

MEETING OF THE PARLIAMENT

Thursday 28 June 2007

Session 3

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Scottish Parliament

Thursday 28 June 2007

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

Strategic Spending Review

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a statement by John Swinney on the approach to the strategic spending review. The minister will take questions at the end of his statement, so there should be no interventions. Mr Swinney, you have 10 minutes—I beg your pardon, you have 15 minutes.

09:15

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Thank you for that heart-stopping moment, Presiding Officer.

I will make a statement about this year's Scottish strategic spending review and the context in which our future spending plans are set. Before I do so, I am required to look back at the previous financial year by announcing the provisional outturn figures for 2006-07.

The agreement with Parliament states that the Scottish Government should report the outturn position against each of the budgets authorised by the Parliament in the spring budget revision. The outturn position for 2006-07 will be reported against the final budgets authorised by Parliament in the spring budget revision in January 2007. Further details of the underspend for 2006-07 are contained in a supporting document entitled "Provisional Outturn 2006-07", which I have published today alongside this statement. Copies are available in the Scottish Parliament information centre, which is the normal arrangement.

Before I provide details of those numbers, it is worth reminding members why we have end-year flexibility. The process originates from the parliamentary principle of authorising budgets annually. The Parliament approves the Government's spending plans for only one year. If we do not undertake all the spending by 31 March, we need to return to Parliament to have that expenditure reauthorised in the following financial year.

The provisional outturn supporting document shows that last year the Scottish Government spent £106 million less than the budget that the Parliament approved in the spring budget revision. Arms-length bodies, including bodies such as

Scottish Water and the Forestry Commission Scotland, spent a further £136 million less than their approved budgets.

Taken together, this year's shortfalls total £242 million against the spring budget revision. However, the end-year flexibility mechanism operates only on the departmental expenditure limit portion of the Scottish budget. In 2006-07, the unspent portion of the total DEL budget was £135 million. That is part of the £242 million underspend against the spring budget revision.

My Cabinet colleagues and I have decided not to allocate any of this year's end-year flexibility to portfolios at this time, with a view to considering those resources alongside decisions that are to be taken as part of the forthcoming 2007 strategic spending review. Those resources will be used to benefit Scotland in line with the new Government's priorities. They will be added to the cumulative balance of end-year flexibility that is held at HM Treasury, which the previous Scottish Administrations have allowed to build up over the past seven years.

At the end of 2005-06, the Scottish Executive's cumulative balance of EYF at HM Treasury was £1.454 billion. Last year, the Minister for Finance and Public Service Reform indicated that he planned to reduce the balance of money at HM Treasury from £1.45 billion by drawing down £780 million by the end of 2007-08. The fact that, one year into that two-year period, the balance has in fact increased slightly to £1.5 billion suggests that that target is unlikely to be met.

Those resources are Scottish resources and the Government will expect to obtain access to them when and where they are required to enable us to deliver on our commitments and priorities. The money can be used to help us to meet existing pressures; to contribute towards our priorities for Scotland; and to help us to manage during the period of lower budgetary growth that we expect from the 2007 spending review. I am reviewing what resources need to be drawn down in 2007-08, with a view to maximising flexibility during the spending review period to 2010-11.

As I set out in the approach to government debate, we must expect a period of lower growth in public spending in the next spending round. Since devolution, we have seen large increases in public spending in Scotland, from a high of 11 per cent in real terms in 2000-01 to around 5 per cent for most of the following years. In this financial year, the real-terms increase was 2.4 per cent.

Annual increases for this spending review will not be of the level to which we have become accustomed but will be significantly lower. That will mean that to deliver on our manifesto and achieve our strategic objectives we will have to make

tough strategic decisions. However, we will not be making the difficult choices in isolation. We are already involving more people in reaching these decisions, which is shown by our early publication of the budget review report, which is commonly known as the Howat report.

All of that is telling us that we will require to demonstrate good financial discipline to deliver our strategic objectives in this more constrained fiscal environment. As part of our drive to get the most value from the money that we spend, we will take forward a sustained programme of efficiency and reform. That will come partly through a new efficiency programme to deliver a minimum of 1.5 per cent annual efficiency savings from across the public sector, providing a more streamlined, effective and efficient public service. We will ensure that public service workers are better placed to meet the needs of front-line services. The public sector must be able to use and share its own resources and skills better to ensure that they are redistributed to where they can be used most effectively.

Last month, I told Parliament that we would be taking action to declutter and simplify the landscape of public sector organisations. Reforming public services is essential if we are to maintain a sustainable public sector.

As members know, the former Chancellor of the Exchequer, who is now the Prime Minister, has announced a delay to the United Kingdom comprehensive spending review announcement. That means that we will find out the Scottish settlement three months later than we would in a normal spending review year, probably in mid-October. We will finalise and publish our spending plans as soon as possible after we know our overall budget.

I have already had a helpful discussion with the convener and deputy convener of the Finance Committee to maximize the opportunity available to scrutinise the Government's budget within a timescale that has been shortened due to circumstances outwith our control. Although time for the overall process of a spending review and consideration of our budget by Parliament will be three months shorter than normal, I have recommended a timetable that protects the two-month period of detailed scrutiny that is normally available to parliamentary committees. I look forward to discussing that approach with the Finance Committee after the summer recess.

In addition, the Parliament will play a critical role in scrutinising the Government's spending plans after we have announced them later in the autumn. The Finance Committee and the subject committees will have a full opportunity to examine the detail of our spending plans following the publication of our plans and the draft budget

document. Those documents will at the same time be under the scrutiny of the people of Scotland. The process will be drawn together and will conclude with the Finance Committee report and recommendations on our spending proposals, which are likely to be published in late January or early February.

The spending plans for 2008-09 will receive further examination by the Parliament through the annual budget approval process, which will allow additional debate and scrutiny to be undertaken. That demonstrates clearly the transparency, openness and consultative nature of the Scottish budget process.

I acknowledge that the timing of the announcement of the strategic spending review outcome will impact on the notice that we can give delivery bodies of their allocations for 2008 to 2011. It is essential that, despite the delay in announcing the CSR, we still have a budget in place timeously in early 2008 to fund our public services properly. We will work with our delivery partners to minimise any disruption so that they can maintain a smooth service to their customers.

We will set three-year spending plans that take us to the end of this parliamentary session—2008-09 to 2010-11. Along with my cabinet secretary and ministerial colleagues, I will be in dialogue with a range of stakeholders over the summer to gather evidence and views on how we can use the spending review to set spending plans that will enable us to fulfil our purpose and achieve our strategic objectives.

A key focus of those discussions will be to establish a new relationship with local government—one in which we can work together in partnership and in which we recognise local government's central role in the governance of Scotland, there is less prescription from central Government and local government has greater freedom to exercise its responsibilities.

We therefore intend to ensure that there is a settlement and a financial framework for local government over the spending review period that will let it deliver across the range of its functions and will, in return, help us to deliver on our strategic objectives and key commitments, including freezing council tax rates at 2007-08 levels while we work to introduce a fairer system of local taxation to replace the council tax. The appropriate funding for local government will therefore be an important outcome of the 2007 spending review.

I want to describe the direction that we will take to the strategic spending review. Our move towards smaller government will assist us in undertaking the spending review in a more strategic and focused way. The outcome of the

review will be an important step in allowing us to fulfil our purpose: to focus government and public services on creating a more successful country, with opportunities for the whole of Scotland to flourish, through increasing sustainable economic growth.

The review will centre on achieving our five strategic objectives: to make Scotland wealthier and fairer; to enable Scotland's people to become healthier; to enable our communities to become safer and stronger; to enable our people to succeed and to become smarter; and to enable Scotland to become greener. In the past few weeks, we have provided Parliament with the opportunity to debate each of those objectives and for members to build consensus through discussion. Where we thought that doing so was important, we have announced initial commitments, such as abolishing the graduate endowment fee and reversing the decision to close accident and emergency services at Ayr and Monklands hospitals. The spending review will allow us to set out our overall plans for the parliamentary session. We want to refocus government and public services to create a more successful Scotland and to align our resources to deliver on our purpose, strategic objectives and commitments.

We will build a performance framework around our five top-level objectives. In the strategic spending review, we will focus on a smaller number of targets than has been the case in the past, and we will make those targets more meaningful. The framework will be a further improvement on the current set of targets, and it will build on the findings in the Finance Committee's legacy paper from the previous session. The new framework will help the new Finance Committee and subject committees to understand our priorities and to hold us accountable for them. It will remove the proliferation of competing priorities.

I look forward to coming back to Parliament in the late autumn to debate our forward-looking spending plans. Our new approach will present plans that will deliver a better future for Scotland and a Scotland that is full of opportunity. Scotland deserves nothing less.

The Presiding Officer: The minister will now take questions on the issues that his statement has raised. I intend to allow around 30 minutes for questions.

Ms Wendy Alexander (Paisley North) (Lab): I welcome the cabinet secretary's statement.

On a morning on which the media are full of the virtues of substance over spin, the cabinet secretary's talk of tight financial discipline rings a little hollow. Of course, the substance of the

Administration's approach so far has been to spend, spend, spend on populist promises and to stall, stall, stall on the tough issues. The statement hints at a new dimension: to stir, stir, stir with the rest of the UK. Is Mr Swinney set to become Oliver and ask for more, more, more in attempting to make his sums add up?

I have three questions. First, there was a climbdown over transport plans yesterday. Has there been another climbdown? Is the pledge to freeze council tax rates a promise or an option? Will the cabinet secretary confirm that the guaranteed cash cuts to councils currently run at £180 million to maintain the business rate reduction, £122 million to extend that reduction and £65 million to freeze council tax rates? That comes to a total of £367 million for next year. Will those promised cash cuts to local services by central Government be fully funded—yes or no?

Secondly, the cabinet secretary is anxious to burnish his reputation for prudence. Therefore, why is it right that Scottish taxpayers should look forward to only half the efficiency savings that are planned for the rest of the UK? The Scottish National Party's savings target of 50 per cent is less ambitious than the 60 per cent target that the previous Administration set and delivered.

Finally, Mr Swinney said that the public sector must use its resources more effectively. Why, then, has his Administration moved in recent weeks against private sector participation to assist in the provision of public services free at the point of use in areas such as health, education and criminal justice? How can such an approach possibly assist efficiency or effectiveness?

John Swinney: I thought that after the hungry caterpillar escapade Wendy Alexander might have learned something about how to approach parliamentary statements, but her approach on this occasion has been no better than it was then.

Ms Alexander: Answer the questions.

John Swinney: Believe you me, I will answer them.

Wendy Alexander asked about the council tax freeze. I am afraid that she is living in the past. The previous Government had a dreadful reputation with local government, but I want a complete contrast: I want to create a constructive relationship with local government. I want to work with it to establish a council tax freeze. Yesterday, I made it clear to the Local Government and Communities Committee that I want to work with councils to deliver that freeze, and that we will include a range of issues in our discussions and dialogue with local authorities, because it is better, more efficient and more effective to collaborate with them to deliver the council tax freeze that we

promised the people of Scotland. That will be my priority.

Secondly, Wendy Alexander should get her story straight about efficiency savings.

Ms Alexander: Fifty per cent is not 60 per cent.

The Presiding Officer: Order.

John Swinney: Throughout the election campaign, Labour Party members such as Wendy Alexander, Andy Kerr and Jack McConnell went round the country saying that we would reduce public services through efficiency savings of 1.5 per cent. Wendy Alexander is demanding, not for the first or second time but for the third time, that I deliver efficiency savings of 3 per cent, which we all know is the line of argument in the United Kingdom Government. However, such savings would offer no guarantee that compulsory redundancies or service cuts could be resisted. I ask Ms Alexander to work out what side of the argument she is on. If she wants me to go for 3 per cent efficiency savings, she must accept the consequence. The country would be taken in the direction of having compulsory redundancies in the public sector. That is not the Administration's policy position.

Finally, on the involvement of the private sector, the Administration has made it clear that we want vibrant and effective public services. We do not see the value of some of the previous Administration's expensive experiments. In the years to come, the country will have to carry financial burdens as a result of deals that the previous Administration got us involved in. I hear Labour members muttering about prisons. My goodness, what a mess prison contracts are in. The Administration will look in a prudent and effective way at all the issues in order to deliver value for money and effective public services for Scotland. The previous Administration failed to do that, but the current Administration will succeed.

Derek Brownlee (South of Scotland) (Con): I thank the cabinet secretary for his statement.

Everybody who is interested in scrutinising the Scottish Government and its spending decisions effectively will be concerned at the implications of shortening the scrutiny process this year. I accept that the shortening of the process is not directly a consequence of the Government's actions, but what action will the Government take with respect to the UK Government to ensure that what has happened does not recur?

On the substance of the decisions that the Government will take later this year, the cabinet secretary said that he was involving the people in taking difficult decisions. Everybody realises that there will be difficult decisions to take as a consequence of the likely tightening of the

spending settlement. The cabinet secretary used his publication of the Howat review as evidence of his involving other people in taking difficult decisions. As a way of extending the scrutiny process and involving people in taking difficult decisions, will he publish the Government's response to each of the Howat recommendations and allow a parliamentary debate on the matter prior to the October recess?

John Swinney: I will explain more fully some of the implications of the spending review timescale. I said in my statement that the draft timetable that I proposed to the Finance Committee protects the two-month period for scrutiny of Government proposals by that committee and the subject committees. To make that possible, the Government is reducing the time that it would normally have to consider the implications of the spending review before publishing its own spending review decisions, from two and a half months to one month. Normally, we would have three months to prepare our budget after the announcement of the UK position, but we are reducing that to four weeks. That puts enormous pressure on civil servants to assist us in that work, but that is the timetable that I judge to be reasonable to protect parliamentary scrutiny.

The circumstances this year are unique—it is not every year that there is a change of Prime Minister and the chancellor becomes the Prime Minister. Various issues have come together to prevent the publication of the spending review as we might have liked. I cannot imagine that there will be many recurrences of the current situation. As part of the quadrilateral meeting of finance ministers, I will meet the Chief Secretary to the Treasury, whose appointment we await today, and the timescale will be one of the subjects discussed.

I said in the debate on the approach to government some weeks ago that the Government would publish the Howat report, which we did. I said that we would incorporate the Howat report and reflect on it as part of the evidence base for the strategic spending review. I am sure that it will be clear from the spending review which decisions we have accepted and which we have not. There will be plenty of opportunity in the budget process for Parliament to scrutinise the Government's decisions.

Tavish Scott (Shetland) (LD): I thank the cabinet secretary for the advance copy of his statement and his presentation of it this morning. Will he confirm that all the Howat recommendations are being assessed by the Government, except the one on Scottish Water, if I remember correctly his previous statement on the matter?

On spending commitments that the cabinet secretary and his ministerial colleagues have made since the Government was formed, if—as I heard him say—end-year flexibility is not to be used, will all such spending decisions this year and in future financial years have to come from existing resources?

Am I right to understand that some of the cabinet secretary's ministerial colleagues have ruled out using public-private partnership money—I think that he just said that to Wendy Alexander—whereas yesterday, Stewart Stevenson confirmed that PPP would be used for the M80? Perhaps the cabinet secretary will tell Parliament about the clear principle that is being followed with regard to the use of private resources.

The cabinet secretary spoke about the clutter of public bodies. His colleague Jim Mather gave fair evidence yesterday to the Economy, Energy and Tourism Committee about such clutter, but he did not say that legislation would be forthcoming to declutter—or whatever the appropriate word is—and reduce the number of bodies. When is Parliament to be told about the Government plans for the public sector, particularly in light of what I understand to be the decision not to shelve sportscotland, despite a previous commitment to do so?

I ask the cabinet secretary to expand on his point about the new partnership with local government. Surely the principle of freezing council tax rates, irrespective of whether that is a good or bad decision, will mean that no local authority has any leeway in the decisions that it makes about its income, and that the cabinet secretary will be completely in charge of councils' resources? Is that not the principle that is being established?

John Swinney: Mr Scott is correct about the Howat report: we are considering all its recommendations as part of the spending review with the exception of the provision on Scottish Water. Despite the fact that we are considering the recommendations, I would not like Mr Scott to think that we will accept them all.

I confirm that commitments that we have made since we came to office 43 days ago will be incorporated into the Government's existing financial plans. We will develop those, and any commitments beyond 2007-08 will be part of the spending review. We have to align the spending pattern with our priorities on an on-going basis.

Mr Scott asked about PPP, about which I am happy to give information to Parliament. The Government wishes to establish a Scottish futures trust to undertake more efficient borrowing and planning for projects. Parliament will be kept up to date on the preparatory work that is under way.

Our view on existing PPP projects—some of which we inherited from the previous Administration—is essentially pragmatic. Ministers are taking decisions about whether to allow projects to proceed—which we might do if a PPP project is well advanced and it would be disruptive to halt it—on a case-by-case basis. In that respect, we have in mind the interests of individuals and communities in Scotland.

On decluttering public bodies, I read with great interest the comments that my colleague the Minister for Enterprise, Energy and Tourism gave to the Economy, Energy and Tourism Committee yesterday, which clearly reflected the Government's priorities. We are determined to reduce the number of bodies that are actively involved in delivering many of the economic development services in Scotland and to ensure that all those services are well and effectively focused. If there are legislative implications from that process, which is being examined over the summer, we will bring them back to Parliament. However, it is putting the cart before the horse to talk about the legislation before we know the exact format that we will settle on.

On the new partnership with local government, I would like the Parliament to understand that my objective is to create a shared sense of purpose between us and local government. I do not want to tell local government what to do. I want local authorities to be free to take their decisions. I think that I am entitled to exercise some restraint on behalf of the hard-pressed taxpayers of Scotland, who were roundly ignored by the previous Administration, which presided over a 62 per cent increase in council tax over a 10-year period and took eight years to reflect, moan and worry about how unfair the council tax was while it did precisely nothing about it.

The Presiding Officer: All parties have fired their opening salvos. I ask that all questions be as brief as possible, because a lot of members have asked to speak and I want to get as many in as I can.

Alex Neil (Central Scotland) (SNP): I welcome the new strategy of tax and spend instead of tax and waste, which we had under the previous Administration. I ask the cabinet secretary to consider two points to which I know he cannot give a detailed reply today. First, on improving economic growth, eliminating poverty and dealing with the housing crisis, will the Cabinet give higher priority to affordable housing than did the previous Administration? In Scotland last year, we built only 25,000 houses, compared with the Republic of Ireland, which built 93,000 houses.

Secondly, will the cabinet secretary examine schemes such as the excellent proof of concept scheme, which dishes out money only in the form

of grant and provides no return on capital for the taxpayer? There is scope to improve private investment leverage and the return to the taxpayer in a number of areas. I urge my friend the cabinet secretary to consider those matters as well.

John Swinney: First, the Government has set out its intended direction in relation to housing supply. The financial consequences of that work will be considered within the spending review process at the end of the year.

Secondly, like Mr Neil, I am a great admirer of the proof of concept scheme approach, which has successfully assisted the development of a number of innovations. Jim Mather is actively considering that area of activity in relation to Scottish Enterprise's focus. We will examine interesting proposals wherever they come from with regard to strengthening the availability of investment opportunities for new ideas in Scotland.

Iain Gray (East Lothian) (Lab): The cabinet secretary acknowledged in his statement that the delay in the spending review announcement, which we fully accept is not of his making, will impact on the ability of delivery bodies to plan. However, the streamlining, decluttering and simplifying that Mr Swinney has talked about will do that, too.

The cabinet secretary did not entirely address the issue that Tavish Scott raised. When will he produce clear proposals that will show what is meant by decluttering? How will that run parallel to and dovetail with the spending plans process that he outlined earlier? How will the Parliament, its committees and other stakeholders engage with the decluttering process? What reassurances or, indeed, guarantees can he give that that is not just code for job cuts and service cuts?

John Swinney: First, there is a substantial point about the impact on delivery bodies. I am concerned about how much clarity and certainty we can give to delivery bodies, given that we will give them only relatively short notice of spending priorities. I have thought long and hard about that problem, but I cannot see an alternative way around it. However, we will work closely with delivery bodies to give as much certainty as possible.

Secondly, on decluttering, the Labour Party needs to go away for the summer recess and work out where it is going on some issues. The Labour Administration presided over increasing complexity in the government of Scotland. If members went out of Parliament and talked to any member of the public or any public organisation, they would be told that there is an enormous clutter of bodies and that the situation must be tackled. This Government is prepared to do that,

difficult though it will be, and we will pursue it through an orderly process. When that has been done, we will set out proposals to Parliament, which we will align with the spending review.

Iain Gray asked whether decluttering is "code for job cuts", while Wendy Alexander wants me to double the efficiency targets to a level at which it has been proved, under the Treasury's plans for the United Kingdom, they would deliver job cuts. Frankly, they need to get their line straight.

Brian Adam (Aberdeen North) (SNP): I welcome the cabinet secretary's announcement that he will access the £1.5 billion that the Treasury holds. Will any of that money be made available for the construction of the Aberdeen western peripheral route on the A90?

John Swinney: The £1.5 billion that is held at the Treasury can be accessed only through agreement between the Scottish Government and the United Kingdom Government. Obviously, that puts certain constraints on the amount of that resource that we can access. For example, in this financial year, we have an agreed and negotiated entitlement to draw down about £550 million from the £1.5 billion, which is the maximum that we can draw down. However, this is the only year for which a negotiated arrangement is in place. Obviously, I will seek to negotiate an arrangement with the Treasury in due course to guarantee our access to the resources.

Of course, the drawn-down money will be incorporated in the Executive's spending plans. The construction of the Aberdeen western peripheral route is part of those plans, so there would be every opportunity for the money to be used for it.

Liam McArthur (Orkney) (LD): I welcome the cabinet secretary's commitment to safeguard the time available to the Finance Committee and the subject committees to scrutinise the budget. I dutifully checked the text of the cabinet secretary's statement against his delivery of it, and noted that the text suggested that the council tax freeze would be at 2006-07 levels. I may have misheard the cabinet secretary, but he seemed to indicate that rates would be frozen at 2007-08 levels. Perhaps he can clarify whether that will be optional or whether it is a commitment.

The Cabinet Secretary for Rural Affairs and the Environment announced earlier this month a £10 million fund to help new entrants into agriculture under the Scottish rural development programme. It subsequently emerged that that was a one-off payment. Perhaps the cabinet secretary can confirm whether that is the case and, if so, whether it is the result of pressure from him to cut back on the budget.

John Swinney: Liam McArthur is correct that the printed version of my statement that was given to Opposition parties at 8.15 this morning says that council tax rates will be frozen at 2006-07 levels. I did not spot that earlier this morning, but I am thankful that I spotted it before I delivered the words to the chamber. I confirm that the freeze will be, in cash terms, at 2007-08 levels. I thank Mr McArthur for giving me the opportunity to expunge the printed dates from any possible record and recollection that could be thrown back at me by anybody sitting to my right or left in the chamber.

On Mr McArthur's point on the rural development programme, I had the fortunate opportunity last Friday to visit the Royal Highland show, where I met a considerable number of representatives from the agricultural community, who told me that the Cabinet Secretary for Rural Affairs and the Environment had delivered a fantastic arrangement for the rural development programme and that they were grateful for his strong and effective representation of their interests in the Government.

Elaine Murray (Dumfries) (Lab): The minister is a former member of the Finance Committee, so he will be well aware of the importance that it places on publishing baseline data to allow efficiency savings to be quantified. Can he confirm that the Executive intends to publish baseline budgets, so that Parliament can be assured that the promised minimum 1.5 per cent cash-releasing efficiency savings can be calculated?

Can the minister clarify whether all existing PPP arrangements, including those in which preferred bidders have been announced but contracts have not been signed, will be allowed to continue?

John Swinney: On baseline data, I am considering what can be done to strengthen the availability of that data to ensure that we have a robust examination of efficiency savings.

On PPP contracts, I said earlier that the Government will take a pragmatic look at every PPP project. Some are at a more advanced stage than others. The Government will ensure that, where commitments have been given and projects are at such an advanced stage that it would be disruptive not to proceed with them, the Government will honour them.

Keith Brown (Ochil) (SNP): Can the cabinet secretary confirm that growth will be essential to the Scottish Government's ambitions for creating a wealthier Scotland? Can he give us further information on how he intends to ensure that the spending review will help Scotland's businesses to grow, particularly small business? Can he indicate the extent to which that will have a beneficial impact on town centres, such as Alloa town centre, which were so disparaged by the former

First Minister during the election campaign? Further, can the minister say something about the current plethora of performance reporting? Does he intend to do something about that to relieve the burden on local authorities from inspectorates, audits and performance reporting?

John Swinney: Economic growth will be central to the Government's decisions. I said in my statement that the spending review will focus the Government and public services on creating a more successful country, with opportunities for all Scotland to flourish through increasing sustainable economic growth. That will be at the heart of our decisions and it will be supported by our five strategic objectives.

On supporting small businesses in town centres, I have much sympathy with Mr Brown's view on the position of small towns. I represent a constituency that is a collection of small towns that have far too many vacant premises in their centres. I hope that the Government's stated intention to reduce business rates for small companies as part of the spending review will help.

On the plethora of performance reporting, investigation, examination and review that is carried out in local authorities and other public agencies, everybody realises that there must be reporting and monitoring of some form, but there is a ridiculous level of investigation of local authorities. I have been utterly persuaded of that by representations from local authority leaders, who say that they are overinspected and overreviewed by numerous bodies that duplicate what each does. If that is not an argument for decluttering, I do not know what is.

I was greatly heartened by the interim report of Professor Lorne Crerar, who is looking into the burden of regulation. I look forward to receiving his proposals later in the summer and to taking early action to pursue the issues that he raises.

Richard Baker (North East Scotland) (Lab): I am pleased to hear that the cabinet secretary will continue to award three-year spending settlements to local authorities. I understand that he does not want to be prescriptive, but will he be proactive in encouraging local authorities to award three-year funding settlements to the voluntary sector organisations that they contract to carry out vital local public services?

John Swinney: It would be good practice if that were delivered. As part of my discussions with local authorities, I will take forward that approach, because it gives organisations sustainability, continuity and clarity about where they are going. One of my worries about the period between now and the start of the next financial year is that there will be less time for us to put some of that in place,

but I will pursue that objective with local authorities and other bodies.

George Foulkes (Lothians) (Lab): I want to be helpful. Does John Swinney remember the rates rebels in Troon who panicked George Younger, Michael Forsyth and Margaret Thatcher into bringing in the poll tax? Does he also remember the riots in Surrey, which forced them to get rid of the poll tax and bring in the council tax? Does he recall that just transferring from rates to the poll tax cost hundreds of millions of pounds, none of which went to local authorities and all of which was used administratively to change from one system to the other? Then, when they changed from the poll tax to the council tax, hundreds of millions were spent again. Moving from the council tax to the so-called local income tax—which is not local—will cost at least £100 million, and probably many more hundreds of millions. That will be the cost just for moving from one system to the other, without any benefit to the council tax payer.

The Presiding Officer: Question, please.

George Foulkes: Can John Swinney in all conscience not think again about his plans to change from the council tax to another form of financing local government? It will cost huge amounts of money and benefit no one. Can he not think again?

John Swinney: I am not sure what has happened to George Foulkes's cheery disposition that I always used to see. What a terrible tale of woe that was.

