conditions. Short sentences are not effective as punishments or at rehabilitating offenders, so I am glad that the SNP supports our policy of replacing custodial sentences of less than six months and that it will work with us to ensure that public confidence in the system is retained and that community sentences are twice as long as custodial ones.

Kenny MacAskill highlighted the need for extra police officers, with which I also agree. Other members have mentioned that need. I say to Jackson Carlaw that we had a figure of 1,000 new policemen in our manifesto as well. I do not know whether there was some collaboration between our parties on that, because I have no idea where that figure came from either.

We also want two new policemen in every ward in Scotland, but our concern is that the SNP does not want them to be targeted in our local communities. As Robert Brown said, it is essential that police boards have the funding to deploy those policemen at the lowest level in our communities. We will support the SNP policy only if it can be demonstrated that police boards will be able to recruit and deploy community officers on a shift system in designated areas. That would not interfere with operational matters, but would ensure that funding for community policing was ring fenced.

I ask the minister who winds up the debate to confirm the Government's commitment to

introducing a statutory aggravation for hate crimes on the grounds of disability and sexual orientation, as recommended by the former Executive's working group on hate crime. That commitment was in the SNP's manifesto, as well as ours and the Scottish Green Party's. How does the Executive intend to progress that and legislate for it?

I agree with the cabinet secretary that we must tackle the issue of alcohol. When I served as a justice of the peace, most of the young men under the age of 25 who came before me did so because they had been drinking too much—and it was mostly men, it has to be said. We must consider how to deal with young people's use of alcohol and the idea of special promotion times in pubs, when people can buy two drinks for one because they happen to be in the pub between 6 and 7 o'clock, 8 and 9 or whatever it happens to be. I confess that I have never taken advantage of such promotions; they are a complete nonsense.

I will highlight one policy that did not feature in the SNP's manifesto but which would, I believe, receive cross-party support if it were brought to the Parliament. Our manifesto included a commitment to a national bottle marking scheme, which I pushed into it. I first heard of the scheme when it ran successfully in the Borders, and I persuaded the police to run a trial in my Edinburgh South constituency. Officers visited licensed premises to ensure that bottles that were likely to be sold to or bought for underage people were marked, which took a lot of time and commitment. Parents and friends of underage people would buy alcohol for them, and I agree with Bill Aitken that licensees and licensing boards need to be far heavier on that. Publicity for the scheme led to a huge drop in alcohol confiscations from teenagers at the end of last year, and it became clear that most alcohol was being bought for or by kids outside the area. If the scheme were rolled out nationwide and enforced by trading standards officers, it could severely restrict alcohol sales.

I hope that the SNP and all the other parties in the Parliament will listen to what is said today. There are many different groups in the Parliament that can work together to produce sensible and effective policies. We are prepared to work with the Executive to reduce reoffending and protect the public from serious crime and antisocial behaviour.

16:39

**John Lamont (Roxburgh and Berwickshire) (Con):** I welcome the change of atmosphere and the new Executive's approach: issues can now be discussed and opinions sought from outside the ruling political parties. I am pleased that the

Parliament has this opportunity to discuss how we will make Scotland a safer and stronger country.

As we heard from Jackson Carlaw, the previous Administration had a disappointing record on tackling crime. Now, after eight years of the Liberal-Labour Administration, a crime or offence is committed in Scotland every 30 seconds. Estimates suggest that about 80 per cent of crime is drug related.

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

**John Lamont:** I have only five minutes.

It is easy to see where the problem lay: neither crime nor the causes of crime were properly tackled.

The challenge for the new Administration is clear: it needs to tackle crime and the causes of crime now—and the first step in cutting crime is defeating drugs. According to the Government's own figures, for every £1 that is spent on drug treatment, almost £10 is saved on criminal justice and health costs. The proposals to increase spending on drug rehabilitation should therefore be welcomed, although we do not accept that that should be tied to having more community-based punishments. We would like there to be more investment in drug rehabilitation schemes.

The SNP's manifesto contained a commitment to reinstate the Airborne Initiative, which the Liberal Democrats and Labour voted to abolish. We will support any proposals by the new Government to reintroduce the scheme. We strongly believe that early intervention schemes play an important part in the wider battle against antisocial behaviour. That point was made by Michael Matheson.

The first duty of a Government is to protect society from those who seek to destroy it. Contrary to the views of Labour members, there was an erosion of our criminal justice system under the Lib-Lab pact, with fewer police on the beat, easier access to bail, ineffective community sentences, a cancer of repeat offences—which caused mayhem and misery—an increase in crime and offences and an increase in the number of methadone prescriptions.

We were pleased to hear that the SNP wants an increase in the number of police officers, which Margaret Smith also mentioned. As there are only 147 police officers on the beat at any one time—again thanks to the Labour-Liberal Administration of the past eight years—the Conservatives can support that priority, but we would like more to be done to cut the red tape and bureaucracy that keep our police officers sitting behind desks, to allow them to get out on the streets so that they

can act as a visible deterrent to crime and disorder.

Several members have mentioned prison and early release. Prisons serve four functions in society: first, to protect the public; secondly, to rehabilitate; thirdly, to punish; and, lastly, to deter. The most important of those is the protection of the public. The SNP proposes to use more community sentences. Although they may have a role, they must never be a soft option; nor should they be favoured because of a lack of space in our jails.

The challenge to the SNP Government is clear. It must tidy up Scotland's justice system so that people feel safe in their homes and are not in constant fear of crime. I hope that the Government will consider working closely with the Conservative party on this subject, as there is much that we can achieve by working together.

16:43

**Paul Martin (Glasgow Springburn) (Lab):** Like other members, I congratulate Kenny MacAskill and Fergus Ewing on their new positions in the Executive. I have followed the work of both of them over the years, and I do not recall their being so consensual in opposition—or indeed co-operative—but we will consider their conversion closely.

I, too, congratulate the new members who have made their maiden speeches. I will follow Bill Wilson's contributions with interest. I congratulate Claire Baker on making a strong case for community wardens. They do a serious job throughout Scotland's communities. They are making a difference, and I hope that we will hear from the minister today that we are to continue with the £120 million commitment that went towards community wardens to ensure that they can continue to make a difference. That is not about having police officers on the cheap; it is about community wardens complementing the important role of community police officers. We look forward to hearing about that important role, and we will follow the situation with interest.

We are very proud of our Labour agenda. We were on the side of firefighters—we introduced the Emergency Workers (Scotland) Act 2005 to ensure that our medical staff, firefighters and paramedics were given added protection. Mike Rumbles sneers at that, but firefighters did not find being attacked in the Blackhill area of my constituency funny or entertaining.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the member give way?

**Paul Martin:** I am sorry; I do not have time.

In the spirit of co-operation, we worked with others in the chamber to tackle religious bigotry, which is an unacceptable part of Scottish culture. We hear the SNP Government talk about co-operation. I remind it that there has been co-operation in the chamber. Margaret Curran and other former ministers worked hard in co-operation with the various parties that are represented in the chamber.

We also deleted the database of excuses that existed prior to the passing of the Antisocial Behaviour etc (Scotland) Act 2004. Before that act came into force, the authorities would say, "We can't do anything about it because we don't have the legal remedy to deal with these issues." We ensured that the toolkit to deal with antisocial behaviour in our communities was available to the authorities. As a result of that legislation, communities are much stronger and are willing to stand up to the tiny minority of people who indulge in antisocial behaviour.

We will enter into the spirit of co-operation that has been mentioned today—while stressing the fact that it has existed for the past eight years—but we will not join the hug-a-hoody alliance that has been created in the chamber today. We will not make communities safer by making excuses for the tiny minority who cause havoc in those communities. In July last year, David Cameron said that hoodies are trying to "blend in" rather than appear threatening. I do not know whether hoodies exist in the community that he lives in, but I can assure him that they exist in the community that I live in and represent. They exist in the Aitken Street area of my constituency and a constituent of mine who lives there advised me that four young men with hooded tops were trying to blend into the local community while they were vandalising her car. We will not join the hug-a-hoody alliance; we will stand up to the unacceptable behaviour of the tiny minority.

It is important to stress, as we have done on a number of occasions in the chamber, that the people I am talking about are a tiny minority. The vast majority of young people play a constructive role in their local community. We are parents, grandparents, uncles and aunts and we all know that to be the case. We will not take any lectures from anyone in that regard.

Margaret Curran mentioned the escape route that the SNP's manifesto talks about—the six-month sentence policy that, as Kenny MacAskill advised us, will involve sheriffs being able to serve a six-month sentence only in exceptional circumstances. I will elaborate on Margaret Curran's words on that subject and clarify, by reference to the Scottish Executive's statistical bulletin for 2005-06, what kinds of individual we are talking about. We are talking about 600

housebreakers, 1,600 people who have been convicted of common assault and 60 people who have been convicted of serious assault and robbery, among others, getting off scot free. I ask the minister to clarify, when he sums up, whether those are the individuals who will serve their sentence in the community and to confirm that he will not allow sheriffs to have an opportunity to ensure that such people are given—as a deterrent to others—a custodial sentence. I remind the minister that when Parliament passed the Emergency Workers (Scotland) Act 2005, it took the decision to enable sheriffs to give people six-month custodial sentences for offences relating to that piece of legislation.