The Government is absolutely committed to replacing the unfair, oppressive council tax with a fair system of local income tax. One of the great joys of the many in the past 43 days in which we have been in office has been the co-operation that we managed to put together with our friends in the Liberal Democrats to secure the first parliamentary majority in favour of the abolition of the council tax and the introduction of a local income tax. It was a welcome piece of political co-operation, and I look forward to the will of Parliament being respected by everybody on that important point.

James Kelly (Glasgow Rutherglen) (Lab): The cabinet secretary has acknowledged that he will consider the Howat report as he prepares for the forthcoming spending review. On transport, I am sure that he welcomes the fact that the number of bus journeys has increased by 5 per cent since 2000-01. Therefore will he give an assurance that he will treat with extreme caution the Howat report recommendation to remove £57 million from bus company subsidies, as that would increase fares by 17 per cent and hinder the progress that is being made in support of public transport?

John Swinney: I said in response to Tavish Scott that we are considering all the options in the

Howat report but that we will not implement all of them. Clearly, a number of propositions in the report are more developed and credible than others, and the Government will apply a number of tests before we make any decisions on them. I note the points that Mr Kelly has raised.

David Whitton (Strathkelvin and Bearsden) (Lab): The cabinet secretary made an intemperate passing reference to the prisons budget earlier. I understand that his colleague the Cabinet Secretary for Justice got a bit of a shock when he asked how much it would cost to renationalise Kilmarnock prison and buy out the Addiewell contract. However, I am concerned about Low Moss prison in my constituency, the contract for which is at the second stage of bidding. Four private companies are involved in that expensive process. Can the cabinet secretary tell me today whether a new Low Moss prison will be built?

John Swinney: At my most generous, I would have to say that I do not think that the existing contracts for Kilmarnock and Addiewell were particularly well negotiated by the previous Administration. On replacing Low Moss prison, the Cabinet Secretary for Justice will make appropriate announcements when he is ready, in the considered fashion that Mr Whitton would expect from the new Administration.

Health and Well-being

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on the health and well-being of the people of Scotland.

10:00

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): This is the fifth and final debate on the Government's strategic objectives. We have had some constructive debates in the past few weeks, and I hope that we will continue in the same vein this morning.

The Government knows that, to the people of Scotland, good health and a first-class national health service are of the utmost importance. I am sure that all members agree with that. In today's debate, I want to set out our overall approach to health and well-being and to outline in general terms our programme for the first year. However, I make it clear that today is also about listening: I want to hear the views of other members of all parties, and I undertake to respond positively whenever possible.

As members know, the Government has five strategic objectives. I have primary responsibility for the objective of making Scotland healthier—although this morning I would settle for making myself feel healthier—and that responsibility has two key elements. First, we have a commitment to improve health and tackle inequalities and, secondly, we have a clear commitment to deliver a first-class national health service.

We all know that Scotland still faces significant challenges in health improvement. Our life expectancy is poor in comparison with other developed nations and we have an ageing population. We have seen, and continue to see, growth in long-term conditions, and we face growing health inequalities.

Some progress is being made. Deaths from heart disease have fallen by 30 per cent since 1999 and there has been a steady increase in life expectancy. However, in spite of those whole-population improvements, the health gap between the richest and poorest people in our society has widened. That is not acceptable in any country, but it is particularly unacceptable in a country as rich as Scotland.

There is no doubt that smoking and alcohol continue to be key contributory factors to poor health. That is disproportionately so in our most deprived communities, which is why we have already announced that we will legislate to raise, from October this year, the age at which tobacco

can be purchased from 16 to 18. We will also publish by spring next year a far-reaching smoking prevention action plan that will build on the success of the ban on smoking in public places and continue to reduce overall levels of smoking, which is the single most damaging activity to health in Scotland.

We will honour our manifesto commitment to clamp down hard on those who sell alcohol to underage children, but we also want to encourage a much wider dialogue about Scotland's relationship with alcohol—a dialogue that extends across all age and socioeconomic groups. We will look to develop a long-term strategy to deal with alcohol misuse in Scotland by building on the political and public consensus that I believe is growing on the issue.

It stands to reason that, if we are to close the health divide, we must drive improvements further and faster in our most disadvantaged communities and we must do more than just offer equal access to health care. We must be proactive in getting health care and advice to those who need it most, so to that end I am determined to build on the anticipatory care work that was started under the previous Administration.

We also recognise that the biggest challenge of all is to break the intergenerational cycle of ill health. We must do more to prevent the same problems from occurring in future generations as have blighted past and current generations, which is why as a Government we will focus more on children's earliest years by ensuring that they get a healthy start in life and helping to prevent problems from developing later at home or in school.

Robin Harper (Lothians) (Green): Will the minister respond to the opinion that was voiced recently at a conference organised by Scotland's Commissioner for Children and Young People to the effect that the training and appointment of at least 1,000 health visitors would do more for the most disadvantaged children in our society than almost anything else the Government could do?

Nicola Sturgeon: I agree with that sentiment. The member will recall that in our manifesto we made much of the importance of health checks in schools. We plan to pilot such checks in our most disadvantaged areas, in particular. Such action is characteristic of the approach that we will take to improving health.

Robin Harper's intervention leads on appropriately to my next point. Clearly, the environment in which people live and the prosperity that they enjoy have significant impacts on their health and well-being. That is why it is so important that responsibility for housing, regeneration and tackling poverty lie within my

portfolio. The work that Stewart Maxwell is leading to tackle problems of housing supply and quality is just as important for our country's health and well-being as it is for our economy.

The Government does not presume that it has all the answers to tackling inequality—that challenge will require collaboration and willingness to learn from what works elsewhere. That is why I have asked the Minister for Public Health to convene a short-life task force to refresh our thinking on the best approaches. I intend to invite health ministers from the United Kingdom and Europe to a Scottish summit on health inequalities early in the new year, so that we can share best practice and learn from one another.

The second key component of my strategic objective is the delivery of first-class NHS health services. I acknowledge that we have inherited an NHS that is in good health and that it is, through the good work of its staff, delivering quality services. However, much remains to be done. As an ambitious Government, we want to continue to drive through improvements to deliver even better NHS services in the future. We are determined to make swift progress.

I have already announced the continuation of accident and emergency services at Ayr and Monklands hospitals; a review of free personal care, to be headed by Lord Sutherland; the abolition of hidden waiting lists by the end of this year at the latest, and earlier if possible; the opening of discussions with general practitioners about more flexible access to primary care services; implementation in full of the NHS pay award from July this year; the extension of contracts for junior doctors who have yet to secure a training post; and a commitment to shape a recruitment system for the future that better serves Scotland's interests. We have also made clear our firm intention to phase out prescription charges, starting in April next year, and to introduce the HPV vaccine against cervical cancer. Of course, we are committed to using taxpayers' money to build up the national health service, not to expand the private sector.

Andy Kerr (East Kilbride) (Lab): I share the minister's sentiments about many of the honourable things that the Government has done so far. However, will she tell me the size of the private sector in health in Scotland? How many beds and operating theatres does it have, as compared with the number of beds and operating theatres in the NHS?

Nicola Sturgeon: The private sector is minuscule compared with the NHS, but it was the policy of the Administration of which the member was part to build capacity in the private sector so that it could compete with the NHS. This Government will not continue that policy, because

we believe in investment in the national health service to meet the needs of the Scottish public.

Johann Lamont (Glasgow Pollok) (Lab)
rose—

Nicola Sturgeon: I will not take another intervention at the moment.

I have set out that proposals for service change will in the future be subjected to robust scrutiny by an independent panel and that, when taking final decisions, I will operate a policy presumption against centralisation. All in all, that is not bad for our first six weeks in office.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the minister give way?

Nicola Sturgeon: I would like to make some progress.

For the longer term, I intend to develop and to publish by the end of the year a refreshed action plan to implement the principles for health care policy and delivery that were outlined in the Kerr report; I refer to David, not Andy, Kerr. The new action plan will outline the Government's health care strategy and key actions for the next three years and will focus the NHS on key targets for 2008-09 and beyond. The plan will be developed—as I believe is right—through widespread public and clinical consultation, but I confirm today that it will include a new and ambitious target for NHS waiting times: a new whole journey waiting time target of 18 weeks from general practitioner referral to treatment. I hope that all members will agree that that will represent a step change in the reduction of waiting times and that all patients will notice the difference. It will drive the transformation of NHS services and will put NHS Scotland at the forefront of international best practice. The action plan will set out how we intend to meet the target by December 2011.

The new Government has hit the ground running with a series of initiatives. The Cabinet will maintain that momentum by continuing to meet weekly over the summer to make further progress. After the recess, the Government will publish a programme setting out our proposals, which will include legislative and non-legislative measures. In the health and well-being portfolio we plan to develop legislative proposals to support some of our key objectives.

The Commonwealth games bid has the wholehearted support of Parliament and the nation. Legislation is necessary to support the bid—the consultation for that starts today. We will build on existing consultation to modernise Scotland's public health legislation, which dates from the 19th century and needs to be updated. Our manifesto also promised greater involvement of local people in the planning of health care, and an element of

direct election to NHS boards. We will consult on the legislation that is necessary for us to meet that aim. Those and other measures will form the Government's ambitious programme for Scotland.

So far, I have concentrated on issues that are specific to my portfolio, but the Government wants to usher in a new way of working. I cannot achieve a healthier Scotland and first-class health services without working with other portfolios. That cross-portfolio work is necessary to tackle the scourge of drugs in our communities, to tackle the misuse of alcohol and to focus work on early years intervention.

In addition to working across Government portfolios, we want to build consensus in Parliament and across Scotland to deliver our key objective. I will outline briefly two specific areas in which we can reach out across the chamber and make common cause for Scotland. One challenge that we face is our ageing population, which is why the Government is committed to making services for dementia a national priority. I hope that we can count on members' support on that. Likewise, I hope that we can work together to improve the position of carers in Scotland, who play a significant and often underappreciated role in health terms. We want to make rapid, significant and sustainable improvements in support for carers, including in respite care. I hope that there will be a cross-party consensus on that.

Today I have set out a serious programme for health from an ambitious Government, and I have signalled clearly our ambition and intent. I hope that I have made it clear that we want to work with all of Scotland, in and outwith Parliament, to deliver a healthier Scotland and first-class health services.

10:12

Andy Kerr (East Kilbride) (Lab): Labour set out a clear vision for our health service in Scotland—a vision based on the work of David Kerr, the team around him, members of the public, patients and the teams of experts from the Royal College of Nursing, the British Medical Association and other bodies who participated in the Kerr review process. The process drew on evidence from Scotland and abroad, and involved public meetings up and down the country. If the minister is in search of a vision, it already exists; I recommend it to her.

Although the Kerr report said that the NHS must change—I agree with what the minister said about many of the challenges that the NHS faces in Scotland—it also said that that should happen not because there is a crisis in the service but because the health needs of our communities have changed over time. At the end of her speech,

the minister reflected on some of those changes, such as the growth in the elderly population and in the number of people who are living longer with chronic long-term conditions. Other issues are the changing use of our accident and emergency services and the need to tackle health inequalities and to bring about health improvement.

The vision that David Kerr set out is supported by a consensus throughout Scotland, with the exception of the current ministerial team. A preventive, anticipatory model of care is required. We must get into the communities that are most in need of health care and face up to the challenge of the inverse care law—the fact that those who need our health service most are those who currently do not use it. The previous Labour-led Administration was doing exactly that, which is why prevention 2010 and the keep well programme existed and were working.

I listened to the minister's war on words, but I believe that the consensus on the future of our health service has been put at risk by the narrow, partisan interests of the Scottish National Party. I will develop that point, although I acknowledge what the minister said about the legacy that Labour has left. We have the shortest waiting times in the history of the NHS, but I share the minister's view that there is more work to be done. Labour has delivered the highest-ever investment in our NHS and the greatest-ever number of nurses, doctors, allied health professionals, consultants and health team staff to support them. It has delivered more hospitals and equipment; the smoking ban; the hungry for success initiative in our schools; the healthy working lives programme in our workplaces; the sexual health strategy and the investment that goes with it; and supervised toothbrushing in communities. All those initiatives are making a difference and require continuing support, as the figures for coronary heart disease, stroke and cancer that the minister highlighted make clear.

However, we still face many challenges in relation to, for example, smoking, alcohol, obesity, mental and sexual health and, of course, people's lifestyles. I am pleased that the SNP shares many of Labour's ambitions with regard to how we should tackle such issues, and I will work constructively with the cabinet secretary in that regard.

As the cabinet secretary pointed out, the real challenge is health inequality. That is why we developed the keep well programme, for example, which, through the investment of additional resources in the most challenged communities and by ensuring that the NHS went out into those communities or brought people to the service, has made a real difference. In the programme, which is based on prevention, individuals and their

families are analysed and risk assessed, and intervention to resolve their problems through primary and secondary care takes place at local level. The programme has been particularly successful in Lanarkshire where, of the thousands of patients who have either been brought to or been visited by the NHS, almost half have been referred to other NHS services. I hope that the minister will allow that anticipatory and preventive model to continue to deliver in the communities that need those services most.

If, as I believe the minister indicated, the SNP shares our analysis of health inequalities, we need to target resources not only at the health services but at the wider interests in her portfolio. As a result, I was pleased to hear her comments about housing, regeneration and the links between education and other matters, which should help to solve some of those problems.

The way in which we fund our national health service is central to our ability to tackle the problems, but I am uncertain whether the cabinet secretary is willing to take the tough decisions that will be needed to move the health service's resources to the communities that are in most need. As I said, Labour set out a clear and shared vision for the NHS, which I believe has been undermined by some recent decisions. For example, the rational and evidence-led health policy has gone, to be replaced by a policy in which votes, petitions and the SNP's short-term interest might hold sway over other arguments. In fact, I fear that the cabinet secretary might well have squandered what I believe was a unique opportunity that was presented by the coalition of interests around, and passion for, David Kerr's report to develop a progressive health service for Scotland that would be led by preventive, anticipatory measures, that would tackle ill-health and that would consciously shift the balance of care from secondary care services, such as are provided in the big acute hospitals, to the primary facilities that will make a real difference in changing the people of Scotland's life opportunities, life chances and health and well-being.

Nicola Sturgeon: I reassure Andy Kerr that I am willing to take tough decisions. However, I will not knowingly take the wrong ones. I think that he is skirting around the issue of accident and emergency services at Monklands and Ayr. I ask him to reflect on the fact that my decisions were supported not only by members of my own party but by members on his, the Tory and the Liberal benches. On that issue, Andy Kerr is in the minority, not me.

Andy Kerr: If that is the case, I am in good company, because that minority includes the area clinical forums in NHS Ayrshire and Arran and

NHS Lanarkshire; the weight of evidence in the Kerr report supporting the specialisation of A and E services; and consultants such as Gavin Tait and John Browning from Lanarkshire. The cabinet secretary fails to understand that Labour members supported the move from three to two A and E units in the area and the need to specialise in accident and emergency as well as in other services in Scotland. There were differences on our benches over whether the two units should be located at Wishaw and Hairmyres or at Wishaw and Monklands, but we understood the absolute necessity to move from three to two. I do not know whether the minister has read the wealth of international evidence on the matter—I can certainly pass it on to her—but it shows that patient survival rates in relation to neuroscience, heart and other treatments improve in a specialised A and E environment.

I was not going to skitter—or whatever word the minister used—around the issue of A and E, because it lies at the heart of our belief that she is radically undermining the Kerr report and the delivering for health strategy. The fact is that on this matter the SNP has failed the test of leadership.

Let us consider the SNP's record so far. Despite all the talk about hidden waiting lists, the minister has not put forward one bit of evidence—even in her responses to recent questions in the chamber—to prove that there has been any abuse of the availability status codes system or that anything has been hidden. Moreover, despite the headline-grabbing moves on cancer, the measures simply continue the previous Executive's work. The same is true of nurses' pay.

Furthermore, let us return to the key decision to reverse earlier decisions on A and E departments. Although we have not heard much about them this morning, the minister has, in the past, mentioned independent scrutiny panels. Why does she not use one of those panels to test her arguments about A and E services in Lanarkshire and Ayrshire? She seems to be saying that they can scrutinise her instructions to the health boards on how to implement her decisions, but not the decisions themselves. She is simply abdicating her responsibility to the people of Ayrshire and Lanarkshire to be fair and transparent.

Gavin Tait has already asked whether Ms Sturgeon will take responsibility for the future crisis that will emerge in emergency care, and for the lives that will be damaged or lost—for want of the best specialist care—in a second-rate A and E department. The clinical community has put forward compelling arguments on this issue, and the evidence supports the view that was set out by David Kerr in his national framework document. Indeed, during the very process of putting together

that report, patient groups also supported his view. They understand the need to specialise in A and E, because, as with other NHS services, the most important issue is the outcome for patients.

The minister's strategy is simply a repetition of initiatives that were introduced by the previous Labour Administration and it is an undermining of the Kerr report's approach to health care. We have heard nothing about, for example, the SNP's promises to restore services at St John's hospital, Stobhill hospital and Queen Margaret's hospital or what will be done about the Vale of Leven hospital. That suggests that the health strategy's focus is based on narrow party-political interest, not on the interests of patients.

I want the minister to support our national health service, because it is a precious organisation full of committed people. However, I do not believe that what has been done up to now protects it. There have been warm words and hypocrisy, but the decisions that have been made undermine the whole approach to health care that I have outlined.

Earlier this morning, the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, alleged that he was pro-business, but he has said no to any private sector involvement in the NHS—which is, at the moment, minimal. The Cabinet Secretary for Health and Wellbeing might say that she listens to clinicians, but she ignores them when she makes key decisions. She has also said that she supports the Kerr report, although the indications are that she does not.

Our warning to the cabinet secretary is that she should not mess up our precious NHS in pursuit of her own narrow political interests. We will support her when she is right, and hold her to account when she is wrong.

10:21

Mary Scanlon (Highlands and Islands) (Con): I will raise three main issues in this wide-ranging debate. However, I want to start by commending the previous Government for reducing the number of blocked beds, which, according to figures that were released just this week, has fallen from about 3,000 to 755. We were very critical of the practice of bedblocking, so it is only right that we commend the actions that were taken to reduce it.

However, we also note that it has taken £30 million a year over three years to provide the community and care places for people who leave hospital. I ask the new Government: is that level of funding, which was highlighted in the Howat report, needed to bring down the bedblocking figures even further or does it indicate the extent of underfunding of the personal care package?

My first point is about the independent sector. In that respect, I must acknowledge Andy Kerr's very innovative initiative at Stracathro hospital. Last week, however, the Cabinet Secretary for Health and Wellbeing stated that the independent sector was in conflict and competition with the NHS and that no NHS money would be put into building it up. In response to that statement, I must highlight the work of the Scottish regional treatment centre at Stracathro, which Jackson Carlaw and I visited on Monday. In this pilot project, the private sector neither conflicts nor competes with, but co-operates with and complements, the NHS. Instead of the NHS putting money into the private sector, the sector puts money into the NHS by utilising theatre capacity after 6 pm and at weekends, when the theatres would be lying empty. The facilities are leased to Netcare, which is being stringently quality audited. In this example, patients benefit through reduced waiting times and top-quality investment is maintained within the NHS at Stracathro and Netcare's facilities. There is no building up of private sector capacity—the sector itself is simply more fully utilising existing NHS resources that, as I have made clear, would otherwise be lying unused. The fact is that the private sector is helping to build up NHS access and treatment.

As a result, I ask the cabinet secretary to ensure that ideology will not stand in the way of improving patient care, greater utilisation of NHS resources or the investment of private sector money in our NHS for the benefit of NHS patients in Scotland.

Now that I have got that off my chest, I will move on to my second topic, which is mental health. I am pleased that mental health is on the agenda of the Government and of the Health and Sport Committee. When preparing for the debate, I was shocked to read that, over the past 40 years, there has been no reduction in the number of people suffering and dying from mental illnesses such as depression and schizophrenia. That contrasts starkly with the huge reduction in the number of deaths from diseases such as stroke, heart disease and cancer over the same period, which has been achieved through prevention and treatment. Late diagnosis and late intervention are still issues.

The Scottish Conservatives are committed to the inclusion of the voluntary sector—and, when appropriate, the independent sector—in the delivery of health care. In that context, I commend the excellent work of Depression Alliance Scotland, which uses self-help groups to enable people to learn useful skills for overcoming stress and anxiety, to build confidence and, importantly, to learn new ways to tackle difficult situations. Groups also cover problem solving, relaxation and how to overcome reduced activity and to change unhelpful thinking. Given that the estimated social

and economic cost to Scotland of mental health problems is £8.6 million, surely there needs to be even more focus on ensuring that there is more funding for, and greater recognition of and access to, groups such as Depression Alliance.

My third topic is alcohol. I appreciate that it is on the Government's agenda and that its importance was acknowledged by Andy Kerr. The recent figures on alcohol-related liver disease are quite shocking. A death due to alcohol takes place in Scotland every four hours and the rate of alcohol-related death in Scotland is double that of the United Kingdom as a whole. There are 100,000 children in Scotland who live with a parent who has a drinking problem—we cannot lose sight of that. Furthermore, drinking by 13-year-olds has doubled in the last decade. The cost to Scotland, from the point of view not only of health and social care, but of the economy and families, is almost immeasurable.

I look forward to an extensive debate on the issues that I have raised and many others. I appreciate that we differ from the Government on the independent sector, but I hope that the cabinet secretary will visit Stracathro and keep an open mind about what is happening there. We are supportive of measures such as early intervention and the provision of high-quality support and treatment, and we look forward to working with the Government on the alcohol strategy.

10:28

Ross Finnie (West of Scotland) (LD): Liberal Democrats are always keen to participate in discussion and debate on health and well-being and we are particularly keen to do so in the 65th year following the publication of the excellent report by Beveridge, who was a well-known Liberal in his time.

I welcome some of the principles that the cabinet secretary set out, which I will come on to. We know what the general aim is—we simply want to improve the population's health; that is the fundamental purpose of the NHS. I hope that the best outcome for the patient will be the test that the Government will apply; that is why, like Mary Scanlon and Andy Kerr, I am disappointed by the possibility of that test being set aside in favour of a dogmatic view against private providers, even when they represent the most appropriate solution for individual citizens.

We will support measures that seek to transform our health service so that it becomes not simply a service for people who have become sick, but a service that puts increasing effort into preventing people from becoming ill in the first place. To that extent, we agree with the general principle that our policies for housing and the environment in which

we live must be designed to produce better health outcomes, as must our sporting and leisure activities.

As Liberal Democrats, we share the view that a key priority is the need to reduce health inequalities. The cabinet secretary mentioned the role that tackling smoking and alcohol plays in that. We must adopt the principles of preventive and anticipatory medicine, with targeting to ensure that people in deprived areas have better opportunities to be seen and have their problems dealt with at an early stage. We must not ignore the inequalities that result from the significant difficulties that arise in the provision of health services in our remote and rural communities—we must ensure that that is part of our programme to address inequalities.

The Kerr report pointed the NHS in the direction of sustaining safe local services, but it acknowledged that we must be prepared to take bold steps and difficult decisions in redesigning services to meet local needs. It asked us to view the NHS as a service that is delivered predominantly in communities rather than in hospitals.

The cabinet secretary has made a presumption against centralisation, but I say to her directly that, contrary to popular belief, the previous Executive was also opposed to centralisation. She will understand that it is not easy to give substance to that approach. Only this week, NHS Greater Glasgow and Clyde announced that it was centralising the anaesthetic services and the unscheduled medical care and rehabilitation services that are currently provided at the Vale of Leven hospital and moving them to the Royal Alexandra hospital in Paisley. It is depressing that health boards continue to act in that way, even after the cabinet secretary issued her dictum and when previous health ministers had made it clear that that was not the direction of travel.

Even more incredible was the announcement by NHS Greater Glasgow and Clyde of its proposal to close the recently established community maternity units at Inverclyde royal hospital in Greenock and the Vale of Leven hospital and to transfer them to Paisley. The proposal, which is not supported by clinicians or by local communities, simply beggars belief. That shows how difficult it is to translate into reality the wish to deliver services locally, when the people who run our health service seem to take a contrary view.

If we are to progress the more local agenda, we must expand the capability of our community hospitals and invest more in our local health centres. We must improve the availability and speed of diagnostic services and give other health providers, such as local pharmacists, powers to prescribe and to treat patients. There is also a

need to increase the capacity of dental services and our ability to attract and recruit more people. I welcome this morning's announcement on the action plan to deal with waiting lists and the adoption of a whole-life waiting time schedule, which was close to the proposal in my party's election manifesto.

The Deputy Presiding Officer: You have one minute left.

Ross Finnie: I do not have time to deal with the key issues that other members addressed. It is clear that mental health must become a national clinical priority. Alcohol and drug abuse remains a serious problem in all our communities. In preventive care, children's health must be the focus. Children's obesity rates are of genuine concern to us all.

The underpinning issue is what we do about the people who work in our health service and in health care generally. I welcomed yesterday's announcement by the cabinet secretary, which sought to address the problem that some of our junior doctors face. I hope that the extension of their contracts will assist them with their specific career pattern and will mean that there will not be many drop-outs among the very able people in Scotland who wish to devote their time to helping. Nurses and allied health professionals are among those who perform that key role.

The Liberal Democrats endorse many of the general principles that the cabinet secretary set out this morning, but that should not be taken as a blank cheque. We will measure progress towards the improved outcomes. If they are achieved, we will be prepared to work with the Government on delivery, but if they are not—

The Deputy Presiding Officer: You must wind up, minister.

Ross Finnie: I am grateful for that elevation at this early stage.

The Deputy Presiding Officer: You still have to wind up.

Ross Finnie: Indeed, but I do so in a much better state, if I may say so.

If the improved outcomes are not achieved, we will undoubtedly hold the Government to account.

The Deputy Presiding Officer: We move to open debate.

10:35

Angela Constance (Livingston) (SNP): Given my rapidly expanding waistline, I might not appear to be much of a maiden, but appearances can be deceptive. I am reliably informed that, for the purposes of today's debate, I am indeed a maiden.

It is an enormous privilege and honour for me to represent Livingston, which is the constituency in which I grew up. To the best of my abilities, I will endeavour to give back in kind what I have received from the community that has shaped me.

It is highly significant for me, at political, professional and personal level, to contribute to a debate on the health and well-being of our nation. None of us will go through life untouched by the NHS. Advancements in medical science and clinicians' expertise have given me and my loved ones much to be thankful for.

I welcome the cabinet secretary's speech and her explicit remarks about her dedication to tackling health inequalities in Scotland. I was surprised that a recent Federation of Small Businesses Scotland study ranked West Lothian in a poor position relative to other areas. West Lothian is a thriving and growing community, but the study gave significant weighting to the health problems that are endemic in parts of the community that I represent.

If we are serious about tackling health inequalities, we must continue to advocate that today's NHS is for everyone, irrespective of whether a person is a smoker, an alcoholic, a drug user, a teenage mother or someone who has mental health problems and, consequently, challenging behaviour. Even offenders require treatment. I am a former mental health officer, so I am painfully aware that mental health care is the Cinderella service—I am talking about mainstream mental health services, let alone the forensic settings in which I worked. There is little focus on targets or on reducing waiting times for people who use mental health services.

If we are to address health inequalities, we must start by addressing the democratic deficit in health. For that reason, I would welcome the introduction of a local health care bill in the Parliament.

I will never talk down the NHS—as I said, I have much to be grateful for—but it has been all too easy for health boards, fuelled by the centralisation agenda and their dependency on private finance initiatives, to take action without taking adequate account of the views of the community. Such an approach has been to the detriment of St John's hospital in Livingston, which is at the heart of the community that I represent. The hospital has lost vital services, which has threatened its viability as an acute hospital.

Equity of access is at the heart of efforts to tackle health inequalities. It is not acceptable for a few managers and clinicians who have vested interests to dictate where and how the rest of us receive health services. I endorse the Government's presumption in favour of local

services. The Government has drawn a line in the sand. I welcome the cabinet secretary's commitment to meeting me and local campaigners and stakeholders to discuss what we can do to secure and enhance the future of St John's hospital as an acute hospital.

The cabinet secretary is aware that I have corresponded with her on car parking charges at St John's hospital. I call for a moratorium on the proposed increases in charges at St John's, pending a full review. I am alarmed and concerned that NHS Lothian is in breach of Government guidance, given its recent admission that the proposed increases of up to 100 per cent are designed in part to offset the costs of transport, which is required only because vital services have been removed. It is ironic that there is free parking at the McArthurGlen shopping centre, council buildings and Livingston Football Club, but not at the local hospital. The car parking charges are nothing short of a tax on the sick and those who visit them or spend their lives treating them. I look forward to the cabinet secretary's response.

10:40

Pauline McNeill (Glasgow Kelvin) (Lab): The health agenda was a significant policy area in the previous parliamentary sessions—and rightly so. The huge task of redesigning the health service to give patients the best specialist care when they need it, the redirection of resources to the primary care services on the front line, and the pursuit of targets on the reduction of waiting times and the incidence of heart disease and cancer, were important priorities. Tough decisions had to be made, but they were supported by the clinical community, which argued the case for those decisions, even though it had not always been on the front line with us.

Targets on waiting times are a necessary mechanism, for two reasons. Clinicians, who do not generally support targets, are driven towards treating patients sooner and are not prevented from selecting on a needs basis. Targets also empower people, who know the outer limit of the period in which they should be treated. I do not think that anyone can deny the pace that the previous Administration set.

Our policy was not to grow the private sector—I correct the cabinet secretary on that point—but to expand public sector capacity. That is why we bought the Health Care International hospital, which is now a public facility. However, the overall focus should be on patients and their health. We should use all available capacity to do the best for patients.

Significant progress has been made in the Scottish health service. The Beatson oncology

centre in Glasgow, which the cabinet secretary visited recently, was once described by a consultant as a "slum", but it is now, I hope, the leading cancer centre in Europe. The new Stobhill hospital and Victoria hospital are being built as we speak, as are a new secure unit and a 21st century mental health hospital on the Gartnavel royal hospital site. Glasgow, in particular, is making steady progress in its modernisation programme.

The cabinet secretary knows that a decision was made to reduce the number of accident and emergency units in Glasgow from five to two. I and many members, including Jackie Baillie, argued that there was a clear case for a third A and E at the Western infirmary or Gartnavel. I am sure that Jackie Baillie agrees that it is not too late to consider that option, which could provide a solution, particularly for her constituents who are currently faced with having to travel south of the Clyde, but who might be able to choose to go north. I suspect that the cabinet secretary is not prepared to consider the matter, but I ask her to consider whether it is viable to have only two A and E units in Glasgow, given that three such units will remain open in Lanarkshire.

I disagreed profoundly with the recommendations by NHS Greater Glasgow and Clyde that the Queen Mother's hospital, in my constituency, be closed—as did the cabinet secretary. I welcome the new hospital that is being built in the cabinet secretary's constituency, but I seek assurances from the cabinet secretary that the Queen Mum's will remain open until a new service is available and that she will ensure that the health board provides proper antenatal facilities for mums-to-be in the west end and not at Gartnavel, as is planned. That is important, if women are to lose the unique facility that they have at the Queen Mum's. Will the cabinet secretary fight, as I have fought, to ensure that that unique child and maternity service will be replicated at the new children's hospital?

I urge the cabinet secretary to consider making children's health a national priority, not least because I have an interest in child health, as I am sure that she does, in the light of the building of the new children's hospital. The case has been made for early intervention and we need to focus on children's needs.

My colleague Paul Martin has talked many times about child dental health, and we have made significant progress through the child smile campaign. There has been a 54 per cent increase in the number of primary 1 children showing no signs of tooth decay, and 100,000 children across Scotland have taken part in the daily toothbrushing scheme. There are lessons to be learned there: although more dentists are needed, it is children's toothbrushing that seems to make the difference. I

hope that the cabinet secretary will consider that point carefully.

The starting well project focuses on deprived families and the wee bit of support that they need to get through the early stages when children are born into the family. I hope that the cabinet secretary will continue to support such projects. I tend to agree with Scotland's Commissioner for Children and Young People when she says that it is worth considering what health visitors can do to help families.

I know that it is not within the cabinet secretary's brief to enact any changes on free school meals. However, if we are to improve the health of children, the threshold for eligibility should be increased now. There has been a commitment to consider the issue as part of the comprehensive spending review, but I ask the cabinet secretary to lobby her colleague, the Cabinet Secretary for Education and Lifelong Learning, to lift the threshold so that all the poorest families can benefit from free school meals.

10:46

Jackson Carlaw (West of Scotland) (Con): What a fantastic opportunity the cabinet secretary and her team have. Although that is true for every department, it is truer still for health: the SNP Administration has no record to defend, no legacy and no baggage. It has an opportunity but also a testing challenge, for at the end of this session of Parliament the public will judge the Government on the results achieved and the decisions reached. The SNP members' period in charge of Scotland's NHS will then constitute a permanent record for which they will be held to account. They can bet on that.

The Government's early actions are encouraging, and we share its concern about the progressive centralisation of services that galloped ahead with rampant abandon under the previous Administration. For me, it was one of the most peculiar paradoxes in political life that a party that marched in the streets against phantom hospital closures when I was a teenager should, when it was in Government, lead the charge to downgrade so much hospital provision.

Andy Kerr: The member talks about downgrading, and he has talked about accident and emergency units, but it is interesting that he does not mention the seven community casualty units in Ayrshire and Arran and the five in Lanarkshire, which are local.

Jackson Carlaw: The member interrupted me when I was only about three sentences into my second paragraph, so he did not give me time to mention those things. I do not deny the Kerr report, or the investment that has been made, but

accepting that key major trauma services and other services should be centralised is not the same thing as accepting the need for a headlong rush to centralise, even where Scotland's geography and an unconvinced public demand an alternative solution.

We support the Government's approach to Ayr and Monklands and we continue to support the people elsewhere who are working hard to ensure that the very real concerns for public safety in their communities are not sidelined. As regards the Victoria hospital and Stobhill hospital in Glasgow, the public remain largely unconvinced, despite all the platitudes that they have been offered. The same is true in Edinburgh as regards St John's hospital, and it is especially true as regards the Vale of Leven hospital, as Ross Finnie has said.

Time does not permit me to discuss this at length today, but although I appreciate the minister's difficulty—unpicking a strategy that she and her team did not support in the first place is a huge if not impossible task—I ask even now that she listen positively and urgently to those who argue for additional services to be provided at key locations, within the current strategy, to meet the concerns of those who believe that what is in prospect is not only foolhardy but dangerous. She will have our support if she does that.

The Labour Party members sitting opposite regularly say that they will take no lessons from the Tories, but I ask them to set aside their prejudice and take just one—and I say this particularly in response to the admittedly impassioned remarks from Andy Kerr. Parties lose elections for a reason. Although many other factors were at play, too, I have never known so many traditional Labour voters alienated by their own as I have over the issue of health and changes to the hospital network. There is an acronym in business—SARAH—which stands for shock, anger, rationalisation, acceptance and finally hope. Since May, I have watched Labour members wrestle through their shock and anger, but I see little sign yet of any true rationalisation, let alone acceptance or hope. Rather than rationalisation, I see denial. Let me spell this out for them. Are we to believe that, in four years' time, they will say to the electorate, "You know those hospital downgrades that the SNP and the Conservatives reversed? Vote for us, because we are going to implement them after all." If that is inconceivable, at some point a Labour Party health spokesman will have to stand up in the chamber and say, "We were wrong." When that admission is finally made, it will be a measure of Labour members' determination to govern again.

Karen Gillon (Clydesdale) (Lab): If NHS Lanarkshire fails to keep a full, traditional accident and emergency service at Monklands—as

currently exists—will the member say that the minister's decision to reverse the cuts was a failure?

Jackson Carlaw: My point is that Labour members say that people did not understand and did not grasp the concept, but they did. Labour members say that people will soon be grateful for all that they had been doing, and they say that the election result was just an aberration. They say that people were not left wing enough and that it is only a matter of time before Labour gets back in. That will not happen. On this issue the Labour Party was wrong, and its members will finally have to admit that.

We will look with interest at proposals for free prescriptions and with sympathy at proposals for people who are afflicted by chronic conditions. We accept that health boards have acted in some cases with a seeming lack of regard for public opinion—with arrogance, even. We also await with interest proposals for elected health boards. There are other recent announcements that we welcome and support. Marks should be awarded for a good start.

We look forward to hearing proposals on alcohol, smoking and the general diet and fitness of the nation, and we look forward both to the updating of public health legislation and to action on dental health.

I agree with Mary Scanlon: when the Government acts in the interests of patients first, we will offer our support. However, we note with concern that the Government states its ambition for a right to a minimum waiting time while at the same time it rehearses its dogma against any greater role for the independent sector, which might help to bring about that minimum waiting time. Let us accept that between the public and the private sector another sector exists—the independent sector. The pilot at Stracathro, where an independent provider is working exclusively for the NHS and is using NHS operating facilities in the evenings and at weekends, is reducing waiting times. That is a potentially magnificent model and, in the end-of-term spirit of consensus, let me pay tribute to Andy Kerr, who backed the initiative. In a few months, we will have an even better idea of the fruits of the pilot. I urge the Administration to hold its breath before denying that a roll-out of the initiative should be part of a comprehensive solution in the fulfilment of a stringent objective to be set out in the Administration's forthcoming legislation. Why should the Government deny itself a successful working model for progress?

10:51

Liam McArthur (Orkney) (LD): I congratulate the business managers on scheduling this debate

on health and well-being for the morning after the Scottish Parliamentary Journalists Association dinner. It offers an opportunity for many of us to reflect—soberly—on the health risks of excessive alcohol consumption and the health benefits of a good night's sleep. I welcome this debate and I am pleased to be able to participate.

I want to use my time to reflect on an issue that is of serious concern to my constituents. The issue was touched on by Ross Finnie, and I am sure that similar concerns are shared in other particularly rural communities.

The Arbutnott formula that is used for calculating health service funding is in need of urgent reform. The indicators that are used under the formula for calculating deprivation are flawed, with the result that places such as Orkney are at a disadvantage when it comes to trying to deliver high-quality health care. I fully accept that no formula is ever likely to be considered perfect, and that overrefining criteria can come at the cost of increased complexity and reduced transparency. However, there is a need—and there is scope—to make the formula less simplistic in a number of respects, which can serve only to better match health funding to health need.

To give an example, the employment statistics that are used in the current formula are too narrow and too crude; they take into account only the number of people unemployed and do not reflect the nature of employment. In Orkney, but also across the Highlands and Islands and in much of the south of Scotland, low wages rather than unemployment are a real problem. A formula that took account of the type and quality of employment, and not just the number employed, would more accurately reflect deprivation and need.

Similarly, the present Arbutnott formula is too simplistic in relation to housing. The rate of home ownership in Orkney is relatively high, but so too is the proportion of people who live in substandard accommodation. Fuel poverty is also a major issue; I fully accept that that is a nationwide phenomenon, but Orkney's climate—notwithstanding changing weather patterns brought about by global warming—adds an extra dimension to the problem.

Car ownership is another measure used by Arbutnott that paints a somewhat misleading picture. The extent of car ownership in Orkney is high, but that is a reflection less of wealth than of travel distances and the lack, more often than not, of public transport alternatives. Cars are an everyday necessity; they are a lifeline not a luxury—and, with the cost of fuel significantly higher in the islands than elsewhere in Scotland, a not inexpensive lifeline at that.

The age of the car pool in Orkney illustrates shortcomings in the current Arbuthnott indicators. Almost a third of the cars in Orkney were registered before 1995, compared with 14 per cent in Scotland as a whole. I accept that car ownership should be a measure, but the age and value of the cars should be taken into account.

Arbuthnott consistently underestimates the impact of remoteness on the cost of providing health care. The formula is based largely on calculations of distance travelled over land, and so does not account properly for the time and cost of sea travel, which can and does add significantly to the cost of delivering public services, including health care.

The cabinet secretary and others have acknowledged the additional demands of delivering health care services to an increasingly ageing population. That is felt particularly acutely in my constituency. There is a need for improved statistics that better reflect changes in the population and age structure. Current statistics do not identify changes quickly enough, are based on postcode areas that are too large to pick up significant local differences in places such as Orkney, and are not sensitive enough.

A review of the Arbuthnott formula has been taking place. Other members will doubtless have issues that they feel should be better reflected in any revised formula. However, I hope that the cabinet secretary will accept the compelling case for adjusting the current formula better to meet the needs of those who live in rural and particularly island areas.

10:56

Sandra White (Glasgow) (SNP): I begin in a different vein from other members by congratulating the people of Scotland on electing an SNP Government. I also want to thank the Parliament—this new, SNP Parliament—for raising the game, not just for the Parliament, but for the hopes and aspirations of the Scottish people. A healthy mind needs a healthy body, and people are enthused by the actions of the SNP Government, which will go a long way towards promoting health and well-being. I am sure that other members speak to people in pubs, clubs and restaurants. The people I speak to are full of new hope, ambition and confidence in the future. [*Interruption.*] Opposition members may shout, but if they spoke to people in the street, they would know that confidence—not just in the people, but in Scotland—is booming.

The previous Administration never gave the Scottish people that confidence. For too many years, the Scottish people were told that they were not good enough; that they had to limit their hopes

and ambitions. The SNP Government has raised the bar, not just in Scotland, but throughout the world. It is seen as a world leader for its commitment to and aspirations for the Scottish people. With that new-found belief come responsibilities. I know that the Government realises that, and I welcome the commitment to ensure that the national health service is run for the people and not for profit. The public desperately want that and that is why Labour paid the price.

Johann Lamont: I hear what the member says about a public service. Will she comment on the cabinet secretary's views on how we fund housing, which is increasingly by using private capital? Does she welcome that, since health funding seems to exclude that approach?

Sandra White: We need take no lessons from Johann Lamont after the fiasco of Glasgow Housing Association. She was told in 2004 that there was not enough money for second-stage transfer, but led the people in Glasgow astray until December last year by saying that second-stage transfer would go ahead.

The NHS pay award was mentioned. The Health Board Elections (Scotland) Bill was proposed by a Labour member. Such elections would go a long way towards fulfilling the commitment to transparency and honesty. As a Glasgow member, I welcome the proposal for a Commonwealth games bill—that will improve the confidence of the people of Glasgow. I echo Pauline McNeill's comments. I have met and written to the cabinet secretary about the fact that there are only two accident and emergency departments in Glasgow. I urge the cabinet secretary to consider that and perhaps to meet interested and concerned people from across the parties.

The FSB report to which Angela Constance referred paints a worrying picture of Glasgow, showing that it has the poorest ratings of all local authorities for education, health, employment and inequality. That is after 10 years of Labour rule at Westminster and eight years of Labour and Liberal here at Holyrood. Glasgow has been portrayed as the sick man of Europe—a sorry portrayal that it is time to rectify. I welcome the announcement of a task force and a summit, and I hope that Glasgow will be looked at in particular. It is imperative that we close the gap between the rich and the poor, and I urge all Glasgow members to sign my motion on an action plan to consider why, despite the money that has been spent over the years on various issues in Glasgow, the health and well-being of the people has not improved. Many initiatives have been promoted—throughout Scotland—but the gap between the rich and the poor is getting bigger. In some areas, initiatives are not working, and we need to find out why. That

is why I am taking on board the need for an action plan. I do not want any extra money from the Cabinet or elsewhere; I just want all-party support to consider exactly what is happening in Glasgow.

In the short time in which the SNP has been in Government, we have gone a long way towards improving the health and well-being of the country, with free school meals for children in deprived areas, the extension of free nursery care, the abolition of the graduate endowment fee and other positive measures that have been mentioned. The SNP Government has given the Scottish people renewed hope and confidence. That will go a long way towards improving their health and well-being.

The Deputy Presiding Officer: If Duncan McNeil sticks to time, I will be able to give Jackie Baillie two or three minutes.

11:01

Duncan McNeil (Greenock and Inverclyde) (Lab): I will try to stick to time. This morning's debate reflects how difficult it is to focus on the issues faced by the health service and on the health of the people of Scotland. The debate—and the election—has been dominated by public-private finance versus trusts; local access; A and E; and so on. This week's news on the closure of midwife-led maternity units in Inverclyde and the Vale of Leven tempted me to go into that issue this morning.

Stuart McMillan (West of Scotland) (SNP): Will the member give way?

Duncan McNeil: I am sorry, but my time is limited.

Suffice to say, the Inverclyde community and I will hold the cabinet secretary to her word, and to her presumption that there will be no centralisation of services and that an appropriate weight will be given to patient and public opinion. I am sure that she and her colleagues will take into account the impact of the closure of the midwife-led unit on the maternity strategy, not just in Inverclyde but in Scotland.

However, I want to return to deprivation—and it is worth considering why it is that in communities where there is high deprivation, there is lower use of midwife-led maternity units. All the issues that I mentioned conspire against us and divert us from the focus that I believe the Parliament and the new Government should have on health inequalities. The big issue explored by Professor David Kerr was poor life expectancy and the long-standing illness that affects Scotland's most disadvantaged people. That has been described this morning as Scotland's shame. Hand wringing goes on about the reports that are regularly published, but it is difficult to act.

As the cabinet secretary and others mentioned, there have been some improvements in life expectancy—good news, we might think—but yet again those figures show that the more affluent have benefited. The gap is widening, not narrowing. I am sure that there is broad agreement on the reasons for that—members have touched on how life circumstances relate to health, unemployment, poor housing and poor education. We have also spoken about bad lifestyle choices, such as alcohol, drugs, lack of exercise and poor diet, but I will focus on access to primary health care services and the difference that such services can make. It used to be considered that health care services did not have a significant impact on people's health. With medical advances, it is recognised that access to effective health care can have a significant impact. Evidence to the Health Committee in April 2006 recognised that 30 to 50 per cent of the gap in life expectancy results from reduced access to health care. If we improve access, we can improve people's life chances.

There is a high uptake of health services by people living in deprived areas. The question, however, is whether it is high enough to meet the needs of those communities. Indeed, is the care that is being made available to them appropriate to their needs? The same number of GPs serve the poorest 20 per cent as serve the top 20 per cent. GPs in deprived areas are running to stand still. They deal with more people with more problems. As a consequence, poor people spend less time with their GP, are less likely to be referred to a consultant or to receive in-patient care, are more likely to receive emergency care, are less likely to get appropriate medicine and manage their health properly and are less likely to have their children immunised.

The question is how we respond to that challenge. Behavioural change campaigns can actually widen health inequalities, because more affluent people are more likely to take up the advice. The gap is not narrowing and the situation will get worse unless we do something about it. Improving individual circumstances and providing better education, jobs and housing can make a change, but that takes time. We must surely recognise that the quickest way to make an impact on health inequalities is to target services in the most disadvantaged areas. We should be prepared to take a radical step to enhance access to health services for the disadvantaged.

I do not think that that is an easy ask for the Parliament. Rather than forming another task force or group, I recommend the report of the Kerr subgroup on health inequalities as essential reading. The case for change is there. The case is outlined for moving resources to meet the need that is there, concentrated not just in the west of Scotland

but on some streets and in some neighbourhoods in all our communities. The test for the new Cabinet Secretary for Health and Wellbeing and the new Government is whether they have the political will and the courage to do that. Indeed, the Parliament, not just the cabinet secretary, needs to meet that test.

11:07

Jackie Baillie (Dumbarton) (Lab): I am truly grateful for being given time to speak in the debate. It will not surprise the Cabinet Secretary for Health and Wellbeing or other members to hear that I will talk about the Vale of Leven hospital. I make no apology for reiterating my concerns and those of my community. I will continue to do so until such time as the future of the hospital is secure.

I will start with the actions of NHS Greater Glasgow and Clyde. Frankly, its arrogance has been breathtaking. It announced its plans—and they include the wholesale transfer of services away from the Vale of Leven hospital—a mere two days after the appointment of the Cabinet Secretary for Health and Wellbeing and on the very day that the First Minister announced his intention to keep health services local.

To add insult to injury, despite clear public opinion telling the health board that it had got things wrong and despite the proposals from the Cabinet Secretary for Health and Wellbeing for independent scrutiny, NHS Greater Glasgow and Clyde confirmed just yesterday its decision to withdraw a range of services from the Vale. Anyone with any sense would have taken their time to reflect on the matter, to look again at the proposals for the Vale of Leven hospital and to consider all possible options. But no, NHS Greater Glasgow and Clyde ploughs on regardless.

Not only are we to witness the wholesale removal of services, of the medical assessment unit, of integrated care—meaning no emergency care at the hospital, day or night—of coronary care and of the community midwife delivery unit, but to add insult to injury the health board wants us to travel to the Royal Alexandra hospital in Paisley. I do not intend to give members a geography lesson about the River Clyde, but I suggest that they refer to a map. It is extraordinarily difficult to get to the RAH in Paisley from my constituency. There is little direct public transport there. People need to travel for two and a half hours, by a combination of train and bus into Glasgow, bypassing five other hospitals en route.

I remind members of the words of the Cabinet Secretary for Health and Wellbeing, when she spoke about A and E at Monklands and Ayr hospitals:

“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.”—[*Official Report*, 6 June 2007; c 391.]

It will come as no surprise to the cabinet secretary to hear that all that applies to the Vale of Leven hospital. NHS Greater Glasgow and Clyde ignores the cabinet secretary’s approach, however.

Time is short, so I will quickly raise three specific issues. The first is anaesthetics, which is key to sustaining services at the Vale of Leven hospital. Just what models did the health board consider in that regard? There is little evidence to suggest that it examined closely the integrated care model that was operating at the Vale of Leven. I know for a fact that the board did not analyse the statistics for the 7,000-odd patients who have used the medical assessment unit. I am told that there is one episode a week that requires the intervention of an anaesthetist. Potentially, that means 52 visits in 365 days. One wonders if there is perhaps a shortage of anaesthetists. There are no such things as vacancies. There are 169 anaesthetists, according to NHS Greater Glasgow and Clyde itself.

Secondly, I will mention risk. We are told that clinical safety is paramount, and I do not disagree with that. What about the risks for somebody who has to spend more than an hour in the back of an ambulance to reach hospital?

Thirdly, and simply, we do not want to have to go to Paisley. Instead, we want a north-of-the-river solution. I associate myself with the comments that Pauline McNeill made about A and E services in north-west Glasgow.

I close by saying to Jackson Carlaw that the history of the Vale of Leven hospital is very different. Decisions to remove services were made in the past by clinicians, not ministers. The decision on the Vale of Leven hospital will, in my view, be the first real test of SNP health policy. I welcome Nicola Sturgeon’s presumption against centralisation. She knows that I will do all that I can to help. For people in my community, however, she must pass that test.

11:11

Ross Finnie: This has been an interesting debate. Inevitably, at this stage, it has covered general principles and has been a take-note debate. It is difficult to find enough time to cover the wide canvas that is embraced by any health and well-being agenda.

I will pick up some of the interesting points that members have made, starting with one that has

just been referred to by Jackie Baillie, although it was first made by Pauline McNeill. It is about what is treated by NHS Greater Glasgow and Clyde not as the settled will of the people of greater Glasgow, but as the settled will of NHS Greater Glasgow and Clyde.

One of the great disappointments that the Cabinet Secretary for Health and Wellbeing will have to address stems from the fact that many of us supported the decision of the then Minister for Health and Community Care to abolish NHS Argyll and Clyde, not just because it had incompetently run up an enormous deficit, but because it had shown itself to be both unwilling and unable to address the problems of delivering care locally in its area. It was a huge disappointment to many of us that NHS Greater Glasgow and Clyde started with the presumption that the former Argyll and Clyde bit could just be tacked on, leaving any existing health delivery programme for that area completely unaltered. Pauline McNeill covered that point well.

We will not get health care delivered locally and we will not be able to address problems in the west of Scotland north and south of the River Clyde unless greater flexibility is shown by the people who now run NHS Greater Glasgow and Clyde. I hope that the Cabinet Secretary for Health and Wellbeing will be able to take up some of the suggestions that have been made in that respect.

I welcome Liam McArthur's contribution to the debate. He filled in some of the detail of what will be required if we are to treat health inequalities, particularly in remote and rural communities. The previous Administration did much work on the Carstairs index, which is a curious index of deprivation. It almost suggests that, if people have ownership of or any access to a car, they cannot be deprived in a rural or remote area. That is a perverse way to compile statistics, and it militates against serious attempts to address problems in such areas. We have addressed the use of the Carstairs index in some areas, but clearly not in the formula that is used for health care. I hope that the cabinet secretary will take on board the comments that my colleague Liam McArthur made in that regard.

In these early days, we are happy to support wider and broader delivery of local health care, greater attention to preventive care and a general addressing of waiting times. However, a debate such as this allows the Executive and the Opposition to articulate only general principles about where we want to be and, although we are prepared to give general support to much of what the Executive has talked about, we need to see the detail that will support the proposals. As the cabinet secretary indicated in the Health and Sport Committee the other day, she is prepared to give

priority to a range of services and issues. We look forward to hearing more about how those aspects will be delivered.

We accept the broad thrust of the idea that, if our health and well-being is to improve, and we are to build on what was achieved by the previous Administration, a more holistic approach will be needed. As I said, adding to the health portfolio issues that seek better outcomes from the environment agenda, the housing agenda and exercise, sport and leisure activities, must be specified in terms of delivery. The Liberal Democrats view the addition of those elements as enhancing a health service that, as the cabinet secretary has acknowledged, is in reasonably good health.

Our health service is demand led. It constantly has to meet the increased expectations of our citizens and incorporate improved technology that allows us to deliver better outcomes for our citizens. We have to make that step change.

We are happy to accept the good will that the cabinet secretary has set out in the general principles of this debate. However, I repeat that it will be necessary for us to have more focused debates on aspects of care delivery. We will be interested to hear in greater detail what is required to improve the health and well-being of the citizens of Scotland.

We particularly welcome the strategy on waiting times that was announced by the Cabinet Secretary for Health and Wellbeing this morning. That is in accord with what the Liberal Democrats were saying during the election campaign.

We welcome much of what the cabinet secretary has said and hope that those principles can be transformed into an agenda that we can scrutinise in the chamber and in the Health and Sport Committee. We look forward to working with the Cabinet Secretary for Health and Wellbeing and her team to try to deliver for the people of Scotland.

11:17

Jamie McGrigor (Highlands and Islands) (Con): I want to touch on a number of subjects and I hope that the minister will listen as I do so.