Every year in the chamber, there is a Dutch auction in relation to police numbers. Mike Pringle did his party a disservice when he said that he did not know how the figure of 1,000 new police officers was arrived at. Perhaps the minister can advise us how the SNP arrived at the figure of 1,500 police officers. I ask the minister to clarify whether he will give ministerial direction to police boards in relation to front-line police officers. What will he do if chief constables say, "I'm afraid that we are not going to deliver those community police officers in your local communities"?

I and other elected members have made the case for additional resources on a number of occasions, but we have been advised that it is not for ministers to direct local police boards. The minister, Fergus Ewing, is pretty good at asking people to say yes or no. I ask him, when he closes the debate, to say whether he will give ministerial direction to ensure that community police officers are directed to communities such as the one that I represent. He can then go back to the police boards and tell them.

We on the Labour benches are proud of the Labour-led Executive's record. We look forward to holding the Executive to account. We will of course co-operate whenever that is appropriate, but we will always be on the side of the local communities we represent.

16:51

**The Minister for Community Safety (Fergus Ewing):** I thank everyone who has contributed to the debate, especially the new members—as opposed to the old hands such as me and Mr Martin, if I may so characterise him. One of the good things about the third session of Parliament is that there is a different tone, by and large, to the debates—a tone based on moderation and consensus. I hope to use what abilities I have to carry on in that vein.

Before I respond to individual members, I will underscore the Cabinet Secretary for Justice's

fundamental message: if we want a stronger, safer Scotland, responsibility for delivering that rests with every member of the Parliament and indeed every citizen of the country. We will tackle crime and antisocial behaviour and, as many members have emphasised in their speeches, work with communities to support their efforts to make communities stronger and safer.

I agree with Margaret Curran that we have inherited a foundation of success. That success has been delivered by the tens of thousands of public servants—in the police, in the fire service, and in local authorities—who seek to make this country safe and strong. I pay tribute to them. It is a privilege to be a member of the Parliament and a pleasure to be able to pay tribute to their efforts.

**Jackie Baillie (Dumbarton) (Lab):** The subject of fire safety was not covered comprehensively this afternoon, but I know that it is dear to the minister's heart. He alluded to the significant changes to the fire service in the past few years, many of which have been positive, such as the change to community fire safety. Will he reflect on and evaluate those changes so that the modernisation agenda delivers the changes that are required and so that there are improvements for the safety of firefighters and the communities they seek to protect?

**Fergus Ewing:** I thank Jackie Baillie for her question and acknowledge her long-standing interest in and contribution to the topic. With the cabinet secretary, I will most certainly work closely with everyone who is involved over the coming months and years. Initially, I will meet the relevant players including the chief officers and the Fire Brigades Union, which represents the work force.

I congratulate the Scottish Crime and Drug Enforcement Agency on its efforts. We acknowledge that drugs are a scourge of our society, as Mr Aitken, Mr Lamont and others said, but sometimes we neglect to reflect on the great successes that have been delivered by the SCDEA, the police and others. In 2005-06, no less than 383kg of class A drugs with a total value of £22.3 million were prevented from finding their way into our communities. It is important to stifle supply, but we also have to deal with problems on the demand side.

I acknowledge the efficacy of the drug treatment and testing orders, which was mentioned by Mr Aitken and recognised by Labour members in their contributions. In the year to March 2006, more than 2,300 DTTOs were made in Scottish courts, and the evaluations show that they are having a positive and dramatic impact on drug use and offending. For example, despite having extensive criminal histories, nearly half of those who completed DTTOs had no further convictions within two years. Even non-completers

demonstrated reduced reconviction rates, and the majority of new convictions were for relatively minor offences.

Margaret Curran's central point related to the cabinet secretary's remarks about who should and who should not be in prison. I should perhaps point out—I hope that she agrees with me to this extent—that the development of DTTOs offers an effective, tried and tested way of providing an alternative to prison. It is also legitimate to point out that before the disposal was available, many of the 2,300 people whom I mentioned would have been in prison. Is anyone seriously arguing that it would be better to return to the status quo ante, before DTTOs were developed?

**Margaret Curran:** I accept the minister's point, and he will know from Cathy Jamieson's work—he could have been quoting directly from one of her speeches—that we accept that alternatives to prison should be developed. What we disagree on is the insistence that sentences under six months are not allowed and that sheriffs are allowed to impose such sentences only in "exceptional" circumstances. I am quoting directly from the SNP manifesto, so if that is not the case, will the minister clarify the position?

**Fergus Ewing:** I am happy to accentuate the positive aspect of the first part of the member's remarks, when she agreed with me.

I should perhaps gently say that Margaret Curran's comments do not reflect what Mr MacAskill actually said. In general, the member's thesis was somewhat undermined by Bill Butler, who said that he thinks that there are some people in prison who should not be there. To me, that seemed to be contrary to what Margaret Curran says. It is clear that, although there is consensus between ourselves and the former leading party in the Scottish Executive, it will never amount to a love-in.