The British Lung Foundation, the British Lung Foundation Scotland and a number of constituents have raised with me issues relating to chronic obstructive pulmonary disease, which encompasses chronic bronchitis and emphysema. The minister will be aware that COPD is estimated to affect 18 per cent of males and 14 per cent of females aged between 40 and 68. Nearly 130,000 people in Scotland live with COPD, but three quarters of them remain undiagnosed. COPD is

particularly prevalent in the more deprived neighbourhoods of Scotland and it is more prevalent in Scotland than it is elsewhere in the United Kingdom.

COPD costs the national health service £138 million a year and the cost of working days lost as a consequence of COPD is estimated to be between £300 million and over £400 million. Scotland is the only country in the UK that has not developed specific policies to improve care for patients with respiratory disease. Northern Ireland has a 10-year plan, Wales has something similar and the Government announced in June 2006 that a new national service framework specifically for COPD would be developed in England—and work on it has already started. Why does Scotland not have a specific plan to improve care for people with COPD? Four health board areas have managed clinical networks that approach the problem. Perhaps the best solution would be to extend those to all health boards in Scotland.

The British Lung Foundation Scotland is calling for NHS Quality Improvement Scotland to develop new standards and services for COPD sufferers. It does not want the Scottish Executive to wait until publication of the report on the national service framework in England because that will not occur until 2008, which might mean another 10,000 people in Scotland die as a result of COPD before anything is done. The British Lung Foundation Scotland is calling on the Executive to take action to help people with COPD as soon as possible.

I would like to use this opportunity to talk about an extremely important situation in my region. Nicola Sturgeon will be aware that I recently copied to her a letter about dental provision in Oban that I sent to the chairman of the Argyll and Bute community health partnership. Since then, things have got worse. At the end of last week, 2,000 people in the Oban area lost NHS dental service provision when that service ceased to be provided by the Argyll Square practice.

The state of affairs is hugely serious. Although emergency NHS dental services will be provided by two dentists in Lorne and the Isles hospital, I share the strong desire of the local CHP to see new NHS dental provision established for the community as soon as possible. The hospital is keen to expand services such as endoscopy and colon-cancer screening, and all the spare space in the hospital will be needed for that expansion, so it is vital that the new location for dentistry is outside the hospital. That new location must be immediately identified in the interests of the people of Oban. I am sure that the minister agrees that access to dentistry is a basic entitlement.

As other members have said—and as the media have often reported—the previous Lib-Lab Administration's record on dentistry was on the

poor side of appalling. We look to the new Administration to help communities, such as Oban, that need dental treatment. I would be grateful if the minister could set out today what the Executive can do to help my constituents who have been left without an NHS dentist.

Liam McArthur: Will the member give way?

Jamie McGrigor: I am sorry, I need to press on.

Since becoming my party's sports spokesman, I have had the pleasure of meeting a number of sporting organisations and I look forward to meeting many more over the next few months. I am pleased that Stewart Maxwell recently told me, in a written parliamentary answer, that the new Executive is committed to fully implementing "Reaching Higher". Can Mr Maxwell give me further details today about when he will set out concrete proposals for implementing those plans? The Scottish Conservatives will support positive proposals to increase the amount of sport of all types, as we recognise that that is crucial to our attempts to tackle rising obesity rates and to ensure that our children develop skills that will ensure they have better health.

I would like to associate myself with the remarks that Jackie Baillie made about the Vale of Leven hospital. I know how important that facility is to people in Helensburgh and Lomond. The RAH in Paisley is no substitute, and the north-of-the-river option has to be seriously considered should the worst happen and the Vale of Leven be closed.

The Scottish Conservatives will work with the new Executive to improve the health and well-being of the people of Scotland. We will support it when we think that it is doing the right thing. However, as Mary Scanlon said, we believe that political dogma has no place in planning health services in Scotland. We were disappointed with the cabinet secretary's outdated attack last week on the independent sector. What matters should be what works. If, as in the case of Stracathro hospital, the independent sector can complement the NHS, we should welcome that and seek to expand complementary working relationships elsewhere.

11:24

Andy Kerr: We have had another interesting and constructive debate about the challenging issues that we face in relation to health. I repeat my willingness to work with the Executive on public health, health improvement and health inequalities. I support the shared ambitions that were set out prior to the election—on, for example, GP treatment within 18 weeks.

I commend to the cabinet secretary the commitment Labour made to set a target waiting

time for those who need to see allied health professionals. The opportunity that we have to improve health and well-being by using the primary care sector is the key to unlocking the health potential of Scotland. Labour set that target to ensure that we would deliver on our commitment in a new Government. The cabinet secretary now has the opportunity to do so.

I share Mary Scanlon's concern about the new SNP Government's position on the private sector. Neither I nor any minister in the previous Executive sought to increase the private sector's role or build a marketplace for it. If the Executive has any evidence to the contrary, they should bring it to the Parliament. We sought to act when the NHS needed additional capacity in the short term or when it suited communities in the north-east. If we had not acted, people would not be able to go to the Golden Jubilee national hospital, which we brought back into public ownership from the Arab bankers who owned it previously. In doing so, we created a centre of excellence in treatment that puts patients at its heart.

Labour increased annual health spending per head from £900 in 1997 to the present level of more than £2,200. Of that, 92p is spent on Stracathro hospital. Ministers say that the private sector is rampaging through the health service, but in fact the health service uses the private sector as and when it needs to, not to build a marketplace or capacity for the private sector but in the interests of patients. Ministers should spend some time speaking to patients who have benefited from those services.

The Minister for Public Health (Shona Robison): Some £15 million was allocated to Stracathro. Would the member have approved an NHS bid to deliver the same facility under the NHS if one had been put to him?

Andy Kerr: That could not be done within the structure of the NHS in Scotland. Why would we create in the public health service a new service, which would be there for ever, to deal with a short-term problem in relation to waiting? Our approach allows additional capacity at the time of need and in the interests of patients. When the Minister for Public Health responds to the debate, will she tell me, without breaching commercial confidentiality, whether the cost of a procedure is the same as, less than or more than the NHS charges?

Nicola Sturgeon: I commend to the member the speech that I made last week. If he reads it, he will see that I did not rule out the NHS using existing capacity if there is a short-term need. What I ruled out was the investment of taxpayers' money in building up private sector capacity to compete with the health service. If the member is now saying that he agrees with that, can we

proceed with some consensus on the future of the public national health service?

Andy Kerr: That is exactly the policy that the previous Executive adopted. The spinners in the cabinet secretary's party should take heed. I read her press release on the Executive's website and I know what she was trying to say, but I also know what her spinners said about ending use of the private sector in our NHS. I will give her the press cuttings if she wants to see them.

I share Mary Scanlon's concern about mental health. Other members mentioned that, too, and I congratulate Angela Constance on her maiden speech. There are mental health targets in Scotland on, for example, the use of antidepressants and re-referrals to secondary care mental health services. We set those targets. I argue that Scotland's mental health strategy is admired throughout the United Kingdom and indeed the world.

Ross Finnie set out some of the other challenges that we face. I commend to the chamber the cabinet secretary's recent comments on independent scrutiny panels. When will we find out about those? How will they be set up? Will the Nolan principles apply? Will the Office of the Commissioner for Public Appointments in Scotland be involved in the process? How will the panels affect the role of the Scottish health council? Why will the cabinet secretary not allow them to look at her decisions on accident and emergency departments, such as the ones that she made recently?

Nicola Sturgeon: Will the member take an intervention?

Andy Kerr: No. I have taken a few interventions and I want to make progress.

Will independent scrutiny panels be accountable to the Parliament and its committees? We need to address the many questions about the panels and I would be interested to hear more information about them.

Pauline McNeill mentioned the opportunities and chances that we took on, for example, oral health. There have been radical reforms and improvements in oral health, particularly in the Glasgow area. Pauline McNeill also sought assurances on the Queen Mum's hospital. I will be interested to hear the minister's response.

Jackson Carlaw made a point about denial. I am not in denial about the points that I was trying to make to communities throughout Scotland about the evidence that I had on their health, the health of their relatives and friends, and the improvements that we could make to their services. I did not convince them of the need for change. I am not kidding anyone on that, but I will

happily spend some time with the cabinet secretary at her leisure and go through the international evidence, the UK evidence and the Scottish evidence, including the evidence that was given to Professor David Kerr. The evidence tells us clearly that, when we bring A and E trauma services together and allow clinicians to have subspecialty skills and training, that improves the outcome for patients and fewer people die.

The cabinet secretary will often be faced with evidence that an action will save patients' lives and improve outcomes in relation to heart conditions, trauma or specialist injuries. When that happens, one has to decide whether to put patients' interests, or political interests, first. I think that she has failed that test. I am happy to spend some time with her and the Minister for Public Health and go through the evidence that was available to me. I am not in denial about the concept: what I am in denial about is the fact that we are not listening to internationally peer-reviewed evidence from clinicians that tells us the right way forward for our health service. People accept such evidence in other specialties in the health service, but for some reason not in A and E.

Sandra White talked about the confidence of the nation. I spent the past eight years listening to the SNP talking down Scotland on every occasion, including First Minister's question time and every other set of questions in the Parliament. Today, thankfully, the cabinet secretary mentioned some of the good things that have occurred in our national health service and acknowledged some of the good work that we have done. I hope that that will allow us to continue to work constructively on oral health, smoking cessation and prescribing statins—things that have made a remarkable difference to the health and well-being of the people of Glasgow.

Those with the most challenged health profiles, who most need the health service, die in the shadow of our general hospitals. It is not general hospitals that make a difference for them but the community nurses and preventive work in schools, pubs, clubs, communities and libraries. That is why I am so concerned about the destabilisation of the findings of the Kerr review, which proposed shifting the balance of care from the big hospital environment to the community, because that is where we will make a real difference to the nation's health and well-being. The cabinet secretary simply does not understand that argument.

I genuinely want to work with the Executive. We have a shared interest in the precious thing that we call our national health service. However, decisions must be based on evidence, on need, and on the future health and well-being of our nation. If the cabinet secretary promotes that idea

and works on that basis, we on the Labour benches will support her in that.

11:32

The Minister for Public Health (Shona Robison): It is a privilege to close this debate on the health and well-being of the people of Scotland as Scotland's first Minister for Public Health. I apologise for my voice: I have the same bug as the Cabinet Secretary for Health and Wellbeing. I was generous enough to give it to her. I hope that members will bear with me.

I welcome the widespread recognition throughout the chamber of the importance of improving health and well-being. There has been a lot of consensus this morning. We have already proved that we can work together to put in place enlightened, world-leading legislation on smoking and mental health. I am greatly encouraged by those successes as well as by the support for further action that has been given today, because achieving our goals requires a long-term programme of sustained action, not quick fixes. Most important, we must join forces with the people and communities of Scotland in sustaining and improving health. The Government is determined to provide the leadership that is required and has structured government to facilitate that, but improving the health and well-being of the people of Scotland is everyone's business.

For our part, ministers are committed to working together across portfolios to tackle the most important issues. We will work together to support families during children's early years of life. Pauline McNeill made an important point about that. It is with the next generation of Scots that the benefits of early intervention will generate the biggest payback. We will tackle problems such as the rising levels of childhood obesity. Children need a healthy environment that encourages them to be active and eat well. That is why we are investing £5 million in piloting free nutritious school meals for pupils in primary 1 to 3, focusing on some of Scotland's most deprived areas.

Pauline McNeill: I welcome that measure, but does the minister support extending provision to cover all children? Will she do that immediately after the comprehensive spending review?

Shona Robison: We are actively considering that as part of the comprehensive spending review. We want to build on the success of the hungry for success school meals programme, which we pay credit to the previous Administration for introducing. The overwhelming evidence is that healthy children become healthy adults and are therefore more likely to avoid diabetes and other risks to their well-being.

Improving Scotland's dental health, to which several members referred, is also a priority. We need to ensure that children receive early preventive advice and treatment, particularly in areas where children are less likely to attend for regular dental treatment. We will introduce a school-based preventive dental service that will build on the child smile programme. We want all children to have the best possible chance of growing up with good teeth and we want to reduce the number of extractions and fillings that they must endure. After the debate, I will write to Jamie McGrigor about the issues that he raised with NHS dentistry in his area.

The single most pressing issue that we face is tackling health inequalities. Scotland has reversed some of the long-term trends on cancer, heart disease and strokes—several members referred to that—but the health gaps between the best-off and the worst-off are widening. We will build on what we already know about, such as the experience of the keep well programme, under which more than 8,000 health checks have been carried out so far. Later this year, we will extend the keep well service to parts of Fife, Aberdeen, Ayrshire and Glasgow and Clyde. I acknowledge the issues that Duncan McNeil raised about access to primary care services, which we take on board.

Duncan McNeil: Does the minister acknowledge the issues to the extent that the Administration will move quickly to achieve not just equality of access, but equality of outcome for deprived people?

Shona Robison: I assure the member that our approach will be outcome based. I am pleased to have been asked to chair the ministerial task force to steer cross-cutting Government activity to tackle health inequalities and to engage individuals and organisations outwith the Government in that work. I assure Sandra White that such work is intended to be outcome focused. We will get moving on that quickly.

In delivering my responsibilities, I want to bring a new emphasis, energy and enthusiasm to public health. We will start with health protection legislation, which will update provisions, some of which date back to the 19th century. We will also offer women the best possible protection from cervical cancer by introducing, from autumn 2008, a new vaccine against the human papilloma virus.

The Parliament should be proud of its track record on health improvement through reducing smoking rates. Parliamentary consensus—we almost had consensus, with one exception—was crucial in delivering landmark legislation. We have developed the proposal to raise the age at which tobacco can be purchased to 18.

I hope that we can harness the spirit of co-operation and consensus in tackling what I believe to be the next health improvement priority: alcohol misuse. Working jointly with justice ministers, we are taking action to clamp down on underage alcohol sales. Communities are right to demand action against binge drinking and the associated antisocial behaviour. We also share a wider concern about the shocking rises in alcohol-related deaths, to which Mary Scanlon referred. We must be concerned about the large proportion of the adult population, across all socioeconomic groups, whose alcohol consumption regularly exceeds the recommended weekly limits. We must address our excessive drinking culture. That is the problem not of a small minority, but of us all. Collectively, we consume too much alcohol. That position is the starting point for our action.

Mary Scanlon: Does the minister acknowledge the problem that 100,000 children in Scotland live with a parent who has an alcohol problem?

Shona Robison: I very much acknowledge that, which is why I ask for the Parliament's help in leading a new debate about Scotland's relationship with alcohol and what we should do to tackle it.

Mary Scanlon mentioned good mental health and well-being. We acknowledge that issue and our focus will be on early intervention and prevention. We will produce more information on that in due course. I acknowledge Angela Constance's reference to mental health and the expertise that she brings to the Parliament. She also talked about car parking charges at St John's hospital, which I will look into.

The Government has—rightly—identified a healthier Scotland as one of its five strategic objectives. That lies at the heart of releasing Scotland's latent potential as a nation. Sustaining and improving health will also depend on Scots changing their behaviour, whether through changing their diet, taking exercise or changing their smoking or alcohol consumption. The Government will encourage and support people to make those changes. Today's debate is only the beginning. I look forward to working with the Parliament in our endeavour to create a healthier Scotland.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

The Presiding Officer (Alex Fergusson): Question 1 was not lodged.

Forth and Clyde Canal (Kirkintilloch)

2. David Whitton (Strathkelvin and Bearsden) (Lab): I confess that I lodged my question because I was unsure which minister is responsible for canals.

To ask the Scottish Executive what action is being taken to develop and improve the canal network, in particular the Forth and Clyde canal at Kirkintilloch. (S3O-445)

The Presiding Officer: Stewart Stevenson will put the member out of his agony.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I am indeed the minister who has the great pleasure of being responsible for canals.

British Waterways is working with local authorities and other partners to take action to develop and improve many parts of our canal network. Kirkintilloch provides a very good example of a community that is capitalising on the rebirth of the Forth and Clyde canal. More than £15 million is being invested there in canalside developments.

David Whitton: Well, now we know—that is very nice.

In a spirit of good will, I invite the minister to come in the summer to Kirkintilloch in the heart of my constituency—as he knows, it is the canal capital of Scotland—for the Kirkintilloch canal festival on 25 and 26 August. There, he can see for himself how that investment has been put to good use.

After the hurly-burly of trams and train links, I recommend that the minister focus on the more sedate mode of travel that canals provide, which can make a big contribution to the Scottish economy through tourism and trade. Canals carried freight before railways were invented and they could still carry freight today.

The Presiding Officer: The member needs to get to the end of his question.

David Whitton: I hope that the minister has read “Scotland’s Canals: an asset for the future”. Will he ensure that canals continue to benefit from

a share of Government spending in their infrastructure investment?

Stewart Stevenson: I thank the member for the invitation. I have communicated with British Waterways, whose annual general meeting is on 27 September, and I certainly hope to receive an invitation from it to visit a canal in the summer. Now that the member has given me the appropriate dates—25 and 26 August—I may encourage it to consider inviting me to Kirkintilloch.

Canals are an important part of tourism, travel and sustainable development. The member may care to know that in the most recent year, the Scottish Executive provided its highest level of funding to British Waterways Scotland for a considerable number of years. I have no reason to believe that the future will carry anything different but, of course, because of the comprehensive spending review, I am in the hands of the Cabinet Secretary for Finance and Sustainable Growth.

Dave Thompson (Highlands and Islands) (SNP): What plans does the minister have to ensure that there is a fixed link over or under the Caledonian canal at Tomnahurich in Inverness, so that there is a free flow of canal and road traffic at all times?

Stewart Stevenson: I am aware of local concerns about that issue. I understand that a working group that Highland Council heads and which is working closely with British Waterways is seeking to identify options. Because I am the minister with responsibility for planning, too, I do not wish to make a specific comment at this stage. However, I hope that the matter will be resolved speedily.

Patricia Ferguson (Glasgow Maryhill) (Lab): I have no wish to disrupt the consensual attitude in the chamber these days, but I must take issue with my colleague Dave Whitton. Maryhill is of course acknowledged as the capital for the canal in Scotland. Maryhill lock is a scheduled historic monument and we in Maryhill are particularly proud of it.

Joking aside, when the minister discusses such issues with British Waterways, will he take up the regeneration of the area around the Forth and Clyde canal in my constituency? The prospects for regeneration are huge, and the opportunities are immense for the communities that live around the canal, but progress has been very slow. There seems to be movement now, but I would be grateful if the minister took the issue up with British Waterways.

Stewart Stevenson: I am happy to do that. One of my favourite books used to be “Para Handy”, so Bowling—which is, at least, near Glasgow if not in Maryhill—is close to my heart. I will raise the point

that the member makes when I meet British Waterways.

Spousal Witnesses (Compellability)

3. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive what plans it has to ensure the compellability of spousal witnesses during trials. (S3O-411)

The Cabinet Secretary for Justice (Kenny MacAskill): The Executive consulted last summer on the options for reform in this area of the law but drew very few responses. Under the law as it stands, one spouse cannot be compelled to give evidence against the other spouse who is accused of a crime but can be so compelled when the offence is committed against them. The law is set out in section 264 of the Criminal Procedure (Scotland) Act 1995. I will consider the issue in more detail before deciding whether it should be included in any future legislation.

Helen Eadie: Does the minister agree that there is evidence of partners marrying each other simply to avoid giving evidence in some of the most serious criminal cases? If he gives the issue consideration, will he also have regard to the fact that legislation exists south of the border to compel spouses to give evidence? That is an example that we should follow.

Kenny MacAskill: I am aware of the member's interest in the matter, which she has pursued with vigour. As I said in answer to her first question, I will consider the issue carefully, although I need to prioritise it along with many other competing issues. It is my view that the principal parental duty is to protect the child from harm, whatever vows someone may have taken in a church or civil ceremony and that there is therefore merit in considering the legal changes that have been implemented south of the border.

Bill Aitken (Glasgow) (Con): Notwithstanding the genuine points that Helen Eadie makes, does the minister agree that, in general, the matter will have to be considered deeply because such legislation could bring with it more problems than it resolves?

Kenny MacAskill: Absolutely. That is one of the reasons why the previous Administration was rather despondent at the failure to receive sufficient responses. Nevertheless, this is a matter that we are happy to consider.

I agree that there could be problems if we made the spouse compellable in every situation. Also, we live in a society that is changing and we must balance this issue with other competing legislative claims. However, I have sympathy with the point that Ms Eadie makes. The primary duty of a parent is to protect their child from harm, irrespective of who has perpetrated the harm. There is something

manifestly wrong and unjust when somebody marries to evade their responsibility. That is an area that we will consider. One of the options that was consulted on—as Ms Eadie correctly states—is the situation that exists south of the border. However, we do not have a blanket provision under which a spouse is not compellable, as we have opened it up to deal with domestic violence and other such matters.

We must consider how we protect our children. There is something manifestly wrong in someone seeking to evade justice by marrying the principal witness, whose principal duty should be to protect the child from harm.

Northern Ireland Agreement

4. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Executive how the recently signed agreement between the First Minister and representatives of the Northern Ireland Assembly will benefit Scotland. (S3O-394)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): Scotland's relationship with Northern Ireland is already good. It is the Government's intention to strengthen and develop our links for mutual benefit and common interest.

Christina McKelvie: What work is under way to meet those objectives?

Linda Fabiani: Senior officials in Scotland and Northern Ireland have been asked to draw up proposals for developing our co-operation as a matter of priority. On the basis of our discussions and the terms of our agreement, we will work together to raise awareness of each other's history and culture and to encourage education programmes that build on existing links between our universities and colleges. We will collaborate on tourism through the tourism group of the British-Irish Council. Renewable energy and its effects on the environment are of interest to us all. We also want to strengthen co-operation between the devolved Administrations. We have agreed that we will review progress in all those areas by the end of the year.

Island Councils (Funding)

5. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive whether it will review the allocation of funding for the three island councils. (S3O-371)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The allocation of funding for all councils is kept under constant review. I am always open to suggestions for possible improvements to the distribution formula.

Mary Scanlon: Given that Shetland Islands Council and Western Isles Council receive respectively £600 and £700 more per head of population than Orkney Islands Council, does the cabinet secretary agree that, rather than just a constant review or a quick glance, we need a root-and-branch review of that historical disparity in local government funding?

John Swinney: I assure Mary Scanlon that there will be no quick glances by this Administration. The issues are kept under constant review.

Mary Scanlon correctly identifies the disparity in per capita funding between the £3,118 that Orkney Islands Council receives and the funding that Shetland Islands Council and Western Isles Council receive, which is more than £3,700. There has been an increase in funding for Orkney Islands Council that has reached 5 per cent more than that for Shetland Islands Council and Western Isles Council over the period from 2005 to 2008. Nevertheless, there is still a disparity. As I said in my earlier answer, we are always happy to consider such issues. I expect to visit the Orkney Islands over the summer recess, and I suspect that the issue will be raised with me then.

Alasdair Allan (Western Isles) (SNP): In the light of that question and answer, and in the light of the Government's enthusiasm for vertical integration and co-operation between services, does the Government intend to take advantage of the coterminosity of many agencies in the islands to pursue its agenda of reducing clutter in government in Scotland?

John Swinney: There is a helpful suggestion in Alasdair Allan's question. There are great advantages in all the island authorities bringing together the ways in which public services are delivered and drawing together the sharing of services and the design of the delivery and management of public services. I have approved an interesting project in Orkney, which involves collaboration on sharing services between Orkney Islands Council and NHS Orkney. I will observe with interest the progress of that initiative, which identifies a number of relevant issues for all the island authorities.

Liam McArthur (Orkney) (LD): I know from my discussions with the cabinet secretary that he is aware of the great concern that is felt in Orkney about the disparity in per capita funding between the three island authorities, all of which face the same challenges in delivering vital public services across a large number of islands. Will he urge his officials to make early contact with Orkney Islands Council to prepare the ground ahead of his visit to my constituency, so that progress can be made towards a more equitable solution as quickly as possible?

John Swinney: I assure Mr McArthur that there is no need to embark on discussions with Orkney Islands Council on the subject, as the chief executive of the local authority spoke to me on Tuesday at a major public service event that was addressed by the First Minister. He spoke to me about this and several other issues, and I look forward to discussing the matter further.

There are no easy answers. The funding arrangements operate according to different formulae, and if we amend different parts of the formulae, there will be consequences in different parts of the country. I assure members that the issue is being actively examined.

Land Management

6. Angela Constance (Livingston) (SNP): To ask the Scottish Executive whether it will examine the Title Conditions (Scotland) Act 2003 and other legislation as appropriate to ensure that home owners have protection and recourse from land management companies that have sole rights to manage land. (S3O-397)

The Minister for Community Safety (Fergus Ewing): It is clearly important for the amenity of housing developments that common areas of land are well managed and maintained. The Title Conditions (Scotland) Act 2003 provides a legal framework for the conditions found in title deeds, but house purchasers and their legal advisers should ensure that there are adequate arrangements in the title deeds for the management and maintenance of common areas when buying property. Similarly, home owners should seek legal advice as to whether land management companies are meeting their obligations under the title deeds or other contractual arrangements.

Angela Constance: I thank the minister for his answer but, with respect, I press him to state today or undertake to consider further what he can do to assist the 1,000 residents throughout West Lothian whose title deeds bind them indefinitely to the land management company Greenbelt, which, according to my constituents, is woefully failing to deliver a service for which they are forced to pay. Neither the law nor their title deeds appear to offer any easily identifiable, accessible or affordable solution. Perhaps the minister will agree to meet me to discuss the issue further, given that it is complicated.

Fergus Ewing: I am grateful to Angela Constance for raising the issue—she is quite right to do so. Although the Scottish Government cannot intervene in matters of private contract dispute, it is nonetheless absolutely clear from Angela Constance's representations and from sporadic complaints that the previous Scottish Executive received from members of various

parties that the problem is serious. The Scottish Government recognises that poorly managed or neglected open spaces not only fail to meet the needs of communities but can inhibit regeneration and development. I would be happy to meet the member to hear more specific details. If any other member of any party wants to make representations to me about Greenbelt, I would be happy to meet them.

Mary Mulligan (Linlithgow) (Lab): The minister might be aware that I have written to the Cabinet Secretary for Finance and Sustainable Growth about this matter—I look forward to his reply. When decisions on land management are being made, can house builders be made to accept their responsibility to home buyers such as my constituents in Armadale and Bathgate, who are the customers of Greenbelt, by ensuring that home buyers have some say over who the land management company is and by creating a contract that ensures that home owners have redress should the company not fulfil its obligations?

Fergus Ewing: As the member knows, those are, in essence, matters to be dealt with between the purchasers of properties, their lawyers and the developers. Mary Mulligan, like Angela Constance, highlights an issue of concern throughout Scotland. Therefore, although the Executive cannot intervene in individual cases, I am extremely concerned to explore exactly what the company is doing to discharge its obligations. The fact that two members of different parties have raised the issue indicates the strength of feeling about it. I will ensure that the company is made aware of this discussion and that the matter is taken forward.

Broadcasting

7. Ted Brocklebank (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it intends to meet BBC Scotland and the ITV companies to discuss future plans for broadcasting in Scotland. (S3O-369)

I declare an interest as a shareholder in the Scottish Media Group.

The Minister for Europe, External Affairs and Culture (Linda Fabiani): I intend to meet representatives from BBC Scotland and SMG in the near future.