**Margaret Curran:** We are not Tories—that is why.

**Fergus Ewing:** I will turn to the contributions in the debate and ignore the comments from a sedentary position—that is a matter for you, Presiding Officer. You must feel tempted to ask for the powers of antisocial behaviour orders to deal with some members. We are not proposing to enact primary legislation to help you to deal with Duncan McNeil, for example, although we are sorely tempted.

I welcome Margaret Smith's contribution on effective community sentencing, a theme which emerged in the debate. We recognise that many community sentences are not effective, which is why in the first two weeks that I have been a minister we have spent a great deal of time on

initiating work on that topic. We will come back to the Parliament on that at the appropriate time.

I welcome Michael Matheson's contribution. We will discuss his ideas with the relevant police authority. To Bill Butler I say that youth diversion will form a central part of our approach to justice. As I have limited time left, I will focus on that, with apologies to those whose contributions I have not had the opportunity to address specifically, although those of Claire Baker, Jackson Carlaw and Bill Wilson fitted with the new mood of Parliament—to focus on reasoned argument and not unsubstantiated assertions.

In the Scotland that we seek, we want to provide the opportunity to find a better way to the young people who may be minded to turn to a life of crime. There are many examples of effective diversionary schemes, such as the outreach project run by the Army Cadet Force Association, the programmes in Edinburgh that provide young people access to leisure centres at the weekend for 50p, and the Gorbals football programme that the cabinet secretary visited recently. We want to replicate that success all round Scotland. We want to provide opportunities so that our young people have the chances in life that we had. I am determined that that is exactly what we will aim to deliver in the next four years of an SNP Executive.

## Business Motion

17:00

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-125, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 13 June 2007

2.30 pm	Time for Reflection
<i>followed by</i>	Ministerial Statement: Higher Education
<i>followed by</i>	Executive Debate: Greener
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 14 June 2007

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Green Party Business
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Finance and Sustainable Growth Justice and Law Officers
2.55 pm	Executive Debate: Health
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 20 June 2007

2.30 pm	Time for Reflection
<i>followed by</i>	Executive Business
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 21 June 2007

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Conservative and Unionist Party Business
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Education and Lifelong Learning Europe, External Affairs and Culture

2.55 pm                      Executive Business  
*followed by*                Parliamentary Bureau Motions  
5.00 pm                      Decision Time  
*followed by*                Members'                      Business—[Bruce  
Crawford.]  
*Motion agreed to.*

## Decision Time

17:00

**The Presiding Officer (Alex Fergusson):**  
There are no questions to be put as a result of today's business.

**Tricia Marwick (Central Fife) (SNP):** On a point of order, Presiding Officer. The potential for a vote existed, but the division bell did not ring. Will you explain why?

**The Presiding Officer:** That request is perfectly reasonable and we will look into it. I cannot answer at the moment, but we will let you know the results of our investigations.



## Moving Water (Rescue Arrangements)

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business is a members' business debate on motion S3M-81, in the name of Roseanna Cunningham, on rescue from moving water. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes with concern the rising number of incidents involving persons trapped in moving water, including incidents in the River Tay at Perth on 23 July and 21 September 2006 and 6 March 2007, two of which resulted in deaths; further notes that there is no clear duty imposed on fire and rescue services to rescue from moving water, resulting in inconsistent practice across Scotland and the threat of disciplinary action against officers who carry out rescues outwith their operational remit, and considers that this is a situation which requires urgent review.

17:02

**Roseanna Cunningham (Perth) (SNP):** Perhaps rescue from broken podiums might be more appropriate.

I make it clear from the outset that the phrase "persons trapped in moving water" is the terminology that fire and rescue services use. It distinguishes the incidents that I am discussing from those that take place during flooding. Sustaining the differentiation might not always be possible—after all, flood waters can become moving waters very quickly—but for funding and training, the distinction is important.

I will take a few minutes to outline how I became involved in the issue. On 16 January, I had a meeting in my constituency with members of the Motion family about the death of Graham Motion on 23 July 2006 in the River Tay at Perth. On that day, the first representative of the emergency services to arrive at the scene after the 999 call was placed was a single police officer who could not help. The second to arrive was the Scottish Ambulance Service. By the time that Tayside Fire and Rescue arrived, it was too late, even for properly trained staff, which I understand those who were present were not.

Following the incident, the family spoke to police officers and firefighters and learned that the emergency services have little training to deal with such occurrences, which is why they decided to come to me. Some members of Graham Motion's family are here this evening—at least, they were supposed to be here. They have begun a water safety campaign—Safe-Tay—and I commend their courage in trying to make sense of Graham's death by focusing on what can be changed for the better.