Ted Brocklebank: Although I accept that broadcasting is reserved, will the minister ask BBC Scotland and ITV why they have slashed budgets for current affairs television programmes in Scotland by 40 per cent between 2001 and 2006 against a 10 per cent cut in the United Kingdom as a whole? Will she also get answers as to why, two years after it was first announced, there is still no

launch date for the new Gaelic television channel, which she will be aware is partially funded by the Scottish Executive?

Linda Fabiani: The full details of what I intend to discuss at those meetings have not been finalised, but I will be pleased to raise those issues, which would be raised anyway, and any others that members would like to raise. On the first part of the question, I am aware that the Office of Communications report showed that Scotland's contribution to the UK network originations has fallen by half over the past three years by both value and volume. I am concerned about that, so I will certainly raise the issue as well as pointing out the importance of the dedicated channel for Gaelic.

First Minister's Question Time

12:00

Engagements

1. Jack McConnell (Motherwell and Wishaw) (Lab): Before I ask my question, I congratulate Gordon Brown on his appointment as Prime Minister of our country. He will be a great British Prime Minister. It is a special pleasure to have a Prime Minister from Scotland, and I am sure that Alex Salmond will want to join me in wishing him well. I hope that Alex Salmond will also set aside differences and join me in wishing Tony Blair and his family well in his retirement from the position of Prime Minister and in wishing him success in any job that he might do in the middle east.

The First Minister (Alex Salmond): I think that I am meant to say that I have a number of engagements, including making a statement on the council of economic advisers.

Of course I congratulate Gordon Brown on becoming Prime Minister; indeed, I did so yesterday. Last night, he told me on the phone that my message of congratulations had reached him before he became Prime Minister. We had a good, friendly conversation. I look forward to co-operating with the new Prime Minister in the Scottish interest, and I gladly wish the former Prime Minister well in his retirement.

There is a serious matter that we should acknowledge. Three British soldiers have been killed by a roadside bomb in the city of Basra and a fourth soldier has been seriously injured. The next of kin have been informed. Two of the soldiers were from the third battalion of the Royal Regiment of Scotland and one was from the second battalion of the Royal Welsh. I am sure that all members will want to send condolences to the families involved.

Jack McConnell: I associate all Labour members with what the First Minister has said and send our condolences to the families involved.

Last week, in response to a question that Annabel Goldie asked, the First Minister said:

"you turn if you want to; this Administration is not for turning."—[*Official Report*, 21 June 2007; c 1007.]

Does the First Minister regard John Swinney's statement in the chamber yesterday afternoon as a U-turn on transport policy or as recognition that the Government should respect the will of Parliament?

The First Minister: Jack McConnell will have to make up his mind. At successive First Minister's question times, he has demanded that the Administration accede to the will of Parliament, but

when we do so, he seems to complain that we have done so. Which is it? As Mr Swinney said yesterday, a Government cannot always—for obvious reasons—accept parliamentary resolutions. Donald Dewar put that eloquently. However, we decided on the occasion in question that the proper democratic thing to do was to accept the Parliament's wishes to the letter and to the figure.

Jack McConnell: I warmly welcome that statement, which reinforces John Swinney's statement yesterday afternoon, just as yesterday I warmly welcomed John Swinney's response to the parliamentary vote on Edinburgh trams and the rail link from Edinburgh airport to the Scottish network. Ministers should respect the will of Parliament.

Yesterday, Mr Swinney said:

"on this occasion ... it is appropriate to accede to the will of Parliament."

He said:

"the Government will pursue the terms of the resolution in relation to the Edinburgh airport rail link."—[*Official Report*, 27 June 2007; c 1192.]

However, he then left the chamber and told the waiting media that the Edinburgh airport rail link project was "dead"—that it had "had it". He increasingly sounded like John Cleese in a "Monty Python" sketch. Will the First Minister tell him that if he continues to mislead Parliament in such a way, his credibility will cease to be? It will expire. It will be no more. It will pass on, and John Swinney will be an ex-minister. Was John Swinney's statement to the Parliament true, or was his statement to the media true?

The First Minister: There is only one dead parrot in this chamber.

I warmly welcome Jack McConnell's warm welcome for our decision, although it struck me that there wisnae much of a warm welcome in the point of order that Cathy Jamieson raised following John Swinney's statement. However, overnight reflection can sometimes be mature reflection. We shall follow the terms of the resolution on both the Edinburgh trams and the EARL project. That said, I say to Jack McConnell that there must be some reason why the EARL project arrived in such a state of disrepair for this Administration. It would not be fair to place all the blame on Tavish Scott; the then First Minister should take some responsibility as well.

Jack McConnell: I am pleased to hear that clarification from the First Minister. I remind him that the motion called on the Government to deliver the Edinburgh airport rail link—to succeed in delivering it, not to succeed in killing it off.

In recent weeks, we have seen U-turns from the new Government on the council tax, on student

debt, on helping students from Northern Ireland and, today, even on changing the name of VisitScotland. However, there is one specific U-turn from the First Minister that we would welcome. As the former Prime Minister resigned yesterday, he said that he believed his constituents should have a full-time member of Parliament in the House of Commons. Will the First Minister similarly respect Parliament and become a full-time MSP by resigning his Banff and Buchan seat so that there will be a by-election?

The First Minister: I shall follow exactly the practice of the late Donald Dewar, who was in exactly the same situation as I am in.

I remind Jack McConnell of the terms of the resolution on EARL that he so enthusiastically supports: they are that EARL is to be brought back to Parliament, and that is exactly what we will do. We will bring it back to Parliament in September.

Given that this is the last question time before the recess—a sort of end-of-term occasion—perhaps I should ask Jack McConnell whether he will be joining Lord George Foulkes in the House of Lords.

Jack McConnell: I do not want to keep two jobs; it is the First Minister who wants to do that. Although I might not have had as close a friendship with Donald Dewar as my colleague Wendy Alexander had, I can say that the First Minister is no Donald Dewar, and he should remember that.

I accept that today is the end of this stage of the new parliamentary session, as the First Minister said. In the spirit of the rhetoric—if not the actuality, on occasion—of the past month, I tell him that we would welcome immediately after the summer recess a proper legislative programme and programme for government being put to Parliament. If he is willing to be serious in such an intent and ensure that we have a legislative programme to debate, we will work with him over the summer months to ensure that appropriate measures are put in place to improve the Scottish education service; to help the poorest pensioners—through, for example, a reduction in water rates; to reduce unemployment and the number of those who are not in education, employment or training; to tackle crime; and to improve our health service. We will work with him if he will work with all of us.

Will the First Minister commit first to putting a legislative programme in front of Parliament in September? Will he also commit to making real efforts to work with all the Opposition parties so that that legislative programme can have some success?

The First Minister: Yes—to the last bit.

I accept fully that I am no Donald Dewar; the problem for Jack McConnell is that he is no Henry McLeish.

I remind Jack McConnell that he does not have to wait until September to see the achievements of this Administration. All our achievements do not, of course, require legislation, although they were beyond the achievement of the previous Government. I remind him that we have saved the two accident and emergency units at Ayr and Monklands; we have put Scotland at the forefront of the global fight against climate change by proposing a target of reducing emissions by 80 per cent; we have announced how and when the Forth and Tay bridge tolls are to be removed; we have set out a timetable for removing the burden of business rates from tens of thousands of Scottish businesses; we will abolish the graduate endowment fee and reintroduce the principle of free education in Scotland; we have increased nursery entitlement and provided extra funding for another 300 teachers; and we have finally confirmed that there will be no new nuclear power stations in Scotland.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con):

To ask the First Minister when he will next meet the new Prime Minister. (S3F-98)

The First Minister (Alex Salmond): I spoke to the new Prime Minister last evening. We had a cordial conversation. We said that we would make plans for an early meeting, and I look forward to that meeting.

Annabel Goldie: I think we all agree that the First Minister's relationship with the new Prime Minister could not be any worse than his relationship with the previous one, but the omens are not encouraging. Mr Brown has in the past described Mr Salmond as someone who had

“lost the power of communication, but not the power of speech.”

That prompted Mr Salmond to respond by saying:

“He's out to get the big job but has forgotten the people back home.”

In the interests of ensuring that there is no question of Mr Brown, now that he has got the “big job”, forgetting “the people back home”, and in the interests of proving that the First Minister has not

“lost the power of communication”,

what will the First Minister do to create a more interactive engagement between his Administration in this Parliament and the Prime Minister's Government at Westminster?

The First Minister: I thank Annabel Goldie for her faith in my restored powers of communication.

The important thing is to restore the joint ministerial committee structure to the structure that was originally envisaged when this Parliament was set up, because it has fallen into disuse since 2002. Outwith preparation for European Council meetings, none of the joint ministerial committees has met. Indeed, the plenary session that the Prime Minister chairs and which involves the First Ministers of Wales, Scotland and Northern Ireland has not met either.

It is not just my opinion or that of, I hope, people in this Parliament, but the opinion of the leadership of the Northern Ireland Assembly and the National Assembly for Wales, which is about to become a Labour-Plaid Cymru leadership, that those channels should be restored forthwith to give a formal structure so that issues can be progressed properly to the benefit of the Scottish people.

Annabel Goldie: After he congratulated the new Prime Minister, the First Minister said yesterday:

"I'm very confident that both us can put aside our long-term ambitions for the country in constitutional terms and direct our sights to what we need here and now for Scotland and that's to work in the best interests of the Scottish people."

Will the First Minister therefore pledge today that he will put aside his personal preference for constitutional change and prioritise our domestic bread-and-butter issues? Those issues are: more police officers on our streets; a new agenda for drugs abuse in Scotland; an urgent expansion of affordable housing; restoring governance and discipline in our schools; and providing help with the council tax for our older citizens. On all those issues, people are crying out for political leadership here and now in Scotland. Will he make that pledge, and will he put delivery before divorce?

The First Minister: Pursuing, in our case, a policy of independence or, in the case of others in the chamber, a policy of federalism or enhanced powers for this Parliament is quite honourable and a perfectly legitimate stance to take in politics. I assure Annabel Goldie that I shall always pursue the aim of independence. Indeed, this Government will publish within its first 100 days its white paper on independence.

Having different constitutional objectives should not prevent people from co-operating on other issues. Indeed, only yesterday, Annabel Goldie, Bill Aitken, Kenny MacAskill, Nicola Sturgeon and I had what I thought was an extremely productive meeting in which we addressed one of the great scourges in Scottish and other societies—the scourge of drug addiction. None of the different views that Annabel Goldie and I have on Scotland's future prevented us from having that meeting and taking joint action on that crucial issue.

Cabinet (Meetings)

3. Nicol Stephen (Aberdeen South) (LD): I associate the Liberal Democrats with the congratulations to Gordon Brown, the good wishes to Tony Blair and, of course, the condolences to the families of the soldiers who were tragically killed in Basra.

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-99)

The First Minister (Alex Salmond): The Cabinet will discuss a wide range of issues of importance to the Scottish people.

Nicol Stephen: How many civil servants are currently working on the First Minister's white paper on independence?

The First Minister: The small group of civil servants who are working on the white paper are making excellent progress.

Nicol Stephen: I am glad to hear that the First Minister is downplaying the numbers involved and not pandering to the fundamentalists on his back benches, but to have any is to have too many. Does he not agree that those public servants are wasting their time? It is a waste of money and a waste of space in Government offices.

The Scottish National Party does not even know how many teachers it needs to meet its class-size promises because the work has not yet been done. It has dumped the policy to write off £2 billion of student debt because the work has not yet been done. Is it not strange that so many of the First Minister's 100-day promises have been torn up but the white paper remains intact? Has he not learned the lesson of his defeat in the Parliament yesterday? There is no point in wasting time on independence when there is no majority for it in Scotland's Parliament.

The First Minister: I remind Nicol Stephen that there are about to be 300 extra teachers and 250 more training places than there were under the previous Administration six weeks ago.

Nicol Stephen will be delighted to know that much of the work on the independence white paper was already at an advanced stage. However, one issue that we will have to struggle with as we launch that white paper is whether to include some of the ideas that the Liberal Democrats put forward during the election campaign.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Don't bother.

The First Minister: I heard "Don't bother" from the Conservative benches, but I must say—*[Interruption.]*

Annabel Goldie (West of Scotland) (Con)
rose—

The First Minister: I am sorry—I will make the correction. I heard “Don’t bother” from the Liberal benches—about their own proposals. Despite that thumbs-down from Mr Rumbles, I think that we should carefully consider the Liberal Democrats’ election programme.

The Presiding Officer (Alex Fergusson): We have an important constituency question from Dr Elaine Murray. Before she asks her question, I ask any member who is going to contribute to this part of question time to bear in mind the Parliament’s rules on sub judice.

Elaine Murray (Dumfries) (Lab): In view of the decision of the Scottish Criminal Cases Review Commission to refer the conviction of Abdelbaset Ali Mohamed Al Megrahi to the High Court for a second appeal, will the First Minister assure the Parliament that all will be done to uphold the reputation of the Scottish judicial system?

Is the First Minister also aware that the Pan Am flight 103 crash is a curse under which my constituents in Lockerbie have lived for almost 19 years and which shows no signs of being lifted? Is he aware that Lockerbie is a pretty Borders town set in the southern uplands, only an hour by train from Glasgow and Edinburgh and linked by the west coast main line and motorway not only to the central belt of Scotland but to London, Birmingham, Bristol and Wales? Will he use his position in this country and overseas to promote the town and community of Lockerbie as more—much more—than just the site of the worst terrorist atrocity on British soil?

The First Minister: I am very aware of the trauma and difficulty for the people of Lockerbie, and I respect and acknowledge Elaine Murray’s concerns. I will do my best to accede to her wishes.

With your indulgence, Presiding Officer, I would like to say the following. The international agreement that led to the trial and conviction of Mr Al Megrahi made it clear that it would be a process under the systems, procedures and institutions of the Scottish legal system. Prosecution, review and appeal are all important parts of that system. Today’s decision by the Scottish Criminal Cases Review Commission is further evidence of the system in action.

The ability to deal with alleged miscarriages of justice is a vital part of our criminal justice system. The commission has an important role to play in examining cases independently and allowing the courts an opportunity to reconsider cases when otherwise there would be no scope for a further appeal.

I have made clear in letters to the former Prime Minister and in my statement to the Scottish Parliament my Government’s concerns that talks between the United Kingdom Government and the Libyan authorities could be seen to cloud issues around this high-profile case, in part because due process was not followed in terms of consultation with the Scottish justice system. Today’s decision by the commission is part of the due process of law. The business of politics and international relations has no part to play in that.

The commission has reached the view that a miscarriage of justice may have occurred. It is in the interests of justice that the case should be referred to the High Court. It will now be for Mr Al Megrahi to present his appeal to the court and for the court to determine whether a miscarriage of justice has occurred. We must allow the independent legal process to take its course.

Let us never forget that 270 men, women and children lost their lives in December 1988. Whatever the eventual outcome of the process, their loss can never be recovered. Our thoughts remain with the families left behind. We owe it to those people to allow the process of justice to reach a just, natural conclusion, free from pressure or interference. As First Minister, that has been and remains my primary consideration.

Michael McMahon (Hamilton North and Bellshill) (Lab): In light of the appeal court decision to uphold the original ruling to drop criminal charges in relation to the Rosepark nursing home in my constituency, what legal steps does the First Minister intend to take to prevent such a decision from being possible in future and, for the sake of the families who have been affected, to find out as soon as possible why their loved ones perished in that terrible tragedy?

The First Minister: Michael McMahon will understand that those matters are under consideration. I will ensure that the Cabinet Secretary for Justice writes to him as soon as any further decision has been made.

Her Majesty’s Government (Exchequer)

4. Christine Grahame (South of Scotland) (SNP): To ask the First Minister what communication the Executive has had with Her Majesty’s Government about recovering money saved by the Exchequer as a result of policy decisions in Scotland. (S3F-105)

The First Minister (Alex Salmond): We have made initial contact with the Department for Work and Pensions and will pursue the matter further over the summer.

Christine Grahame: The First Minister will agree that the Parliament’s priority in relation to free personal care is to ensure that it operates and

is supported in the way that was intended. I welcome the review that has been initiated.

I advise the First Minister that this morning, at a conference on free personal care, local authorities identified a £19 million funding gap—a gap that was also identified by the previous Health Committee. Given that the retained attendance allowance now amounts to around £30 million, does the First Minister share my view that savings that result from good governance in Scotland should be returned to Scotland? Incidentally, those savings would more than plug the funding gap that has been identified.

The First Minister: I share the member's view and confirm that the figure for the withdrawn attendance allowance is now £30 million a year.

Earlier this week, the new Prime Minister made the perfectly legitimate comment that Scotland had to live within its means and that no more money would be provided as a result of decisions that we make in the Parliament. However, in the case of attendance allowance, a change of policy that was pursued by the entire Parliament resulted in less money coming to Scotland. If we accept that our policy decisions on matters that have been legitimately devolved to the Parliament are constrained by decisions elsewhere, we will find that we do not have the freedom to pursue as we should a range of issues such as free personal care, because of factors such as withdrawal of attendance allowance. That is my view; it was also the view of the former First Minister, Henry McLeish.

Jack McConnell (Motherwell and Wishaw) (Lab): He was wrong.

The First Minister: I do not think that he was wrong; he was right on this issue. I hope that that is now the view of the entire Parliament.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): As the First Minister knows, often policy decisions are taken in England for which the Scottish Government receives consequential funding from the Exchequer, under the Barnett formula. Have his officials been in discussion with the UK Government about the unclaimed asset fund, which now stands at more than £2 billion, and the consequential funding that may accrue to Scotland from it? The UK Government plans to spend that money on voluntary youth services in England. There is no constraint on the devolved Administration spending a consequential amount to guarantee the same level of voluntary youth services provision in Scotland. Will the First Minister confirm to the Parliament that he will do that?

The First Minister: I will pursue the issue with the United Kingdom Government. I thank the

member for pointing it out to me; he makes a very useful point.

Regardless of what people think about the Barnett formula, it gives a clearly expressed entitlement when decisions are made over what is apportioned to Scotland. The difficulty is that the withdrawal of attendance allowance is not factored into the Barnett formula, and a route to solving the difficulty illustrated by the situation with free personal care is to ensure that such issues are dealt with on a formula basis.

Scottish Elections

5. Iain Smith (North East Fife) (LD): To ask the First Minister what discussions the Executive intends to have with the United Kingdom Government on the future conduct of Scottish elections following the University of Strathclyde's investigation into the causes of the rejected ballots. (S3F-112)

The First Minister (Alex Salmond): The Scottish Government is committed to holding an inquiry into the 3 May elections. We have an interest in common with the United Kingdom Government in ensuring that public confidence is maintained in the integrity of the electoral process. However, we are still considering the options for such an inquiry. As a result, although I do not wish to anticipate the conclusions of the Gould inquiry, I confirm that, at the appropriate time, we will wish to discuss the issue with the UK Government to try to progress towards an independent inquiry.

Iain Smith: On 4 May, immediately after the election, the leader of the Scottish National Party, Alex Salmond, said that he would mount an independent judicial inquiry into the "debacle"; that it would

"have the fullest powers and the most searching remit";

and that it would

"be charged with laying bare the outrage of why over 100,000 Scots were denied their democratic"

vote.

Will the First Minister update us in more detail on the progress that has been made in establishing such an inquiry? What discussions has he had with the Secretary of State for Scotland on the issue? Will he press the case for this Parliament to be elected by the fairer and more easily understood single transferable vote system, which was so successfully introduced for the Scottish council elections?

The First Minister: Although I have some sympathy for the member's final point, we should try to separate the confusion and the totally unacceptable number of spoiled ballot papers in

the election from our preferences for new electoral systems.

I hope to make progress on the issue. The new Secretary of State for Scotland and I will discuss the matter in order to have, as I would hope, a joint inquiry. I do not see much utility in having two separate inquiries because, as Iain Smith must know, although we have province over the local elections, the Secretary of State for Scotland has province over the Scottish Parliament's election systems. The situation strikes me as very curious, but nonetheless that is how it is.

I do not think that we should prejudge or jump to any conclusions on the matter. I read an article on the *Sunday Herald's* front page entitled "Labour MSPs blame Alexander for poll fiasco". I would never have jumped to such a conclusion in case I was accused of upsetting the former Secretary of State for Scotland.

Patrick Harvie (Glasgow) (Green): The First Minister described as "curious" the situation in which we have control of neither the legislation for nor the administration of elections to this Parliament. Regardless of the outcome of any inquiry into what happened at the most recent election, is there not a principled reason for changing the situation? Will the First Minister use his new lines of communication with the other devolved UK Administrations to make a joint case to the UK Government that every democratic institution in this country should be in control of its own elections?

The First Minister: Not for the first time I agree with Patrick Harvie. Any self-respecting Parliament should, in principle, be in control of its own electoral system.

Social Care Services (Voluntary Sector)

6. Lewis Macdonald (Aberdeen Central) (Lab): To ask the First Minister whether the Executive believes that voluntary sector organisations play a valuable role in the provision of social care services. (S3F-109)

The First Minister (Alex Salmond): I am pleased to acknowledge with thanks the important contribution that voluntary sector organisations make to care and support services in our communities. They bring commitment and innovation and help to create a vibrant mixed economy in the provision of social care.

Lewis Macdonald: Does the First Minister acknowledge the experience of many of my constituents in Aberdeen, where council funding decisions made earlier this year resulted in the voluntary sector's withdrawal from the provision of a number of services to vulnerable people? Many vulnerable people faced a change in their care provider at very short notice and the terms and

conditions of care workers were driven down to national minimum levels. Will the First Minister join me in urging Aberdeen City Council not to repeat the exercise with other services that the voluntary sector provides to vulnerable people, and will he commend long-term funding arrangements as the way forward, as John Swinney did this morning?

The First Minister: There is a great deal to be said for long-term funding arrangements. I understand that the attitude of both the previous and the present Aberdeen City Council administrations is that they have been affected by the substantial cuts in the supporting people budget that were made when it was redistributed from the Treasury to the Scottish Parliament in 2004. They think that that has been a significant factor. In addition, they claim that the redistribution of various formulas relevant to those matters has had a significant impact on the decisions that they have had to make. I point out gently to the member that he was a minister in the Government that made decisions on such matters.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Rural Affairs and the Environment

Town Centres

1. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Government what is being done to improve the living environment in town centres. (S30-370)

The Minister for Environment (Michael Russell): The Scottish Government has provided local agencies with a range of powers and resources that they are using to deliver safer, cleaner and more attractive town centres. The quality of life initiative is being used to improve street lighting and closed-circuit television provision. The antisocial behaviour legislation, supported by £120 million over four years, is enabling swift and effective action to be taken against a range of low-level offending in town centres, from antisocial driving and noise nuisance to vandalism and littering.

Michael Matheson: The minister will be aware of the problems in town centres that are frequently used for large gatherings of car cruisers—as is the case in Falkirk town centre, where up to 1,000 cars can gather in an evening. Many constituents who have contacted me find that their lives are being made a misery because of the modifications that have been made to many of the cars' exhaust systems, which cause considerable noise pollution in the town centre. The police tell me that they have limited powers to deal with the issue in the criminal justice system. Is the minister prepared to consider using environmental regulations to try to tackle the noise pollution problem?

Michael Russell: Mr Matheson has campaigned tirelessly on that issue and there is certainly a problem to be addressed. Unfortunately, prohibition of the adaptation of vehicle exhausts—which is a possibility, as it is exhaust noise that causes a great deal of problem—is a reserved matter, strangely enough. That came as news to me as well, but a range of other actions can be taken. Part 10 of the Antisocial Behaviour etc (Scotland) Act 2004 includes provisions that allow the police to seize vehicles that are being driven antisocially, and that power has been used successfully to seize 170 vehicles and to issue 1,917 warning notices, to the end of September last year.

Mr Matheson is right to say that other things can be done. For example, the Environmental Protection Act 1990 can be used, or a local authority can apply to the courts for an antisocial behaviour order to restrict a persistently antisocial driver from a particular area or even to prohibit the individual concerned from driving a particular vehicle.

My colleague the Minister for Community Safety will visit Tayside Police in the coming months to see the new seizure of vehicles initiative that they have introduced. However, we plan to take a fresh look at the community safety and antisocial behaviour strategy to determine how it can be strengthened and improved. Mr Matheson's point is important and will be included in that process.

Peter Peacock (Highlands and Islands) (Lab): Michael Matheson mentioned one of Scotland's larger towns. In the part of the world that I represent, smaller towns such as Wick, Stornoway, Buckie, Dingwall and Dunoon also face significant environmental challenges, particularly relating to dereliction of buildings. Will the Government, in the spirit of consensus and co-operation that has been evident from its members in recent weeks, consider the proposals that the Labour Party made at the election for town centre regeneration trusts to fund regeneration? Will it also consider whether local authorities have sufficient powers to tackle dereliction quickly and effectively and whether they have sufficient compulsory purchase powers when that ultimately becomes necessary in order to make the environmental improvements that many of our smaller towns urgently require?

Michael Russell: My colleagues and I are always willing to consider good ideas wherever they come from: that is true of my colleagues, as well.

There are a variety of moves afoot to assist the regeneration of town centres. As Mr Peacock points out, it is not simply a matter of behaviour, although there are considerable problems of behaviour that can be encouraged out of existence. It is extremely important that premises do not remain empty for too long. The radical, exciting and, I am sure, worthwhile initiative on business rates that is coming may do even more on that than any town centre regeneration trust could.

Derek Brownlee (South of Scotland) (Con): Welcome though the business rate reductions are, they will not be a panacea that will improve the quality of town centres—the Labour Party as well as the Conservative party had proposals on that during the recent election. So, too, did the Convention of Scottish Local Authorities, which estimates that the reductions will cost £1 million for every town centre that is regenerated. In view

of the state of town centres such as that in Dumfries—which he will know well, as I do—will the minister commit to additional funding for regeneration specifically to help such towns?

Michael Russell: I am sure that Mr Brownlee would not expect me to commit to immediate funding for Dumfries, much as I would like to. However, he made a valid point. Dumfries is an interesting example of a town where a mix of actions will be required. I believe that the reduction and elimination of business rates will have an enormous effect in Dumfries because, as Mr Brownlee will know, one of the major problems is the difficulty for start-up businesses to base themselves in town centres.

There are other problems. There is work to be done on historic buildings in Dumfries town centre—I understand it is likely to be under way shortly—and there is the question of behaviour in all town centres. The Government intends to focus strongly on promoting positive social behaviour among young people and others, and to crack down on the antisocial minority. Those two aspects must be taken together. We want to promote good behaviour as well as to punish bad behaviour. Provided that we do that in the context of a variety of initiatives, all town centres—whether in Dunoon, Wick or Dumfries—will flourish.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I, along with the former Minister for Finance and Public Service Reform, met Scottish Borders Council to discuss its small towns review. That review is supported by the Convention of Scottish Local Authorities and is looking at whole-town plans as well as, if not dedicated funding—which I appreciate the minister will not be able to announce—other potential funding routes through COSLA, which may address some of the issues that other members have raised. Can officials brief the minister on the matter and can he come back to Parliament if there has been any progress? It is a cross-party issue and the work of COSLA and Scottish Executive officials across all departments on planning, economic development, regeneration and the environment is crucial.