As a result of the family's discussions, I lodged written questions to try to understand the extent of the problem. Subsequently, I wrote directly to police and fire services throughout Scotland to see whether their approach is consistent. Most of the responses arrived in mid to late March and, for obvious reasons, I have not had as much time as I might have wished to reply to specific points, but I still intend to do so.

It has been clear from the outset that provision of the service varies considerably throughout Scotland. Obviously, my first port of call was Tayside Fire and Rescue and Tayside Police. Tayside Police helped by providing me with information about incidents in which it was involved. However, it advised me that it is often contacted a considerable time after an incident takes place. It has throw-lines, a dinghy based in Perth and people who are trained to use the craft, and three officers who are trained in swift-water rescue. It also calls on the fire service.

Tayside Fire and Rescue is clear that it has no statutory duty relating to rescues from moving water—as opposed to flood rescues, which are covered under article 5 of the Fire (Additional Function) (Scotland) Order 2005. Curiously, that view is not repeated in the letter that I received from Strathclyde Fire and Rescue; neither is there any mention of police responsibility in that letter. Instead, I am advised of Strathclyde Fire and Rescue's attendance at 251 incidents in the past five years. It responds to water rescue incidents within the force boundaries, although it is a declared resource only from the Erskine bridge to the tidal weir.

Lothian and Borders Police also mentions having throw-lines and nine trained officers. In contrast, Lothian and Borders Fire and Rescue Service writes of

"teams specifically trained and strategically located to carry out specialised water rescue"

in Edinburgh, Bathgate and Galashiels, and identifies sums of money that are allocated to water rescue training from the general training budget.

Grampian Fire and Rescue Service emphasises that it has no statutory duty to undertake such rescues—as opposed to those that arise during flooding incidents—and that it has no plans to take on the primary role in responding. Highlands and Islands Fire and Rescue Service has three trained officers but no response team. Northern Constabulary provides no specific training and would have to rely on the coastguard, although the coastguard is not always the appropriate service. Dumfries and Galloway Fire and Rescue Service has no trained staff, and neither does Dumfries and Galloway Constabulary—instead, it is Nith

Inshore Rescue that responds. Fife Constabulary has no officer trained to deal with moving water incidents and would call on the fire service or the coastguard. Fife Fire and Rescue has two such officers but no operational capability.

The minister may be feeling slightly battered by all that information, but I hope that he understands the point that I am making. The decisions about who responds, who is trained and how much training is required vary considerably from area to area. No force seems to have specific budget headings for the kind of water rescue training that is being debated. I believe that the time is right for the situation to be reviewed.

In Perth, there has been an increase in the use of the bridge over the Tay for suicide attempts as well as for what might be called recreational dooking—as dangerous as it is, there has been an increase in such activity. The number of incidents is increasing, and the ability to assess the situation throughout Scotland is impaired by the lack of agreement on the basis on which such incidents should be recorded and the issue of who should record them. In some cases, the services were unable to tell me how many incidents there had been in the past five years.

Tayside Fire and Rescue officers have had it made clear to them in writing that they are not to go into the water. In the incident on 6 March, that is what Tam Brown did. He is the fire officer to whom the minister referred in responding to my parliamentary question last week. Tam Brown was untrained and going against his instructions. In doing so—in working outside his operational remit—he was laying himself open to disciplinary action, even if none transpired. But he saved a life.

It is not right that we expect such a rescue to take place when officers of whatever emergency service is involved do not have the training to effect a proper rescue. Clarity is required. If, as seems to be the case, there is no statutory duty on any force to conduct the rescue, as opposed to co-ordinate it, which is a different matter, it is left entirely to the chief constable or the chief fire officer to assume the responsibility—or not. People in different parts of the country get different responses because of different levels of training and funding.

In this debate, I am looking to the minister for a recognition of the confusion and lack of clarity that exists and an agreement that the situation needs to be reviewed so that there is a clearer steer as to where the true responsibility lies, because such clarity simply does not exist at present.

17:09

**Elizabeth Smith (Mid Scotland and Fife)**  
(Con): I congratulate Roseanna Cunningham on

securing the debate and commend her diligence in seeking answers to the questions that, as yet, remain unanswered. I extend to you, Presiding Officer, the courtesy of apologising for the fact that I have to leave the chamber shortly before 6 o'clock because of a school engagement that was fixed before I was notified of the debate.

Ms Cunningham is quite right to say that the issue of water safety has, sadly, been at the forefront of our thoughts recently with the tragic loss of life on the Tay. I extend my condolences to the families involved.

Not surprisingly, the issue has caused much concern among local fire officers for the very reasons that Ms Cunningham has outlined. It is principally on those grounds that I am happy to support her motion.

Scotland has more than 50,000km of moving water, so it is unsatisfactory that we do not have a coherent water safety strategy under which there is a statutory duty to rescue people who become trapped in moving water. The Fire (Additional Function) (Scotland) Order 2005 places a statutory duty on fire and rescue authorities to make provision for

“rescuing people trapped, or likely to become trapped, by water ... in the event of serious flooding”

in their areas. However, it is unclear whether the provision covers direct responsibility for carrying out rescues from moving water when no authority in Scotland has a statutory duty to do so. In Norway, for example, the police have a core responsibility for responding to such emergencies, with additional headquarters in each of its 19 counties so that such incidents can be managed directly.

In the past, our fire and rescue services have demonstrated their ability to deal with many difficult and challenging incidents. I pay specific tribute to their professionalism during the recent flooding in the Milnathort area of Kinross-shire. That professionalism should not be compromised by a lack of clarity in the laws of the land.

Naturally, firefighters have voiced concerns about the need for dedicated water rescue equipment, and they believe that further training is necessary to ensure that such rescues can be carried out.

I take the opportunity to highlight another arm of our rescue services that is often overlooked and its specialist training and rescue service potential. I refer to the Scottish mountain rescue teams, which could play a vital role in a Scottish water rescue strategy. Made up of volunteers who are on call 24 hours a day, 365 days a year, many mountain rescue teams are more used to carrying out rescues from rivers and dangerous gorges

where rivers are in spate. They should be included in any legislation.

As with climbing, perhaps the most important safety aspect in relation to moving water is the fact that people need to be aware of the hazards and have the appropriate skills to prevent themselves or others from getting into incidents. The Safe-Tay charity in Perth, which was established to promote water safety and to prevent future tragedies in our rivers, is to be commended, and I hope that the idea will be extended to other parts of Scotland.

Above all, it is important to take a much more co-ordinated approach and bring together all our rescue services. On that point, I fully agree with the motion.

17:13

**Stefan Tymkewycz (Lothians) (SNP):** I commend Lothian and Borders Fire and Rescue Service for being one of the few rescue services that has specifically trained personnel for specialised water rescue. Over and above the training that is received by all the fire and rescue staff, some personnel are trained to deal with the initial stages of water rescues.

Several years ago, I faced a real-life situation when I was a serving police officer in London. A colleague and I were dealing with an incident on one of the central London bridges over the Thames. We managed to grab the clothing of a young girl as she jumped from the parapet of the bridge, but for the next few seconds, as she was slipping out of her upper clothing and out of our grasp, I was faced with the thought, "If she falls into the river, do I go in after her or let her go?" Without having any specific training in moving water incidents as set out in the motion, that is a choice that I, or any other police or fire and rescue officer, should not have to make for themselves or for others.

Fortunately for me—and, more important, for the young girl—I did not have to make that choice because a third officer arrived on the scene and managed to lean over and grab her jeans so that, between the three of us, we managed to pull her over the parapet to safety. Decisions such as the one that I might have faced—and which have, I am sure, been faced by many police and fire and rescue officers in the past—could be avoided by putting in place the correct training and procedures.

If some fire and rescue services in Scotland provide a specialist service for water rescue training, it is surely time for all practices throughout Scotland to be reviewed in order to avoid officers facing potential disciplinary action—Roseanna Cunningham mentioned that—as a result of there not being a uniform practice for

moving water incidents. It is also surely time for statutory regulations to be put in place to ensure that a clear and consistent service is provided to the public throughout Scotland.

17:15

**Christine Grahame (South of Scotland) (SNP):** It is unfortunate, to say the least, that not one member of the Labour Party and not one Liberal Democrat is attending the debate.

**Jim Tolson (Dunfermline West) (LD)** *rose—*

**Christine Grahame:** I apologise to the member and beg his pardon. I should have said only that not one member of the Labour Party is attending the debate. I hope that there will be no repeat of this when such important issues are being debated in the future. Such debates provide a chance for members to highlight, as Roseanna Cunningham has done, issues of which we have not all been aware.

Obviously, I want to focus on the Borders. In 2004-05, there were nine rescues from water in the Lothian and Borders Fire and Rescue Service area. In March, the Fire Brigades Union in Perth—what I am saying follows on from Roseanna Cunningham's comments—passed a motion of no confidence in the management because of the lack of, or inadequate, training on rescue from water. Let us compare that with what happens in Dublin. Dublin has three main waterways and 135 fully trained and equipped swift-water rescue technicians, who are highly and specially trained to carry out rescues. Those technicians have skills in fast-current swimming, hydrology and in using technical equipment to effect such rescues. Compare that with what happens in the Scottish Borders, which has five times the number of waterways but only one specialist team, to which Roseanna Cunningham referred. That team is based in Galashiels and consists of seven specialist fire and rescue personnel. We must not think that the relatively low number of rescues from water—as I said, there were nine incidents in 2004-05—means that no further training in the use of equipment and so on is needed. Obviously, more people could be rescued if there were more highly trained people.