Michael Russell: I am happy to arrange for that to happen so that we are working cross-party and in the spirit of consensus to improve our towns throughout Scotland. Mr Purvis and I were in Hawick on Friday morning. We saw some of the difficulties that that town faces and some of the exciting things, particularly the new Tower mill development, which is immensely impressive. The use of such buildings, in the way that Tower mill is now being used, can only be a good thing for any small town.

Fishing (East Neuk)

2. Iain Smith (North East Fife) (LD): To ask the Scottish Executive when it last met representatives of the fishing communities from the east neuk of Fife and what matters were discussed. (S3O-377)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): There is regular dialogue between the Scottish Executive and representatives of the Fife fishing community. My officials met Fife Fishermen's Association on 1 December to discuss quota management issues, and on 11 May Fife Fish Producers Organisation was represented at a Scottish Association of Fish Producers Organisation meeting. In addition, Fife Fishermen's Association is a member of the Scottish inshore fisheries advisory group, which last met in March. I am looking forward—as are my officials—to the open meeting with Fife fishermen on Monday 9 July, at Anstruther, to discuss further the management of inshore fishing.

Iain Smith: I am sure that the issues that will be discussed at the meeting on 9 July will include the quota for the nephrops fishery, which I know the minister is aware is important in the east neuk. Will the minister urgently review reallocation of the nephrops quota from the producer organisation sector—where it is not being fully taken up—to the non-sector fleet and under-10m sector, which desperately need additional quota? Will he also assist the long-term sustainability of the east neuk fleet by agreeing to consider a trial reopening of the commercial sprat fishery in the Firth of Forth? Finally, can he explain why his department has withdrawn funding for the post of south-east Scotland inshore fisheries group co-ordinator?

Richard Lochhead: First, I recognise how crucial the nephrops quota is to Fife fishing communities and to communities in the member's constituency. I clearly want to be careful before swapping quota from the producer organisations to the under-10m sector and non-sector fleet. However, we have secured swaps from elsewhere, which have provided more quota for the rest of the year. I am sure that the member will welcome that. We accept the need to provide stability to those sectors in the Fife fishing communities and to have long-term planning.

I am happy to consider a trial reopening of the sprat fishery and will get back to the member on that. If he wishes to write to me with more details on why that should go ahead, I will be grateful to hear his views.

On the south-east Scotland inshore fisheries group co-ordinator, I am reviewing the way forward and taking stock. I certainly support the principle and want the inshore fisheries groups to go ahead, but at this stage we are taking stock

because the setting up of groups has been slower than expected.

Environmental Projects (Schools)

3. Hugh O'Donnell (Central Scotland) (LD): To ask the Scottish Executive what it is doing to support environmental projects, based on the living garden approach, in schools. (S3O-385)

The Minister for Environment (Michael Russell): I was pleased to support the living garden approach by visiting the living garden earlier this month at gardening Scotland.

The living garden was a show garden and information village that was put together by the garden for life forum to demonstrate how to put garden for life principles into practice by using peat-free compost, by planting for wildlife, by growing food in the garden, and by dedicating an area to recycling and composting.

The Scottish Government is a member of the garden for life forum, along with a range of conservation, environmental and health charities, horticultural organisations and Scottish Natural Heritage. The aims of the forum are to increase enjoyment and understanding of biodiversity, to support action by gardeners for the benefit of Scotland's biodiversity, and to promote the benefits of gardening for health and well-being.

Grounds for Learning, one of the forum partners, offers help and advice to schools on all aspects of school grounds development for biodiversity. It is important to note that the Scottish Government actively supports the eco-schools programme, which includes modules on biodiversity and developing school grounds as outdoor classrooms to enhance pupils' interaction with, and understanding of, the natural world.

Hugh O'Donnell: Given the widely acknowledged dietary deficiencies in Scotland. I am sure that the minister will recognise that the hungry for success initiative has played a significant role in dietary awareness and improvement. Will the minister consider including an expansion of support for that initiative in the biodiversity schemes to which he just referred, as well as in school allotments schemes?

Michael Russell: Certainly. The issue of local food becomes ever more local when young people are involved in growing it for themselves. It is an important matter for this Government. We acknowledge the importance of the hungry for success programme and its achievements. Just this morning, the Cabinet Secretary for Rural Affairs and the Environment and I met a range of environmental organisations, including Friends of the Earth. One of its priorities is to stress the importance of growing fruit and vegetables for oneself in gardens or allotments.

I am aware of the strong pressure from the Scottish Allotments and Gardens Society in its report, "Growing Scotland", which I read with great interest. It talks about the need for more allotments. Although that is a matter for local authorities and others, it is actively supported.

Environmental Improvements

4. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what measures to improve the local environment it recommends for locations where there is a historical interest. (S3O-409)

The Minister for Environment (Michael Russell): Initiatives to improve the local environment are generally for local authorities to pursue. If the historic environment is affected, then Historic Scotland might become involved in associated casework on behalf of Scottish ministers.

Cathie Craigie: The minister might be aware that part of the Antonine wall is located at Croy hill in my constituency. The Croy Miners Charitable Society has worked hard over the years on behalf of the local community to improve the environment around the wall for the local community and visitors. The presence of small disused quarries encourages illegal dumping and poses a danger to children and visitors. The Croy Miners Charitable Society wants to further improve the environment in the area, but without encroaching in any way on the Antonine wall. It feels that Historic Scotland is being less than helpful in its endeavours.

The Presiding Officer (Alex Fergusson): Can we have a question, please?

Cathie Craigie: Will the minister encourage a better working relationship with Historic Scotland? I encourage that from a local level.

Michael Russell: I am sorry to hear of that experience of Historic Scotland, which works closely with the Minister for Europe, External Affairs and Culture. That is an operational matter for Historic Scotland. I am aware that the member has written about the case to Historic Scotland's chief executive, but I am sure that her comments today will be drawn to his and the relevant minister's attention.

The land in question belongs to the Forestry Commission Scotland. Historic Scotland is involved in discussions with Forest Enterprise and others about improving the amenity and landscape of that land. Historic Scotland recently received a general inquiry from Croy community council about infilling the quarries and has offered to meet the interested parties to discuss that. It might reassure the member to know that although the case she refers to is important to the community, the wider issue of the bid for world heritage status

for the Antonine wall will not be affected by it. The professional advice is that the problem is not significant enough to affect the bid.

National planning guidelines on archaeology are in place and must be observed. We must also ensure that local plans, development plans and policies are adequate to cope with circumstances such as the one that the member mentions. The policy in the Kilsyth local plan from 1999 states:

"The Council will oppose any development which would adversely affect or threaten a Scheduled Ancient Monument or its setting, in particular in the vicinity of the Antonine Wall."

There is a commitment from the agencies, including Historic Scotland and Forest Enterprise, and from ministers, to ensure that we get the matter right. I hope that that reassures the member, but I know that Historic Scotland will have heard the question and, I presume, will be in touch with her again as a result.

Coastal and Marine National Park

5. John Park (Mid Scotland and Fife) (Lab):

To ask the Scottish Executive what progress it has made on examining proposals for a coastal and marine national park. (S3O-438)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Some support was expressed during the coastal and marine national park consultation exercise, as well as a number of concerns. I am clear that we need to consider how a coastal and marine national park would sit in the broader context of the management of our marine resources. Although I am not opposed to the principle of a coastal and marine national park if there is local support, there are a number of other priorities facing Scotland's coastal communities and seas that I wish to address first.

John Park: The cabinet secretary will know that we are about to debate the competing priorities to which he alluded. Does he support the introduction of a marine bill to identify the future priorities? Many stakeholders would like such a bill to be introduced soon. Does the cabinet secretary have such a bill in mind now or will he consider it in the near future?

Richard Lochhead: As I explained to the Rural Affairs and Environment Committee only yesterday morning, I am in favour of a Scottish marine bill. I know that there is widespread support for that among all the parties in Parliament and beyond, in the nation, for going down that road. I cannot comment on the timetable for future legislation—that timetable will be made available after the summer recess. However, I am clear that we should first tidy up the bureaucracy and the governance of Scotland's marine waters. After all,

Scotland has the biggest share of European Union waters. There are increasing and competing demands on our waters, including the demands of renewable energy, marine wildlife and tourism. We must first sort out the existing governance before we consider adding new layers of governance, such as a coastal and marine national park.

John Scott (Ayr) (Con): The minister has given no timetable for introducing legislation on marine national parks and he will be aware that the Conservatives are of the view that such parks should not be included in the marine bill. Can he give an indication of the timetable for that bill?

He will also be aware that there is strong opposition to a marine national park, particularly in the north and west of Scotland, although opposition does not appear to be so strong in the south-west. Will he therefore assure Parliament that, before any legislation is introduced to create a marine national park, the widest possible consultation will be undertaken and that the result of the consultation will be adhered to? Does he agree that community buy-in is vital to the success of the creation of a marine national park in Scotland?

Richard Lochhead: I certainly agree on that last point. On the timetable, I can only reiterate that after the recess the Government will produce its timetable for future legislation.

I acknowledge that there are real concerns in some communities and that there is opposition to the creation of a marine park, but there is also much support in other communities, so we must strike a balance. I agree that, when we decide to make progress, it will be absolutely essential that we get the consultation right. I am aware of criticisms of the previous round of consultation and am keen to examine it closely. We must get the process spot on next time.

Sarah Boyack (Edinburgh Central) (Lab): The minister's predecessor, Ross Finnie, instructed the Scottish Enterprise network to talk to all the key stakeholders. The minister will be aware that, when the Cairngorms national park was being established, the business community had concerns similar to those that have been expressed about a marine national park, but that those concerns were addressed when the Cairngorms national park was set up. Has he cancelled the work that was going on or does he intend to make progress with work on a coastal and marine national park, in parallel with his work on the marine bill?

Richard Lochhead: I am preparing to make my position clear on the previous Administration's commitment to set up a working group involving stakeholders and officials to consider marine national parks and on the previous

Administration's request to the enterprise companies to consider the economic impact of setting up parks, as was their remit. I have not taken a decision on the exact status and how we will make progress in relation to those bodies. However, I am conscious that we have limited resources and that, if we are to make progress with a Scottish marine bill, that will place demands on parliamentary and Government time and on resources. I must strike a balance in taking that decision.

Farm Thefts

6. Margaret Mitchell (Central Scotland) (Con):

To ask the Scottish Executive whether it will assess the impact on the rural economy of an increased incidence of thefts of machinery, fencing, fuel and quad bikes from farms. (S3O-358)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Data addressing the specific incidence of thefts of machinery, fencing, fuel and quad bikes from farms are not held centrally by the Scottish Executive. Information on farm crime was published in 1998 in the Scottish farm crime survey and there are no plans to repeat this survey or to undertake an economic impact assessment.

Margaret Mitchell: In the absence of such statistics, would the minister be prepared to support the rural security zone initiative that was launched in partnership with the community police in Ayrshire, the NFU Scotland and the National Farmers Union Mutual Insurance Society? The initiative aims to raise the farming community's awareness that traditional methods of securing farm buildings are simply not addressing the problem, in order to help farmers to assess security risks, and to use marking, tracking and equipment-locking devices to secure machinery. All of that is being done in an effort to reduce the impact of crime on the rural economy. Will the minister support that initiative and be prepared to support its extension to other parts of rural Scotland?

Richard Lochhead: I thank the member for her question, although I am not sure whether she is seeking moral or financial support. I am certainly prepared to give moral support at this point and am keen to learn more about the success of the initiative to which she referred; it sounds extremely worthwhile.

It is worth pointing out that the 1998 survey found that the majority of farmers in Scotland enjoy a crime-free working environment. It is important to keep that in mind. Of course, security issues in 2007, to which the member refers, are

important and I am keen to find out more about what the Government can do to help.

Health and Wellbeing

Alcohol Problems (Young People)

The Presiding Officer: Question 1 was to be asked by Jamie Stone, but he is not in the chamber. That is not a practice that I wish to encourage, as I consider it to be a discourtesy to Parliament.

National Health Service Employees (Agenda for Change)

2. Roseanna Cunningham (Perth) (SNP): To ask the Scottish Executive what steps are being taken to ensure that NHS employees are receiving all the benefits that they are entitled to through agenda for change. (S3O-399)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): There are two key strands to the benefits that staff receive under agenda for change. First, since October 2004, many staff have benefited from standardisation of the non-pay elements of agenda for change, such as the length of the working week and annual leave entitlement. Many staff have also gained financially under the new pay arrangements, and the Scottish ministers have guaranteed that no staff member's salary will drop as a result of the new system, with pay protection being applied to the small proportion of staff—currently less than 5 per cent—who require it. Health boards are aware of the need to complete the processes of assimilation into the new system and payment of arrears as quickly as possible.

Roseanna Cunningham: I thank the cabinet secretary and apologise for the technical nature of my question.

In circumstances where a member of health board staff is subject to protection arrangements that were set up prior to their assimilation into agenda for change, does the minister agree that it is contrary to the detail and the spirit of national and local policies on protection for any increase in basic earnings that arise as a consequence of that assimilation to be offset against the protection, as is happening in Tayside NHS Board, thus resulting in individuals getting no benefit from agenda for change?

Nicola Sturgeon: I undertake to write to Roseanna Cunningham about the specifics of her question, but I will explain some more of the background to the current arrangements.

Agenda for change was negotiated under the previous Administration, but during the

development of the arrangements it was recognised that for a small proportion of staff—currently 4.5 per cent in Scotland—agenda for change pay would be less than their previous pay. Although a position of complete no detriment was not achievable, there was consensus that it would be unfair for staff to receive a reduction in salary. It was therefore agreed, in partnership with the trade unions, that staff in such a position would receive pay protection.

Pay protection applies in the other United Kingdom health services for a maximum of five years, but in Scotland it will remain in place for as long as individual staff require it. That means that no member of staff in the NHS in Scotland will suffer a cut in salary as a result of the implementation of agenda for change. Pay protection will be applied to any individuals who have been affected until such time as their pay under agenda for change overtakes their protected pay, at which point they will begin to receive annual pay uplifts.

Andy Kerr (East Kilbride) (Lab): The cabinet secretary is right to recognise the generous arrangements in Scotland for agenda for change. I share her desire to ensure that we take care of assimilation and back pay as quickly as possible. Members sent me a number of letters on the issue when I was the Minister for Health and Community Care.

What progress is being made on the knowledge and skills framework and on the possibility of our well-trained staff being more flexible and increasing their skills in the national health service? That is at the heart of how we will change the future of the NHS. Pay assimilation and back pay are important issues, but we must also progress the knowledge and skills framework.

Nicola Sturgeon: Andy Kerr may be interested if I update him on the progress that has been made towards assimilation and the payment of arrears. Ninety per cent of those who have been job matched—124,000 staff—have been assimilated and are being paid on agenda for change pay scales. In addition, 77,000 staff—nearly 60 per cent of those who have been job matched and assimilated—have been assessed for arrears and have had arrears paid where appropriate.

Uncharacteristically, I agree with Andy Kerr on the other issue that he raised. Agenda for change is a package of modernised terms and conditions. I do not underestimate for a minute the value of pay, but there are significant non-pay benefits in the new arrangements, for example relating to annual leave and working hours. In addition, agenda for change was designed to improve all aspects of equal opportunity and diversity, especially in the area of careers and training

opportunities. As the biggest of the NHS pay modernisation schemes, it is well on track.

Scottish Health Council

3. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what role it envisages for the Scottish health council. (S3O-425)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Scottish health council was set up in 2005 to improve the way in which people are involved in decisions about health services. As well as being a champion for patient and public involvement in NHS Scotland, the council scrutinises local national health service boards to ensure that they work with and listen to people in their community.

Marilyn Livingstone: Will the cabinet secretary clarify whether she envisages the council's role continuing? Can she assure me today that the views of not only local communities but clinicians will be taken on board, to ensure that any decisions that are taken produce the best outcomes for patients?

Nicola Sturgeon: I give Marilyn Livingstone a clear assurance that the valuable role of the Scottish health council will continue. To date, the council has produced seven reports on major service change proposals. As the member will be aware, it was a manifesto commitment of the new Government to introduce a new process of independent scrutiny that will take place prior to public consultation. The new arrangements will enhance the decision-making process and allow the views of not just the public but clinicians to be taken fully into account.

Homes to Rent

4. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what priority funding for building homes to rent will have in the spending review. (S3O-379)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government is examining all funding as part of the spending review process. That includes the funding that subsidises the construction of new houses for social rent.

Jeremy Purvis: The minister will be aware that capital investment funding for housing associations in the Scottish Borders is expected to be around £7 million in this financial year, which is an increase of about 150 per cent on the figure for 2002-03. That reflects the particular need for social housing in the Borders. However, we are still not meeting demand. Will the minister guarantee that investment will continue to rise in the spending review period? Will he also commit

himself to giving more support to land banking in the Borders? According to the minister's latest statistical report, there have been large increases in land value in the area. Will he meet Scottish Borders Housing Association, other housing associations in the Borders and me over the summer to discuss local priorities?

Stewart Maxwell: I cannot say any more about the spending review, as we must await its outcome. The Cabinet Secretary for Health and Wellbeing and I will input our views on housing and the amount of money that is available for it to the Cabinet Secretary for Finance and Sustainable Growth, but we will have to wait until the review process is complete.

Land banking has been fairly successful in a number of areas, and my officials are examining it to find out whether we can do more with it.

As for Mr Purvis's invitation to come to the Borders to meet him and officials, I am pleased to say that, during the recess, I intend to visit the Borders to discuss a number of housing issues. If Mr Purvis writes to me, I will ensure that he is informed of my visit. I hope that we will be able to make some time to fit in a meeting with him and others.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister confirm that he recognises the importance of houses for rent as well as houses for sale in any affordable housing strategy? Will he confirm the apparent indication by the Cabinet Secretary for Health and Wellbeing in committee yesterday that the Government intends to increase significantly the role of the private sector in meeting housing need? Will such an approach include houses for purchase and houses for rent? Does the minister acknowledge the cabinet secretary's indication that the increased role results from the current unsustainable level of public investment in social rented housing? Although he cannot tell us what will be in the comprehensive spending review, will he at least indicate the finances that he will argue for in support of affordable housing strategies, given his own backbencher Tricia Marwick's comment that the failure of housing policy in the past has been due not to the direction of travel but to the level of investment?

Stewart Maxwell: I am happy to reply to the member's question about houses for rent. The area is certainly as important as other areas of the housing market. Indeed, it is not a question of putting one sector above another: we place equal importance on the private sector, the low-cost ownership sector, the private rented sector and the social rented sector, and we have no dogmatic preference for one particular form of tenure.

As for private sector involvement, the private sector clearly has an important role in housing. After all, the majority of people in Scotland own their own homes. However, I make no bones about or apologies for saying that the private rented sector also has a role to play.

Although Johann Lamont is quite right to say that I cannot pre-empt what will be in the comprehensive spending review, I can tell her that the cabinet secretary and I will argue for the review to give the tenants of Scotland a fair deal.

NHS Ayrshire and Arran (Meetings)

5. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive when it next intends to meet representatives of NHS Ayrshire and Arran. (S3O-437)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I expect to meet the chair of NHS Ayrshire and Arran at my regular meeting with national health service board chairs on 23 July, and I will meet other NHS Ayrshire and Arran representatives when I chair the board's annual review later this year. That review was scheduled to take place on 3 September, but I have advised the board that I expect it to give priority over the coming months to developing revised proposals for the retention of accident and emergency services at Ayr and Crosshouse hospitals. I have, therefore, decided to postpone the review and I will set a new date shortly.

Irene Oldfather: The minister is no doubt aware of a paper that went before the board yesterday that recommended that five community casualty units, including the one at Ayrshire central hospital in my constituency, should be put on hold. Is she also aware that, according to that report, it will not be possible under the timescales set out by the cabinet secretary to provide the same level of engagement, involvement and public consultation as we had in the initial review of services—a level of engagement with which, I believe, she herself was unhappy? Is she concerned that the report refers to the potential disillusionment of clinical staff and loss of clinical engagement? Finally, will she confirm to the people whom I represent whether the community casualty unit at Ayrshire central hospital will go ahead—yes or no?

Nicola Sturgeon: I say to the member as gently as I possibly can that the new Government had a manifesto commitment to save the accident and emergency unit at Ayr hospital. In case she missed the event, we won the election, and we have now met that commitment. Since then, I have set a timescale for NHS Ayrshire and Arran that strikes the right balance between getting the decisions right and getting on with the job. I assure the member that with the process undertaken by

the board and the process of independent scrutiny, the public's views will be taken into account. Perhaps if the previous Administration had taken those views into account we would not be where we are now.

The Presiding Officer: Question 7 is from Jackie Baillie.

Jackie Baillie (Dumbarton) (Lab): I think that you have missed out question 6, Presiding Officer.

The Presiding Officer: Question 6 has had to be withdrawn for a legitimate reason.

Jackie Baillie: I do apologise.

Social Work Services (Argyll and Bute Council)

7. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive what action it will take to improve social work services for older people in Argyll and Bute following the publication of the Social Work Inspection Agency report on Argyll and Bute Council's social work services. (S3O-402)

The Minister for Public Health (Shona Robison): The report of the Social Work Inspection Agency on Argyll and Bute Council's social work services is due for publication in late October. I will provide my response to that report once it is available and I have had time to consider its findings.

Jackie Baillie: The minister will be aware that Argyll and Bute Council underspends on older people's services by a substantial amount—under one budget heading alone, it spends 50 per cent less than the Government gives it. I understand that questions might arise about the quality of the services that are being delivered, too. On that basis, when the report is published, if Argyll and Bute Council does not produce a robust improvement plan that addresses both the funding and the quality of services, will the minister use her powers of intervention to protect the needs of older people in Argyll and Bute?

Shona Robison: We will expect the council to act on any recommendations that the Social Work Inspection Agency may make and we will expect to see the results of that action through the new outcome-based monitoring approaches that we will develop with our local authority partners. I will keep a close eye on that process.

Affordable Housing

8. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what action it intends to take to ensure that there is adequate land available for affordable housing developments. (S3O-390)

The Minister for Communities and Sport (Stewart Maxwell): As I announced in Parliament last week, we are establishing a housing supply task force with the objective of tackling the obstacles that have been hampering the delivery of more housing. The adequacy of land supply for all forms of housing will be one of the major issues to be examined by the task force.

Margaret Smith: I welcome the setting up of the task force, which I note will report in the autumn. Can the minister assure me that, prior to the autumn, he will meet the City of Edinburgh Council, which, through planning decisions, has been trying to deliver on the target to set aside 25 per cent of new homes for affordable housing, but which along the way has discovered loopholes? Once the task force has reported, might the Executive introduce plans to tighten planning rules, to ensure that developers have to deliver at least 25 per cent affordable housing in developments in a decent timescale?

Stewart Maxwell: Margaret Smith makes some important points about the problem. I hope to meet the City of Edinburgh Council at some point over the recess. I look forward to that meeting, at which I am sure the provision of affordable housing in Edinburgh will be one of the issues that we discuss.

I could not agree more with the member's comments about the 25 per cent target. We want that target to be met, as a minimum, and we want it to be met timeously, so that the building of affordable housing is not left until the very final stage. I confirm that planning will be a central focus of the remit of the housing supply task force. In particular, it will consider how the overall planning situation can be improved in relation to affordable housing.

Scottish Society for Autism

9. Keith Brown (Ochil) (SNP): To ask the Scottish Executive what plans it has to support and promote the work of the Scottish Society for Autism. (S3O-398)

The Minister for Public Health (Shona Robison): We recognise the real contribution that the Scottish Society for Autism and other voluntary organisations make to improving the lives of people with autism spectrum disorders and their families throughout Scotland.

The Scottish Government works collaboratively with the Scottish Society for Autism, along with other voluntary sector organisations, service users and carers, on groups such as the national ASD reference group and the ASD education working group to develop appropriate and responsive services for people on the autism spectrum. We

will continue to work in partnership towards our shared goal of improving services in Scotland.

Keith Brown: Will the minister ensure that public bodies—in particular, local authorities—are made fully aware of the excellence of New Struan school at the headquarters of the Scottish Society for Autism in Alloa in my constituency, and of the cutting-edge nature of that facility and the learning experience that is offered to children there? Will she accept my standing invitation to come and visit the society and New Struan school at any time?

Shona Robison: I agree with Keith Brown's comments about New Struan school, which provides excellent services. I encourage local authorities and other public bodies to use those services, and I am happy to accept the invitation to visit the school.

The Presiding Officer: We move to question 10, just so it can be said that I once got to it.

Cancer Care (West of Scotland)

10. Mr Frank McAveety (Glasgow Shettleston) (Lab): You are a gentleman, sir.

To ask the Scottish Executive what progress has been made in improving and developing cancer care in the west of Scotland. (S3O-427)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): There has been a significant programme of investment in cancer care in the west of Scotland—thanks to the previous Administration, of course. That includes the completion of the new £105 million Beatson west of Scotland cancer centre, which provides state-of-the-art equipment and treatments for patients throughout the region. The Beatson is an internationally renowned teaching centre and its team is able to see more than 8,000 new patients every year.

Mr McAveety: I thank the cabinet secretary for her wonderful commendation of the work done by the previous Executive. Long may that continue—I recommend the approach to the First Minister.

Will the cabinet secretary say how she can work not just with the Beatson centre but with Macmillan Cancer Support, which provides incredible support services to ensure that families can deal with the awful challenge of cancer? In particular, the charity assists people to cope with cancer at home rather than in an acute hospital setting.

Nicola Sturgeon: I hope to continue the spirit of consensus. The work of cancer charities such as Macmillan Cancer Support in researching cancer and providing much-needed support for cancer patients is second to none. Most people with cancer want to stay at home for as long as

possible and then receive the right care towards the end of their lives. Charities such as Macmillan help to make that possible, and I look forward to continuing to support them in their future work.

Point of Order

14:56

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. I make this point of order under rule 9.1.6(a) of the code of conduct for members of the Scottish Parliament.

In today's edition of the Aberdeen *Evening Express* there is a report on yesterday's debate on transport, which says of the Minister for Transport, Infrastructure and Climate Change:

"Mr Stevenson at one point angrily suggested that anybody who voted to support trams and the airport rail link in Edinburgh ... would be voting against the Aberdeen bypass.

When pressed on this by the Evening Express after the debate, Mr Stevenson withdrew the accusation."

The paper quotes Mr Stevenson as saying:

"It was just a debating point to wind them up."

Presiding Officer, is it not—[*Interruption.*] Members might laugh, but this is a serious point. Is it not inappropriate for any MSP—minister or not—to say something to the Parliament that they know to be untrue? The minister's comment calls into question the veracity of what he said yesterday about the Aberdeen western peripheral route. If he made a comment that he knows to be untrue, what are we to make of other comments?

An MSP saw fit to apologise to a newspaper reporter but did not see fit to come to the Parliament at the earliest opportunity to apologise to his colleagues. Does not that behaviour show disrespect to the Parliament?

I would appreciate your guidance on the matter, Presiding Officer. Please note that I raise it not under the Scottish ministerial code, for which you have no remit, but under the code of conduct for MSPs, which applies to us all.

The Presiding Officer (Alex Fergusson): Thank you for giving notice of the point of order.

Despite what you say, points of order are, by definition, about the standing orders of the Scottish Parliament and not about the code of conduct for MSPs. If you want to raise the matter as a standards issue, you should write to me and I will consider the matter under paragraph 9.1.6(a) of the code of conduct.

Mike Rumbles: On a point of clarification, Presiding Officer. I understand that under the code of conduct you are responsible for conduct in the chamber. Are you suggesting that I write to you rather than raise the matter verbally?

The Presiding Officer: That is exactly what I am suggesting.

Mike Rumbles: I will do that.

Conservation (Natural Habitats, &c) Amendment (No 2) (Scotland) Regulations 2007 (SSI 2007/80)

The Presiding Officer (Alex Fergusson): The next item of business is a debate on subordinate legislation, on motion S3M-252, in the name of Richard Lochhead, on the Conservation (Natural Habitats, &c) Amendment (No 2) (Scotland) Regulations 2007.

14:49

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): On 24 May, I made a statement in the Parliament on proposals for ship-to-ship oil transfer in the Firth of Forth. It was evident that there was cross-party concern about the proposals.

The controversy over proposed ship-to-ship oil transfer in the Forth has highlighted two key issues. First, there are gaps in the Scottish ministers' locus to secure compliance with the habitats directive under our devolved powers. Secondly, there is a need for better controls on ship-to-ship transfers of the type that is proposed, in sensitive places around our coast. Concerns have been expressed not only in the Parliament but by local authorities, environmental organisations, community councils and other stakeholders.

Following my statement, I told members that I would commit to indicating to Parliament, prior to the summer recess, the shorter-term measures that are within the powers of this Parliament. I will do that and, I hope, a little more.

My officials have been working flat out to investigate the options that I mentioned. Immediately following my statement, I wrote to the then Secretary of State for Transport to seek a meeting to discuss what action he would be prepared to take. There have been subsequent discussions between officials, and I finally received a response to my letter on Monday. Although United Kingdom ministers are neither ruling action in nor ruling it out, I was disappointed that the minister was not proposing to take any immediate action to resolve the particular issue of the Forth. Perhaps other matters have been occupying his mind over the past few weeks.

I will, of course, now write to congratulate Ruth Kelly on her appointment as the new Secretary of State for Transport in the UK Government. I hope to be able to present her with a strong message from this chamber that she must act. In addition, I have strived to ensure that parliamentary colleagues across the chamber have been kept

informed and kept engaged in this work as it has progressed.

Today's debate will address what can be done here and in Westminster. To that end, I am grateful to David McLetchie MSP for his useful contribution on this issue during the first ministerial statement. I will therefore be delighted to accept the amendment in his name, and I urge all parties to do likewise. As I will explain, the amendment touches on the fundamental issue of where we go from here.

Three key options are open to the UK Government: it could make regulations under the Merchant Shipping Act 1995 to prohibit ship-to-ship transfers under certain circumstances; it could agree to devolve appropriate powers to the Scottish ministers to allow us to regulate ship-to-ship oil transfers in particular circumstances that we choose; it could implement amendments to the British habitats regulations that are analogous to those before us today.

The power to regulate or stop ship-to-ship oil cargo transfer lies very clearly in section 130 of the Merchant Shipping Act 1995, which is a UK act. The power can protect sensitive sites from hazards arising from transfers. I believe that the power needs to be transferred to the Scottish ministers; however, for the case that many of us will address today, we can rightly call on the Westminster Government to exercise its power now. I hope that the whole chamber will echo my call.

The option of analogous amendment of the British habitats regulations by the UK Government is a further complementary measure that could be taken to protect environmentally sensitive sites such as the Forth. The Great Britain regulations currently have the same vulnerability in relation to plans or projects that are not currently covered by part IV of the regulations. I understand that Whitehall is considering new legislation to improve the implementation of the habitats directive in the UK. Therefore, in my further discussions with Whitehall, I will urge it to consider legislation analogous to that which is before us today.

This case has thrown up gaps in our powers that the regulations are intended to correct. If we pass the regulations, we will no longer be vulnerable to hazardous activities that fall within the powers of this Parliament but, as I have said, even with them, the power to stop the proposal for ship-to-ship transfer in the Forth lies with Westminster. Today, we are calling for that power to be used.

Taken together, our actions will amount to securing an important piece of environmental legislation and providing the spur for essential action elsewhere. Many of us, across the whole chamber, believe that that action is long overdue.

I will summarise how the regulations would improve articles 6.3 and 6.4 of the habitats directive in Scotland. Those provisions relate to Natura sites, which are a cornerstone of the habitats directive. They require an appropriate assessment to be undertaken for all plans and projects that are likely to have a significant effect on a Natura 2000 site, and that such plans or projects should be allowed to proceed only when it can be shown that they will not adversely affect site integrity—unless there are no alternatives and approval needs to be given for overriding reasons of public interest.

Liam McArthur (Orkney) (LD): The cabinet secretary will be aware of my concern that, in addressing the serious risks in the Firth of Forth, nothing is done to undermine the long-standing and successful operations in Scapa Flow—and Sullom Voe, in Shetland—either now or in future. Will he assure me that such operations will not be subject to additional and unnecessary conditions as a result of these regulations?

In the absence of any consultation on the proposals with the harbour authorities in Orkney and Shetland, will the cabinet secretary undertake to write to Tavish Scott and me, before the vote later this afternoon, to make clear the implications for Scapa Flow and Sullom Voe?

Richard Lochhead: I recognise the close interest Tavish Scott and Liam McArthur are taking in this important issue, given the industries in their constituencies. Our concern is to ensure compliance with the habitats directive in Scotland as far as the devolved powers will allow. We hope that our representations to the United Kingdom Government on ship-to-ship oil transfers will be taken in the context of the habitats directive and environmentally sensitive areas. I can therefore give the members the reassurance they seek.

The protection that is afforded to Natura sites under article 6 of the habitats directive is implemented in domestic legislation through regulation 3 and part IV of the habitats regulations. The regulations fill the gaps in the Scottish ministers' capability to protect Natura sites to the full extent of our devolved powers. They improve implementation of article 6 of the directive by ensuring that part IV of the regulations is applied generally to all such authorisations. They also provide new powers for the Scottish ministers to ensure that competent authorities follow the requirements of the directive when they consider authorisations.

The regulations are an important piece of legislation that will benefit the environment of Scotland. They will improve the implementation of the habitats directive in Scotland by ensuring that the principles of sustainable development in article 6 of the directive are applied generally to all

decisions within devolved competence. They will also provide ministers with new powers to ensure compliance with the directive.

The proposals by Forth Ports and the subsequent public concern has highlighted gaps in existing devolved legislation and the shortcomings of the Parliament's powers. Today, we are putting our house in order to address the first of those issues, and we require the co-operation of the UK Government to address the second. The regulations will enable me to advance discussions with Whitehall from a position of strength and to apply pressure to the UK Government to make immediate use of its powers to control ship-to-ship transfers in the Firth of Forth and to safeguard our precious marine environment. I urge Parliament to approve the motion and, indeed, the amendment.

I move,

That the Parliament agrees that the draft Conservation (Natural Habitats, &c.) Amendment (No. 2) (Scotland) Regulations 2007 be approved.

15:06

John Scott (Ayr) (Con): I welcome the cabinet secretary's remarks on the rather complicated subject of ship-to-ship oil transfer and thank him for the briefing he provided for all parliamentary colleagues and the reasonable way in which he has responded to the problem. I ask Parliament to note how much his response to the situation contrasts with the position of the Labour Government at Westminster and the previous Lib-Lab Administration, and to recognise the sense of urgency in the cabinet secretary's reference to Douglas Alexander's inability even to arrange a meeting on the subject, and his failure to reply to the cabinet secretary until Monday. I hope that Ruth Kelly can do a little better.

I ask Parliament to compare and contrast the cabinet secretary's determination to introduce legislation within his competence to the refusal by the Department for Environment, Food and Rural Affairs and the Department of Trade and Industry even to use existing legislation. That leads us to whether the Labour Government in London is listening to its colleagues in the Labour Opposition in Scotland. If Labour in London is listening to Labour in Scotland, either the Labour Opposition in Scotland has no influence over its colleagues down south or they do not care about an issue that, on the face of it, has united the whole Parliament. However, that does not mean that we have to accept the cabinet secretary's view without question.

The Conservative party here and in London needs to be reassured once and for all that the Parliament is competent to amend part IV of the Conservation (Natural Habitats, &c) Regulations

1994 in this way. Parliament cannot afford to get this wrong and to be on the wrong side of an argument with a competent authority—an argument that might, if Parliament gets it wrong, end up being decided in court.

Make no mistake, as the competent authority, Forth Ports is not the villain in this piece, and it is disingenuous of others to suggest or imply that it is. We need to know what effect the regulations would have on ship-to-ship oil transfer currently taking place at Scapa Flow, Nigg and Sullom Voe. I welcome the minister's clarification on that. The obvious difference is that ship-to-ship oil transfers appear to be welcome in those northern waters, while here in the Firth of Forth, Fife, East Lothian and Edinburgh councils appear to be utterly opposed to the proposals.

We must all be aware that the regulations do only what they say on the tin: ensure compliance with the directive, provide the power to issue directions and provide the power to suspend proposals until ministers are satisfied that an appropriate assessment has been carried out. As the minister said, they cannot stop ship-to-ship transfer of oil taking place. That is why we have lodged the amendment in David McLetchie's name.

Without complementary legislation from Westminster, the Scottish ministers— notwithstanding the will of Parliament—are powerless to stop ship-to-ship oil transfer. Complementary regulations under section 130 of the Merchant Shipping Act 1995 to regulate the ship-to-ship transfer of oil within the 12 nautical mile limit of United Kingdom territorial seas is now essential, particularly where there is a higher risk to precious habitats. As the minister said, that would fill a legislative gap.

That is why I urge Parliament to support our amendment and send the clearest possible message to the Government at Westminster that it is time to act on this matter. The sooner it does so, the better.

I move amendment S3M-252.1, to insert at end:

“and, in so doing, requests the Scottish Government to invite Her Majesty's Government to consider complementary legislative measures to protect environmentally sensitive sites such as the Firth of Forth.”

15:10

Sarah Boyack (Edinburgh Central) (Lab): I warmly welcome the Executive's amending regulations. As Richard Lochhead and John Scott said, the proposal to have ship-to-ship oil transfer in the Forth has generated petitions and campaigns on both sides of the Forth, by MSPs, councillors and local communities. It is clearly something that worries people.

John Scott made some uncharacteristically ungracious remarks. One of the first things I did when I became Deputy Minister for Environment and Rural Development in January this year was ask officials to work up plans to amend the existing regulations in light of representations we had received from the Environment and Rural Development Committee.

David McLetchie (Edinburgh Pentlands) (Con): Will the member take an intervention?

Sarah Boyack: No—I want to get into my speech. I congratulate the Cabinet Secretary for Rural Affairs and the Environment on following through on his commitment immediately after the election to make regulations on ship-to-ship transfer. I thank the civil servants who have been working behind the scenes on this complex issue. The minister acknowledged that when he first spoke about his intention to bring proposals to the Parliament.

Members of the public were worried by the idea that whereas, like other bodies, private companies must abide by the habitats directive, unlike other bodies they were effectively judge and jury on their own proposals. I hope that the regulations will override that.

I welcome the wider implications of the regulations, and I would be interested to hear the minister reflect on them in his winding-up speech. My understanding is that they cover private organisations—for example former public utilities that are now private companies—that carry out their own assessments. I understand that there are wider implications that my party would welcome. I would be interested to have a detailed briefing on those points later, if the minister is not able to answer them in his closing speech.

I am told that Scottish Power and Scottish Coal, for example, are also covered by the regulations. I particularly welcome the strengthening of ministers' ability to require decisions to be taken in the public interest. There is no specific power to stop any project, as the minister said, but my reading of the regulations is that he may delay projects endlessly if the assessments do not meet the test of not damaging nature conservation interests, as set out in the habitats directive. We therefore very much welcome the regulations.

I understand that, once the regulations become law, a ministerial direction may be delivered to Forth Ports. Will the minister be ready to call the project in straight after today's vote? Is he ready to serve that direction so that firm action can be taken immediately? Scottish Natural Heritage has been in discussion with Forth Ports on its assessment for months. It would be helpful to know what SNH's current view is. Are there still concerns about cetaceans? Are there other

habitats interests? Are there specific concerns that we should know about?

One thing the regulations do not do is ban ship-to-ship transfer directly. We did not lodge an amendment to the motion because we believe that the minister's next job is to move on to the UK marine bill. That is where all the complexities could be ironed out. We would much rather the minister focused his energies on such a proposal, which will go to the newly appointed ministers—Hilary Benn and Ruth Kelly—rather than concentrated on the one side issue of ship-to-ship transfer.

We need to bring all the issues together, although the matter is complex. The recommendations of the advisory group on marine and coastal strategy—AGMACS—came out in March, as did the former Environment and Rural Development Committee's recommendations on marine issues. The UK white paper for a marine bill was also published in March. The UK consultation closed on 8 June.

There is a real danger that this Parliament will get left behind in drafting its own marine bill. Labour members urge the minister to get his act together on the Scottish marine bill. He did not give us a timetable yesterday at the Rural Affairs and Environment Committee. We welcome the amendments to the 1994 regulations, but the number 1 issue to which the minister should now be turning his attention is the need to ensure that we do not fall behind. The groundwork has been done. The challenge is to translate that into proposals.

15:15

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Liberal Democrats at Holyrood and at Westminster are acutely aware of the importance of the Firth of Forth in environmental and economic terms. Fife's Liberal Democrat MSPs and MPs have been unanimous in their opposition to ship-to-ship oil transfer and have supported Fife Council's decision not to approve the plan.

Ship-to-ship operations on the Forth would take place on an extremely large scale in unpredictable waters and would risk serious harm to environmentally significant waters and coastlines.

I have to agree that John Scott's speech hit the wrong tone. It was not necessary for him to bring partisan politics into the debate. As Sarah Boyack pointed out, the piece of work that we are discussing today was initiated by the previous Administration and was carried on by the current Administration, as is right and proper.

I want to remind everyone that ship-to-ship operations are lawful and, as we have heard, already take place in Scottish harbour authority areas: for example, Scapa Flow in Orkney, Sullom Voe in Shetland and Nigg. The activity is of great economic benefit to the local economies of those areas. We have to be extremely careful that, in tackling the undoubted anomaly of Forth Ports being the “responsible body” and the promoter of ship-to-ship oil transfer in the Forth, we do not pass regulations that have unintended consequences.

The regulations extend the habitats directive to all plans or projects and empower the Scottish ministers to call in plans that they consider might have a significant effect on a protected site, to ensure compliance with the habitats directive.

The British Ports Association has expressed fears that the regulations might have unintended consequences and that ministers might use the new powers widely on all plans and projects—and, indeed, apply them retrospectively to established activities, seriously disrupting them. I would like the minister to comment on that when he closes the debate.

There is a fear that a harsher regulatory regime in Scotland could damage the economic competitiveness of our ports. The British Ports Association has written to say that

“the industry is highly critical of the Executive’s handling of the draft Statutory Instrument. No consultation has been carried out, the Regulatory Impact Assessment does not conform with accepted standards ... and the short timescale—six days from announcement to debate in Parliament—has left stakeholders in a state of somewhat bewildered disappointment.”

The association goes on to say that the way in which the Executive is about to apply the habitats directive—through these regulations—might be ultra vires, given that this is not a straight transposition of the EU directive. The letter even raises the possibility of judicial review in the event of a port’s business being damaged by the regulations.

Orkney Islands Council says that it is concerned that very little consultation has occurred and, given the potential impact on Scottish ports, feels that the situation is “totally unacceptable”. The council cautions that

“this type of action rarely achieves the desired effect and has the potential to create unforeseen pitfalls for both industry and the legislator.”

Although the Liberal Democrats appreciate the fact that the Executive is taking action to prevent the plans for ship-to-ship transfer in the Forth from being authorised by vested interests in Forth Ports, we have serious reservations about the way in which the Executive will use the regulations that Parliament is about to pass. As with everything

else, the devil is in the detail. Although everyone is keen to see a solution to this particular problem, I am not convinced that enough time has been given to ensuring that all those who will be affected by the regulations have been properly consulted.

15:19

Tricia Marwick (Central Fife) (SNP): I welcome the plans that the cabinet secretary has announced: ministers will have more powers to help to stop ship-to-ship transfers off Methil, in my constituency.

The regulations will give powers to call in proposals that have a significant environmental impact and to issue directions about how those assessments should be carried out. At the moment, the power to assess the impact of ship-to-ship oil transfer in the Forth is in the hands of Forth Ports, which stands to make money if it agrees that such transfers should take place.

It is worth quoting article 6 of the habitats directive, which requires member states not to consent to plans or projects that could damage special protection areas or special areas of conservation unless there is no alternative solution and a plan or project must be consented to for

“imperative reasons of overriding public interest”.

It is clear that SPAs and SACs could be damaged if Forth Ports gives the go-ahead. It is also clear that there are alternative facilities at Sullom Voe and Scapa Flow, which are keen to get the work, and that there are no

“imperative reasons of overriding public interest”.

A private company with a conflict of interests must not be allowed to determine the public interest, never mind override it.

Ministers have taken a significant step towards greater control over such developments. It is a victory for all the communities and councils around the Forth. It took the Scottish National Party Government just one month after the election to put the measures in place. Mike Rumbles criticised John Scott, and Sarah Boyack said that she has been working hard on the issue since January. I appreciate that, but I say to her as kindly as I can that one is tempted to ask what Rhona Brankin was doing during her time as Deputy Minister for Environment and Rural Development, when she had meetings with me and other members.

The regulations will give the Scottish ministers greater powers over the assessment of the plans by Forth Ports but, as the minister said, they will not put the final decisions into ministers’ hands. I congratulate the Cabinet Secretary for Rural Affairs and the Environment on finding a way

through the legislative spaghetti that he inherited, but only the Westminster Government can transfer the powers from Forth Ports to the Scottish ministers so that they can decide on the matter.

I regret the fact that, although Richard Lochhead has been in touch with the Westminster Government, the former Secretary of State for Transport was a bit tardy with his response. Now that Gordon Brown is Prime Minister, he has a duty to act immediately to ensure that the views of his constituents in Kirkcaldy, as well as my constituents in Methil and Buckhaven, are heeded. I suggest that he orders his UK ministers today to get the situation sorted out once and for all.

15:22

Claire Baker (Mid Scotland and Fife) (Lab): I welcome this opportunity to speak on an issue that concerns many people in my region, particularly the people of Methil and Buckhaven. The first time I spoke in the chamber was on the issue and I am pleased to return to it today.

The proposal for ship-to-ship oil transfers off the coast of Methil in the Firth of Forth has been of interest to the Parliament for some time. The work of previous ministers—particularly Sarah Boyack, who initiated a review of the legislation on ship-to-ship oil transfers—has been acknowledged by members today. I also acknowledge Catherine Stihler MEP's efforts to raise the issue at European level and her continuing commitment to finding a long-term solution. It is clear that Labour members, along with other members, particularly from Fife, have been concerned about the conflict of interest of Forth Ports and the potential environmental impact on a sensitive area.

As a new member, I have been reading the *Official Report* of the Environment and Rural Development Committee meetings in the previous session. It is clear that ship-to-ship transfer is a complex issue because it involves devolved, reserved and European matters including maritime legislation, regulations on legitimate commercial activity, and considerable environmental concerns.

I welcome the measures that have been announced today. Better transposition of the habitats directive will strengthen its intention. I acknowledge the RSPB's support for the move and thank it for producing a useful briefing. Scottish ministers will have the power to influence decisions by competent authorities and to ensure compliance with the directive. That will remove the concern about a conflict of interest. As other members have pointed out, it is not appropriate for Forth Ports to make the decision because it also stands to benefit financially from it.

However, it is fair to say that ministers have not found the dilemma easy to solve. As the Cabinet

Secretary for Rural Affairs and the Environment rightly acknowledged, there are limitations to what the measures can achieve. Although the solution moves the decision-making power to ministers, they will still have to take decisions in line with the habitats directive. The new provisions will not raise the hurdle that proposals for ship-to-ship oil transfers must overcome.

Richard Lochhead: The member mentions the dilemma that ministers face. I will clarify a point for members. Ship-to-ship oil transfer is a reserved matter so, under the new regulations, the Parliament can act only within the competence of devolved powers. That is an important point for members to bear in mind when referring to the Parliament's powers over the Forth Ports proposal. Of course, the Forth Ports proposal has not proceeded to a decision yet.

Claire Baker: I do not disagree with the minister that Westminster has a role to play in resolving the situation, which I hope will be based on constructive dialogue with Westminster ministers.

If the appropriate assessment meets the directive's requirements, in the present situation, ministers appear to have no power to say no. They can enter into a process of suspending the decision and endlessly delaying, but today's decisions will not allow them to veto the activity. However, that is not the impression that the people of Fife and Methil have been given. Two weeks after the recent election, the Executive-in-waiting briefed that it would be able to veto the proposals. I assume that that was said because the SNP did not fully appreciate the issue's complexity or just because it was trying to reel in the Greens. That situation gave the people of Fife hope that ship-to-ship oil transfer could be laid to rest quickly.

As welcome as today's changes are, they are—arguably—a stopgap measure. For the future protection of Fife and Scotland's coastline, the Executive must introduce a marine bill at the earliest opportunity. Apart from occupying this legislation-lite Executive, that would provide lasting protection for the fragile marine-based wildlife of Fife and Scotland.

15:26

Margaret Smith (Edinburgh West) (LD): I welcome the chance to speak in the debate and I welcome the cabinet secretary's approach of developing the review of relevant legislation on this complex subject that his predecessors began. I also thank him for the useful meeting that he held earlier this month with colleagues of all parties on this important issue.

Concern has been expressed around the Forth and that has been mirrored by the work that MSPs

of all parties have done in Fife and in the Lothians. A role has been played by the relevant local authorities and environmental groups, to which I pay tribute for the support that they have given us all as we have sought to tackle the issue in recent months.

My constituents have raised two key issues. The first of those is the substantive point that residents have been concerned about proposals to initiate ship-to-ship oil transfers close to conservation areas and special protection areas. Ship-to-ship operations have taken place for many years elsewhere in Scottish waters, but that does not rule out the possibility of accidents. I accept that the oft-quoted incident in the Gulf of Mexico some time ago occurred in circumstances that are different from those that are suggested for the Forth but, nevertheless, residents and others are deeply concerned about the possible impact of any oil spill on the Forth, its beaches, its environment and its tourism.

I thank Forth Ports and its staff for the offer that was made some time ago to the Environment and Rural Development Committee in the previous session, which I took up, to visit its operational headquarters at Grangemouth and see for myself how it deals with the many thousands of ship movements in the River Forth. I was impressed by what I saw in the ship traffic control room. I am more used to seeing air traffic control at Edinburgh airport; ship traffic control is a lot slower and more sedate, but it is important nevertheless, to avoid collisions, which could lead to oil spills in the river.

The second reason for people's concern is the governance situation. It is ludicrous that Forth Ports—a private company that would have a significant financial benefit from the proposal—is the competent authority that is, in effect, the judge and jury on an issue that could have a dramatic impact on our environment. Yes—the appropriate assessment has had to be conducted and Scottish Natural Heritage, as an arm of Government, has had the chance to comment on that. However, that is not good enough. Ultimately, the Scottish ministers are responsible for our environment and should have all tools at their disposal to perform their functions and duties. Given that, I am sure that my constituents will welcome the amendments to part IV of the Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716).

I very much welcome the proposal to provide new powers for the Scottish ministers to call in a plan or project that might have a significant effect on a protected site, to ensure compliance with the habitats directive. That will cover not just ship-to-ship transfers, but other operations. In principle, that is a sensible step.

That addresses the governance issue, to some extent, and I welcome the strengthening of the

minister's functions in relation to the public interest. Scottish ministers will be able to use the powers only when that is justified. Where operations have been undertaken for many years satisfactorily—as at Scapa Flow and Sullom Voe, for example—there will be no question of those operations being curtailed. In fact, I would be delighted for them to be increased to include the Russian oil that is planned to come to the Forth.

One of the wider issues that the discussion around ship-to-ship oil transfer has thrown up is the need for discussion and co-operation with the UK Government not only on ship-to-ship transfers, but on marine law. Can the minister give us some idea of the timetable for that and of where we are with regard to the appropriate assessment?

I hope that ship-to-ship transfer of oil in the Forth will not be given the go-ahead, but we must be realistic. Today's announcement does not guarantee that by any means, although it gives the minister greater powers. Ultimately, the power to stop the transfers rests with UK ministers. I hope that the Parliament's decision today will aid the minister's discussions with his UK partners with our support behind him.

15:31

Rob Gibson (Highlands and Islands) (SNP):

On the last day before the recess, we have been presented with a need to fill a gap that has been looming for several years. I am delighted that the Scottish Government has found a way to try to narrow that gap. We all recognise the fact that a large amount of work is needed to reconcile habitats and the needs of the marine economy, and that a marine bill is the way in which to do that. We are, however, talking about the need to reconcile 85 acts of Parliament in the UK legislature, which will take time.

I welcome this opportunity for us to make a united statement that we want progress to be made. Nothing will happen all of a sudden during the recess that could put us off course. I believe that the minister's efforts show that, with the determination that the Scottish Government now has, we will ensure that regulation is put in place to allow us to intervene and prevent the oil transfers from happening.

There are many good reasons why we need local democratic accountability—indeed, accountability in Scotland—over such matters. Local accountability is an obvious difference between what is planned in the Forth and what happens in Orkney, where there is a locally accountable harbour authority. I say to John Scott that part of the problem we face is the privatisation that took place in the 1980s, which has caused much of the difficulty today. We could have taken

in hand the question of democratically accountable harbour authorities much more easily.

The joint ministerial committees will help the ministers to talk about these things. I hope that the ministers down south now realise how important such communication is. Given their irresponsibility in not applying the Merchant Shipping Act 1995 in this case, I hope that our ministers will ask them why they took so long to address the matter.

The Scottish Government is taking more powers—that is welcome. By making these minor amendments to the details of part IV of the 1994 regulations and broadening their scope to cover all plans and projects, the amending regulations will plug gaps in the current legislation, transposing article 6 of the EU habitats directive in Scotland. However, as Sarah Boyack mentioned, we must also think about the utilities that can operate outwith the regulations governing strategic environmental assessment, and so on. We need to review that. Forth Ports and Scottish Power are the kind of bodies that must be brought into the scope of the regulations.

In Scotland, we have gone further than they did down south on matters of strategic environmental assessment, but I think that we need to go further again. It is important to recognise that we are all involved in a learning process. Iain Gray, who is sitting beside Sarah Boyack, told election audiences before he was re-elected that he thought that it was really a matter for the UK to deal with and not a matter for the Scottish Parliament at all. I am pleased to say that we are working closely with the UK Government and that we can all influence the process by being united in support of the motion today.

15:34

Robin Harper (Lothians) (Green): I congratulate the Executive on the celerity with which it has addressed the situation, but I also pay tribute to the amount of work that my colleagues in the Green party have done on it over the past two years. Mark Ruskell first drew the Executive's attention to the problem as long ago as 30 October 2005 and we have worked and campaigned on both sides of the Forth since August 2005.