Lothian and Borders Police has nine part-time officers who are trained in rescue from water, but that does not constitute a 24-hour shift pattern. There are seven qualified water technicians in the Lothian and Borders Fire and Rescue Service area. An additional 24 have related water rescue qualifications, but do not have qualifications for entering the water. All front-line crews are trained as first responders in talk, reach and throw techniques, but would not enter the water to effect

a rescue. That is part of the mixed pattern that my colleague highlighted.

There is a central training fund of around £40,000 for Lothian and Borders Fire and Rescue Service, which was not increased in the past five or six years under the previous Government. There have been pressures on the fund to pay for other courses, such as working at height courses, so water rescue training has been squeezed. In 2004-05, there was a mere £1,500 for it; in 2006-07, the figure was £7,500. We are talking about a pauchle and the matter must be addressed.

There is an internationally recognised set of standards and a training programme that is based on Rescue 3 International's programme. Rescue 3 International, which was formed in 1979, is a specialist water rescue organisation whose techniques, training and approach have been used by rescue professionals in 32 countries worldwide. Its approach is, of course, applied in Dublin. In Scotland, there are three Rescue 3 International course providers—in Dundee and Aviemore—which could offer the training that is needed so much.

I say to the minister that concern that there is no consistency has come out of the debate—there are delivery anomalies. I represent Galashiels and my concern is that although it is all right if a person falls in Gala Water in Galashiels, they would—because the appropriate service is located in Galashiels—be in difficulties if they were to fall in the water at Coldstream. The minister should consider the anomalies that exist, the need for consistency and clear lines of responsibility, and funding for training along the lines of that which is provided in Dublin.

17:19

**Sandra White (Glasgow) (SNP):** I congratulate Roseanna Cunningham on securing the debate, not only because this is the first members' debate in the new session, but because the issue is important. I thank her for raising it.

I pay tribute to George Parsonage, who has rescued more than 1,500 people from the River Clyde, and who was awarded a silver medal by the Royal Humane Society—the first of its kind in more than 100 years. The society was established in 1790 and is said to be the oldest life-saving society in the world. It has been forced to withdraw from Glasgow because of health and safety regulations, if members can believe that. George Parsonage, who continues to live beside the Clyde and is constantly vigilant, can no longer do his excellent work, which is very sad. I pay tribute to George for all his hard work.

As Roseanna Cunningham said, the situation in respect of rescue requires urgent review. I accept

Strathclyde Fire and Rescue's point that it

"currently provides a Water Rescue capability throughout its area".

Roseanna touched on that, but the capability covers a very small area rather than the whole Clyde. No separate budget is allocated to water rescue training—costs must be absorbed by the central training budget. That cannot be right.

The anomaly can be traced back to the Fire (Scotland) Act 2005 which, among other things, gave ministers—maybe the minister will listen to this—the power to make an order conferring additional functions on the service, under its duty to respond to other, non-fire emergencies. Unfortunately, after consultation no order was made to deal with water rescue, except in the case of serious flooding. As a result, dealing with water rescue is left to each FRA, as has already been pointed out. I urge the minister to consult all FRAs, with a view to laying an order that would apply throughout Scotland and which would require FRAs to deal with water rescue.

We must address the serious issue that people may be disciplined for trying to do this humane work. We must also ensure that resources for training are not taken from central budgets but are allocated independently by the minister to each FRA. I hope that the minister will look favourably on those suggestions.

17:22

**Jamie McGrigor (Highlands and Islands) (Con):** I congratulate Roseanna Cunningham on bringing this important matter to the chamber. I speak as an MSP for the Highlands and Islands, which contains many fast-moving and slow-moving rivers and many inland freshwater lochs—some huge and some small. Sadly, each year in those waters the lives of people who are taking part in sports such as angling, canoeing and kayaking, and others who simply go for a swim and are overtaken by currents or cold, are lost. The police, emergency services and the coastguard do a wonderful job when they are called out, but Roseanna Cunningham's motion will help to highlight the increasing number of accidents that occur in water in Scotland. I congratulate her on that.

I have a question for the minister about hidden reefs and rocks and submerged crannogs in our Scottish lochs. Is anyone responsible for marking those hazards, which contribute so much to loss of life in water, through boating accidents? I have asked the question before in Parliament, but I have not yet received a satisfactory answer.

17:23

**The Minister for Community Safety (Fergus Ewing):** I thank all those who have stayed to contribute to and listen to this evening's debate. In particular, I thank Roseanna Cunningham for initiating the first members' business debate of the third session of the Scottish Parliament. I am aware that Roseanna has pursued the issue as a result of a constituent's coming to see her about a problem, and that she has done so tenaciously and doggedly, as is her wont. I believe that that doggedness is not about to cease and I welcome the opportunity that her motion has given us to debate the issues that arise from it.

The primary statutory duty for protecting life rests with the police, which is the main point that I made in response to the oral question that Roseanna Cunningham asked on the matter last week. However, out of respect for her and for the importance of the issue—given that lives are at stake—I decided to look up the relevant statutory provisions, which are contained in the Police (Scotland) Act 1967, as amended. The act sets out the overarching duty of the constables of a police force. It is:

"to guard, patrol and watch so as—

- (i) to prevent the commission of offences.
- (ii) to preserve order, and
- (iii) to protect life and property".

Plainly, this debate is concerned with the protection of life element of the duty. The motto of the police is "Semper vigilo", so it is important to set in context the fact that their overarching responsibility is to discharge that statutory function in Scotland. They might well carry out that duty in partnership with the fire and rescue services; with, as Elizabeth Smith pointed out, mountain rescue; with, as Jamie McGrigor mentioned, the coastguard; and with others. However, we must not forget that, under the law, the police alone have that primary statutory responsibility.

Given that the duty already rests with the police, I am not convinced that there is a need to extend it to anyone else. Indeed, in ways that I hope to develop, it might be counterproductive to do so. Fire and rescue services can and do respond to requests for assistance from the police, and there is no question of their ever refusing to attend.

Elizabeth Smith, in particular, highlighted the issue of flooding. As a result of an episode in Tayside, the Fire (Additional Function) (Scotland) Order 2005 placed a new responsibility on fire and rescue services to make provision for

"rescuing people trapped, or likely to become trapped, by water ... in the event of"

flooding. I can inform Parliament that more than £500,000 has been spent on equipping our eight

fire and rescue services with dry suits, boots, gloves, personal flotation devices, floating stretchers and rescue sleds to ensure that they comply with the terms of that order. I also know that thermal imaging equipment, which is particularly valuable in locating a body in moving water, has been purchased and is available. Each fire and rescue service now has such water rescue equipment, but the key point is that we need to distinguish between still and fast-moving water.

The equipment that has been provided under the 2005 order is essentially for use in flooded areas that would under normal circumstances be classed as dry land. However, it is much more dangerous to effect a rescue in moving water. Indeed, that very fact was highlighted just this week with the sad death of a young boy in the River Ayr. I am sure that we would all want to emphasise the extreme danger of swimming in, or even entering, moving water. As I recall from my climbing days, the force of water even in very small burns can be huge and can take a person completely unawares. The point is that we must distinguish between flooding and rivers.

I am duty bound to make it clear that Tom Brown, to whose courage I paid tribute last week, acted outwith the standing instructions. However, I have been informed by officials that no disciplinary action against him has been considered. Nevertheless, I say to Roseanna Cunningham that I seek further comments from each police constabulary and fire and rescue service to address the point that has been raised by various members about the need for more equipment and training.

**Roseanna Cunningham:** Does the minister accept that, notwithstanding the statutory position, the import of the many letters that I have received from various constabularies around Scotland is that, in the main, the police are not carrying out the duty? In the two very large cases—Strathclyde and Lothian and the Borders—the fire and rescue services do so, seemingly without reference to the police. In other areas where the police force does respond, its response has been that no one is trained in the task and that they do not actually carry out the duty.

**Fergus Ewing:** I understand entirely the point that Roseanna Cunningham makes. In mountain rescue, although the legal duty rests with the police, many rescues are carried out by civilian mountain rescue teams—which are accountable through the Mountain Rescue Committee of Scotland—and the Royal Air Force. The police have the statutory duty and are ultimately in control, but Roseanna Cunningham is absolutely right to state that, in practice, it is often firefighters who are asked to attend incidents involving moving water.

I should say that the Executive has received no request from chief officers in respect of funding for training and that variation in provision is largely down to the varying geography of Scotland. It would be strange if it were not thus.

More consideration needs to be given to the issue and I say to Roseanna Cunningham that that will be done, so I would be grateful if she would share with me the correspondence to which she referred. I undertake that my officials will give it proper and full consideration, given that lives are at risk.

Stefan Tymkewycz set out clearly the dilemma that faces everyone in such situations—firefighters, in particular—which is whether to attempt a rescue by entering moving water in a river. That is a very real human dilemma. In conclusion, I underscore the fact that the primary responsibility of every mountain rescue team member, every policeman and every firefighter is to have proper regard for their own safety. I know that all the members of those services take that obligation very seriously.

*Meeting closed at 17:32.*

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