In the Environment and Rural Development Committee, Eleanor Scott pointed up one of the most important and alarming things about the situation. She asked:

"If ship-to-ship transfer goes ahead and is subsequently found to be in breach of the habitats directive, what would the consequences be? What would be done to whom as a result of the directive having been breached?"

Iain Rennick, a committee witness, replied:

"I guess that, ultimately, the Executive would bear the responsibility and infraction proceedings could begin against the United Kingdom Government."

Eleanor Scott then clarified the matter:

"So although the Executive has not had a role in deciding whether the proposal goes ahead, it would be the body that would be found to be in breach of the habitats directive."

Iain Rennick replied:

"That is my understanding."—[*Official Report, Environment and Rural Development Committee, 7 February 2007; c 4062.*]

That is the position that we are in at the moment. The Executive can be held responsible and, if that is case, it should have a say in the decisions.

I will comment on one or two matters that have been raised in the debate, particularly the position of Sullom Voe and Scapa Flow. I know that the minister will address that, but I will set out the Green party position. Scapa Flow was one of only three sites in the whole of Britain to be designated by the Donaldson report as suitable for ship-to-ship oil transfers. Both sites have gone through the same processes as Forth Ports is trying to go through at the moment in trying to be judge and jury for itself, both satisfied the habitats directive and only in exceptional circumstances would the Executive have to call in a granted application for consideration. I am sure that the minister will expand on that.

Claire Baker highlighted the important mistake that the debate is all about Forth Ports. It is not just about Forth Ports. In fact, it is not about Forth Ports, but about the Executive having the powers that are proposed. In a written answer just the other day, Stephen Ladyman said:

"The introduction of this control is intended to address local concerns about the situation in the Firth of Forth."—[*Official Report, House of Commons, Written Answers, 25 June 2007; Vol 462, c 521W.*]

I hope that the minister will write to Stephen Ladyman to disabuse him of that misapprehension about the intention of the amendment regulations.

Scotland ultimately needs a full marine bill so that we can properly address environmental protection and responsible stewardship of our seas and coasts. There remains a great deal of work to do. Under the current chaotic legal mix of responsibility, there is no robust consenting regime for ship-to-ship oil transfers. The Forth bid has been the subject of fierce criticism for the way in which it has been conducted. It has been condemned by the public, politicians, environmental agencies and local authorities, but it is the occasion, not the cause, of the amendment regulations and I urge members to vote unanimously for them at decision time.

15:39

John Park (Mid Scotland and Fife) (Lab): Like many members, I welcome the opportunity to participate in the debate because I have lived and worked around the Fife coastline for a number of years—in fact, all my life. The competing priorities of the needs of business and the marine environment have been commonplace since the industrial revolution and probably a long time before that. It has always been necessary to strike a balance between those needs and I welcome the cabinet secretary's proposals as a step in the right direction.

It is important for us to acknowledge the work that Sarah Boyack and Richard Lochhead have done to move the issue forward. I am pleased that the cabinet secretary recognised Sarah Boyack's activity in her former ministerial role.

For members who do not know Fife's coastline, I will paint a picture to show its complexity. Most members may know that Grangemouth, which is a key industrial site in Scotland, is opposite the furthest west point of Fife's coastline. Everyone knows about the significance of Longannet power station. The beautiful and historic village of Culross is further along. Further east again are the villages of Limekilns and Charleston, which once acted as a port for Dunfermline—many people may not know that. For many years, kilns there that were fuelled by charcoal—and later coal—converted lime into quicklime, which was shipped out all over Scotland. The area is virtually all now residential, but it has an industrial past.

Towards the bridgehead area, Rosyth dockyard is still a prominent employer. The new port at Rosyth has potential to link Scotland to many more destinations in Europe. Dalgety Bay was a port more than 100 years ago. In the early 1980s, there were several campaigns to stop the establishment of Braefoot gas terminal, which is close by. No mention of the area would be complete without recognition of Aberdour's popular award-winning beach.

Further up the coast, people can witness many aspects of industry and commerce and environmental areas of interest that are of economic significance.

Marilyn Livingstone (Kirkcaldy) (Lab): Does the member acknowledge the huge role that places in my constituency, such as Kirkcaldy, Burntisland, Kinghorn, the Wemyss villages and Buckhaven, have played in opposing the current proposals? In particular, does he recognise the role that the Kinghorn environmental group—which submitted a petition to the Parliament—has played? Does he accept that the real answer to the problem lies in bringing about a speedy resolution through the introduction of a marine bill?

John Park: I was about to deal with that matter. I accept what the member says and acknowledge the work that has been done by local people, environmental groups such as RSPB Scotland, local politicians and members of the Scottish Parliament. We have moved the issue up the political agenda. There are high expectations, which I hope the regulations will go some way towards meeting.

I warmly welcome the minister's proposals. However, the debate has highlighted the importance and sensitivities of the marine environment more generally. As Marilyn Livingstone and Sarah Boyack said, it is important to clarify the marine legislation and to introduce a bill that will allow the issues to be debated in the chamber.

The Administration should build on the lessons that have been drawn from the ship-to-ship experience and develop a marine strategy in the coming months that reflects those lessons.

15:43

Roseanna Cunningham (Perth) (SNP): Sometimes it seems to me that the only questions that need to be asked in politics are whether there is a problem, whether there is a solution and whether we have the power to deliver the solution. We are discussing such questions today. Once such questions are answered, it is simply a matter of priorities.

It is clear that there is a problem. Concerns have been expressed not only by the communities that live and work by and near the Firth of Forth, but by many organisations—not least of which is SNH—whose principal focus of interest is the care of the wider environment.

The second aspect to the proposal, which has been referred to repeatedly today, is the extent to which it has highlighted the deficiency of the current arrangements with respect to the scope of ministerial intervention.

Obviously, one response to the environmental concerns would be to rule out transfers if they are planned to take place too near areas of environmental and/or economic sensitivity, but we cannot do that. In any case, we would not do that, because we are talking about part of the economy of local areas. Alternatively, we could build in robust measures that would ensure strict compliance and provide the maximum possible safeguards, but the devolved and reserved split makes that difficult. We could try to ensure that decisions are taken democratically—they could be made subject to scrutiny—but I am particularly concerned about that because, despite comments that I have heard today, I have real questions about Forth Ports, which is a public limited

company. To whom is it accountable? It is a private company with a regulatory role; there is seemingly no oversight.

Ultimately, Forth Ports makes a profit from the decisions that it takes. I cannot see how that is the best way to proceed. It is difficult to see how Forth Ports would ever want to take decisions that would adversely affect its bottom line. Indeed, there are other concerns about the way in which Forth Ports conducts its business. It imposes huge variations on the charges that are levied on different harbours around Scotland—my principal concern is Perth—with the intention, I suspect, of moving shipping business to its own ports. However, I will take up that matter separately with the cabinet secretary.

Right now, a proposal with potentially far-reaching consequences for one of the busiest waterways in Scotland seems subject to little in the way of control. It is clear that Westminster, if it so wished, could use merchant shipping legislation to block ship-to-ship oil transfers anywhere round the UK that it chose and could, therefore, react to this concerted Scottish concern. Apparently, it chooses not to do so. It is not exactly a ringing endorsement of Westminster democracy that it should so flagrantly ignore the cross-party and widespread concerns of the people of this country.

Meantime, in this Parliament, we have to address the deficiencies in our powers and consider what can be done through the devolved settlement to effect some meaningful intervention and ensure compliance with the habitats directive, which is currently not possible. The mechanism that is proposed today might not be the whole answer, but it will at least insert a more strategic check into the process than is currently the case. It is widely welcomed by various environmental organisations and I hope that it is welcomed by the communities that live and work in the Firth of Forth area.

With reference to my friend Michael Rumbles's comments, it seems extraordinary to me that he should respond to the clamour for speedy action with a call for us all to slow down. With reference to Sarah Boyack's comments about the proposed marine bill, I too would like to know whether the marine bill will contain provisions that will impact on the area of policy concerned with ship-to-ship oil transfers. It would be interesting to know whether we could do anything through the bill that would bear on the situation.

Mike Rumbles: Will the member take an intervention?

Roseanna Cunningham: I am in my last paragraph.

I question the assumption among members that the marine bill will somehow resolve all the

devolved and reserved issues. I do not see how that could be the case. I have a much simpler solution to resolving those devolved and reserved issues.

15:47

Jim Tolson (Dunfermline West) (LD): I am grateful to Richard Lochhead for opening the debate. He made a number of particularly good points. For example, I am glad to hear that there will be further discussions between him and other ministers and that Ruth Kelly, the new UK Secretary of State for Transport, will be a key person to whom he will speak on the subject. Mr Lochhead rightly seeks to transfer the powers relating to ship-to-ship oil transfers to Scotland now, which will help to protect us in the future. I am also glad that he is looking to have further discussion with Whitehall about its using its powers in relation to the Forth now.

Although ministers might be able to call in that power in the future, there are many dangers in the current scenario, not least to the wildlife, marine life and tourism around the Forth estuary. I see no benefit to anyone of the ship-to-ship oil transfer proposal. As was mentioned by John Park, the Fife Lib Dem MPs and MSPs have unanimously opposed the proposal; indeed, as a recent former Fife councillor, I spoke out against the proposal in the council chamber in Glenrothes.

You might or might not know, Presiding Officer, that I spent six years of my life as a member of the Royal Naval reserve, working out of Leith on a river-class minesweeper. I often sailed and conducted exercises on the Forth, so I know how difficult conditions there can be. The danger of collision or even hose connection breakages during oil transfer are a major concern, given how difficult the conditions can be.

It is shameful that Forth Ports is both the body responsible for and the promoter of the proposal to make money from ship-to-ship oil transfers on the Forth. Near the Forth on the Fife side is Middlebank wildlife centre, which is in my constituency. The centre deals with wildlife after oil spillages, but I am extremely concerned that many thousands of marine animals could be killed by a major spillage.

When Richard Lochhead sums up, will he give an assurance that if—it is a big “if”—ship-to-ship oil transfers go ahead, the Parliament will do all that it can to minimise the effect of any spillages on all the tidal areas of the Forth, including my constituency, Dunfermline West, rather than just the estuary areas?

15:49

Jamie Hepburn (Central Scotland) (SNP): I welcome the Government's position as outlined by

the cabinet secretary and I am sure that those who live along the shores of the Firth of Forth—and many others—will do so, too. That the cabinet secretary has acted so swiftly is testament to the gravity that he attaches to the issue and its resolution. I am glad to see how positively the Government's and the cabinet secretary's approach has been received by all the parties. In that spirit of consensus, I say that I, too, warmly welcome David McLetchie's amendment. The occasions on which the Parliament acts with unanimity will be rare so, like Robin Harper, I hope and trust that today will be one such occasion.

The pursuit of enterprise is important and I am sure that we all broadly support the growth of the Scottish economy and broadly welcome investment in Scotland that originates furth of its borders. However, the pursuit of economic growth must be tempered by other important, wider considerations. In that regard, the idea that the Firth of Forth is a suitable place for ship-to-ship oil transfers has been shown to be fundamentally flawed. The stretch of water runs beside one of the most populated parts of the country. Should an accident occur, the impact on the communities along the Fife coastline, in our capital city or in Grangemouth and Bo'ness in the Central Scotland region, which I represent, would be enormous. As Jim Tolson said, the firth is home to varieties of seabirds and wildlife that would be fundamentally threatened should an oil spillage happen.

To forecast the worst eventuality is not to take an unduly pessimistic line. We all know that such incidents and accidents can and do happen and that, when they occur, the costs—monetary, human and otherwise—are significant. If we fail to act now, not only would today's citizens rightly criticise us, but history would judge us harshly. I therefore trust that the new United Kingdom Secretary of State for Transport will do what her predecessor failed to do and heed the call of the cabinet secretary and, I hope, the Parliament to act with haste and use the powers that are at her disposal to stop ship-to-ship oil transfers in the Forth.

I am concerned that Forth Ports stands to make a financial gain and is the arbiter in the decision-making process. It is right that Scotland's democratically elected Government should assume control of the process, as Forth Ports should not have that role. Roseanna Cunningham rather eloquently set out the problems inherent in the present state of affairs. The role of decision maker belongs properly to the Scottish Government. I therefore have no hesitation in commending the Government's chosen course of action, while stating my hope that, in the not-too-distant future, our Government will not have to rely on others to act and will have full control over such

matters. I agree with Roseanna Cunningham's suggested resolution to the situation.

15:53

Iain Smith (North East Fife) (LD): The debate has been interesting. There seems to be a new definition of unanimity—we all agree that something should be done, but anybody listening to the speeches would not believe that we were unanimous.

I welcome the amendment regulations to the Conservation (Natural Habitats, &c) Regulations 1994. There is cross-party support for the amendment regulations and the minister must be congratulated on acting swiftly to introduce them before the summer recess. There is no question but that one major issue of concern that has arisen from the ship-to-ship oil transfer proposal is that Forth Ports is both the commercial operator that is applying for the licence for the transfer and the competent authority that determines the application. The amendment regulations will go some way towards addressing that by giving an increased role to the Scottish ministers in respect of the habitats directive, but we should all be clear—I am sure that the minister is clear on this—that the regulations will not give the Scottish ministers a veto on ship-to-ship oil transfers.

The habitats directive relates to specific habitats that are deemed to require special protection. It is vital that we ensure that sensitive sites around our coast, particularly those around the Firth of Forth such as the Isle of May, are protected properly. I welcome the fact that the amendment regulations will remove from Forth Ports the final say on what constitutes an overriding public interest. It cannot be right that a commercial company has to balance its interests and profit with a general public interest and it is therefore right that ministers have a say in that. We have to bear it in mind, however, that if the proposal as it stands complies with the requirements of the habitats directive, overriding the public interest would not come into it, and this Parliament and the Scottish ministers could do nothing to stop ship-to-ship oil transfers.

There are other issues around ship-to-ship transfers that are not covered by the habitats directive and need to be addressed. John Park took us on a guided tour of part of the Fife coast; it goes much further round to reach Fife Ness before becoming St Andrews Bay and the Firth of Tay. Those areas are economically important to my constituency and an oil spill could have a significant economic impact, even if there were no risk to any of the protected habitats.

The Minister for Environment (Michael Russell): The member is correct to say that the

final and important power lies with Westminster at this stage. Will he therefore join me in appealing to the new-in-post Prime Minister—a Fife MP—to ensure that action is taken now?

Iain Smith: The Liberal Democrat MPs have already made such representation and I am happy to support that. I am coming on to the issues on which we need to press the UK Government.

I mentioned tourism, which is extremely important for the award-winning blue flag beaches that we have around the east neuk of Fife. Huge damage could be done to our fragile fishing industry, on which the cabinet secretary and I exchanged views earlier this afternoon. Contamination from an oil spill could have a serious impact on the Firth of Forth fisheries.

Those issues need the UK to make legislative changes and give powers to this Parliament so that when we legislate on the marine environment, as all parties have promised that we will do, we will have the powers to bring in effective controls to protect our marine environment and seashore. It cannot be right that a private commercial company can act as the competent authority to determine applications on its commercial activities. Those decisions must be subject to proper democratic scrutiny by this Parliament or the appropriate local authorities. I hope that the UK Government will agree to make the required legislative changes to give this Parliament the powers to ensure that the situation is corrected.

15:57

David McLetchie (Edinburgh Pentlands) (Con): The proposed ship-to-ship oil transfers in the Firth of the Forth and the desire to improve the regulatory framework that governs such activities and to give the Scottish ministers a locus in this matter has led us into a legal labyrinth. The most that one can charitably say about the previous Scottish Executive's efforts is that it appears to have been lost in that maze for a considerable time, given that the issue first arose more than two years ago. Although it is fair to acknowledge Sarah Boyack's contribution and efforts since January of this year, it is also fair for John Scott, Tricia Marwick and others to ask what took so long.

We are essentially being asked to approve a clever device to use the limited powers of the Scottish Parliament under the habitats regulations to give ministers a measure of control over ship-to-ship oil transfers. The cautionary note sounded by Mike Rumbles about the competence and vires of any decision should be taken on board in the exercise of the powers that we now confer upon ministers.

When the cabinet secretary made his statement on this issue last month, I asked why Her Majesty's Government had not addressed the concerns. As many members have pointed out, the regulations do not empower ministers to prohibit such transfers, but would merely give them a role in the assessment procedures, so my question remains perfectly valid—and unanswered. The Merchant Shipping Act 1995 gives Her Majesty's Government powers to make regulations about the transfer of oil between ships, within UK waters, for the purposes of preventing pollution, danger to health or navigation or to natural resources. Such regulations could prohibit transfers of a specified description in a specified area. That is the legal position. Since the Government has chosen not to legislate directly on this matter, I can only assume that that is a deliberate act of policy. It might have perfectly valid and good reasons for not so acting, but we need to know them. Her Majesty's Government should not be allowed to wash its hands of the matter.

My colleague David Mundell MP, of fond memory in this Parliament, received an answer on Monday of this week from the Secretary of State for Transport. He asked whether the Government had power under merchant shipping legislation to block such transfers, and about the Government's response to the present public concerns. The reply that he received on Monday this week notes the regulations that are before the Parliament today and goes on to say that the UK is considering making regulations under section 130 of the Merchant Shipping Act 1995 in areas where there is no appropriate oil spill contingency plan in place. That is a welcome development. It may not apply to the exact circumstances that pertain in the Firth of Forth, but it demonstrates that the overall regulatory framework in this respect is not comprehensive in its scope or nature and that more work needs to be done on the subject.

My amendment

"requests the Scottish Government to invite Her Majesty's Government to consider complementary legislative measures to"

address the problem. That is a modest and reasonable request to make. I am pleased that the cabinet secretary has taken the amendment on board and hope that, through constructive co-operation, Scotland's two Governments and two Parliaments can work in tandem to achieve a satisfactory result on this important matter.

16:01

Iain Gray (East Lothian) (Lab): I am pleased that this debate is taking place and to have the chance to contribute to it. Like many other speakers, particularly those from Fife and the

Lothians, I represent one of the constituencies—East Lothian—in which concern about the oil transfer proposal has been greatest. Time does not allow me to compete with John Park's vivid travelogue of Fife. Although I am sure that I could do just as well on the other side of the Forth, that will have to wait for another day. Suffice it to say that in East Lothian there is no support for the proposal. It is opposed by all political parties in East Lothian. The previous East Lothian Council opposed it, and I assume that the new administration opposes it. The proposal is opposed by the Scottish Ornithologists Club, from its base at Aberlady, and by the Scottish Seabird Centre at North Berwick. It has no support in and is believed to be of no benefit to East Lothian.

I welcome the cabinet secretary's motion, which will also be welcomed by my constituents. We last discussed the issue in Parliament on 24 May, when the cabinet secretary made a statement on the matter. On that occasion, he endorsed and undertook to continue the search that Sarah Boyack initiated for a route to an amendment to the habitats directive that would give Scottish ministers a locus in the decision. At that point, we urged the minister to update us before the summer recess. I freely acknowledge that Mr Lochhead has responded to that request. A couple of weeks ago he held a useful and welcome briefing for MSPs on progress, and he has clearly worked hard to get the measure that is before us today in place before the summer recess. I give him and his officials all credit for doing so.

On 24 May, we stressed the importance of recognising the limits to the powers that the measures will give to ministers. That issue has been aired at length today by many speakers. A helpful aspect of the debate is that the position is clear and honest. We know that the measure will not give ministers absolute power to agree to or to reject proposals such as this on the basis of public opposition or the threat to tourism, for example; it allows solely for the exercise of devolved powers within the framework of the habitats directive. It is a partial measure, but we agree with the minister that it is what is possible under the Scotland Act 1998 and that it will be a great improvement on the perverse legal position that currently prevails, which leaves Forth Ports as both regulator and beneficiary. Roseanna Cunningham was right to point out just how perverse the position is. Of course, this perverse position was created by a previous Tory Government. If it had got things right the first time round, we would not have been left in this situation.

David McLetchie: Would the member like to tell us when, in all the time that he was advising the former Secretary of State for Scotland and Secretary of State for Transport, he told him to get on his bike and do something about this matter?

Iain Gray: I advised the secretary of state in the Scotland Office, and the issue certainly was taken seriously and examined at the time. If today's debate is about finger pointing, some fingers must point in the direction of the Tories.

However, today's debate is not about pointing fingers. The fact is that the legal position is perverse, and all sides of the chamber want to correct it. As Sarah Boyack made clear, we still believe that the regulation of ship-to-ship oil transfers should in the long run be dealt with in this Parliament by a marine bill that complements the proposed United Kingdom marine bill.

There is some truth in Tricia Marwick's reference to legislative spaghetti and Rob Gibson's comment about 85 pieces of legislation. Mr Gibson also referred to a comment that I made at an election hustings; I do not remember seeing him there, but he is always very welcome. That very complexity is exactly the reason why, as Robin Harper made clear, these matters must be resolved fully within a proper marine spatial planning framework. Of course, that will require close work with the UK Government and, almost certainly, complementary legislation here and at Westminster. As a result, we have no problem with supporting the Conservative amendment, although it would have been better if it had cited the need for a marine bill.

However, the main business today is to secure the regulations before the Parliament, so I give credit where credit is due to the Cabinet Secretary for Rural Affairs and the Environment for bringing them to the chamber before the recess. We will certainly support his motion this evening.

16:07

The Minister for Environment (Michael Russell): At the outset, I say that we have had a positive debate with many good speeches, and I hope to address some important points that have been raised.

I also want to pay tribute to Sarah Boyack, who I know showed great concern about this issue and instituted entirely appropriate work to deal with it. However, I pay stronger tribute to the cabinet secretary, who has accelerated that work in order to bring this matter to the chamber today.

Let us be very clear what we are talking about. If Forth Ports were to decide to proceed with a set of proposals that have, as Iain Gray has indicated and as we hope will be demonstrated this afternoon, no support in this Parliament, no support from any of the local authorities bounding on the Forth, no support from the environmental organisations and no support from the members of the public, we would require Westminster to act,

because the regulations governing ship-to-ship transfers are reserved.

Westminster could act in various ways. I, of course, feel that the best way would be to transfer the powers in question to this chamber, but it could make regulations under section 130 of the Merchant Shipping Act 1995 or make amendments to the Conservation (Natural Habitats, &c) Regulations 1994, similar to those before us today. In any case, Westminster would be required to act.

We need to consider a number of points before we can think about what we can do to complement any such action. For example, some members have wondered whether the amendment regulations are ultra vires. We have been assured—and I think that I can assure the chamber—that the amendment regulations create a proportionate set of powers for ministers to help to ensure that the habitats directive is complied with, and powers conferred under the European Communities Act 1972 allow us, within our devolved competence, to introduce such regulations.

Members, especially John Scott, have asked whether we are the competent authority to legislate on this matter. We are indeed the authority that can make these regulations, and I hope that they will be passed today.

Sarah Boyack asked whether the regulations are too wide and whether they will cover other public authorities. All the competent authorities will be covered under our devolved competence to deal with them. As a result, the regulations must have this particular shape and form.

Tavish Scott (Shetland) (LD): Will the minister give way?

Sarah Boyack: Will the minister give way?

Michael Russell: I see that I have interventions from both sides. I will take Sarah Boyack first.

Sarah Boyack: I was not criticising the move to sweep other organisations into the scope of the legislation; indeed, I welcomed it. I simply thought that it might be helpful if the minister could clarify how that would be done.

Michael Russell: The regulations will attach to existing plans and projects that are not compliant with the directive. In reality, the regulations must be shaped in their present form.

I think that Mr Scott had a similar question, so I will let him ask it.

Tavish Scott: I apologise to the minister and to his colleagues for labouring the point, but I am genuinely concerned about the possible impact on ports such as Sullom Voe in my constituency. Does he share my concern about the British Ports

Association's submission to the consultation? It is concerned that, as Sarah Boyack mentioned, the broader social, environmental and economic issues might not have been considered in the construction of the regulations. Will the minister undertake to write to members—or to place in the Scottish Parliament information centre the relevant information—and to the BPA on those points so that we can be very clear about what we are being asked to pass today?

Michael Russell: I am happy to commit the cabinet secretary—with his consent—to write in those terms so that Mr Scott is reassured.

The only member who suggested that our proposals might have been rushed was Mr Rumbles. His point was somewhat negated by his colleague Iain Smith, who said that tackling the issue was a matter of urgency. We know that our proposals have been produced in a short time, but the situation that we face meant that that had to be the case.

We are arguing that Westminster should act and we are suggesting how it should act, but the issue of the marine bill is a chimera because, as Roseanna Cunningham pointed out, a marine bill could not take reserved powers and give them to the Scottish Parliament. Such a bill could not do that. To stop ship-to-ship oil transfers, we must ensure that Westminster acts and that we make the progress that we can make with the regulations that we can pass—of course, all SNP MSPs would like us to be able to pass all appropriate regulations. We will take our steps and Westminster must take its. I repeat the point that the constituency interest of the new Prime Minister might impel him to act where others have failed to.

Iain Gray: Will the minister give way?

Michael Russell: No, I am sorry—I really must make progress.

We have worked hard on the issue, as did the previous Administration. There has been acknowledgement in the Parliament that we have had to work hard on it. Now we must ensure that, unanimously, the Parliament sends the right message.

As a Government, we have done what the Parliament asked us to do. We have reported in advance of the summer recess on measures that are within the powers of the Parliament. We have been swift to develop appropriate new legislation that puts our own house in order—the proposed powers are immensely useful in that regard—and which will send out a strong signal from the Parliament.

Robin Harper: Will the minister take an intervention?

Michael Russell: No, I must make progress.

As the cabinet secretary said, the Scottish Parliament has a vital role to play in ensuring that legislation that implements the habitats directive is fit for purpose.

I repeat that we need Westminster to act on the proposal in question. It is clear that that is where the powers to regulate or stop ship-to-ship oil cargo transfer lie. The motion, as amended, rightly calls on the Westminster Government to exercise those powers now. I urge other members to accept the amendment, as we have done. We will continue to attach the highest priority to progressing these important matters with Whitehall to secure action. Taken together, our actions will solve the problem and ensure that it does not occur again.

The Scottish environment is extremely precious. I spent the early part of this week on the island of St Kilda, so I know how precious such places are. We must protect and preserve our environment. The proposals that Forth Ports favours have no parliamentary or public support. I hope that the Parliament will send a unanimous message and that progress will be made.

Council of Economic Advisers

The Deputy Presiding Officer (Trish Godman): The next item of business is a statement by the First Minister on the council of economic advisers. The First Minister will take questions at the end of his statement, so there should be no interventions.

16:14

The First Minister (Alex Salmond): It is my pleasure to set out for the Parliament a centrepiece of this Government's new approach to driving economic growth in Scotland. When I was elected, I said that sustainable economic growth was my number 1 priority, and I meant it. Today I announce the creation of a council of economic advisers. In my statement, I want to deal with the remit, the membership and the function of the council, after which I will be delighted to take questions from members.

The idea of a council of economic advisers is in essence simple. It is about focusing some of the top minds in business and economics on the particular challenge of Scottish growth. However, the simplicity of the idea should not conceal the complexity of the challenge that we face if we are to get our economy moving. Scotland's economic underperformance is beyond doubt. Over the past generation, Scotland's average annual growth rate was 1.8 per cent per year, compared with 2.3 per cent for the United Kingdom and more than 3 per cent for small European countries. The percentage difference might sound small, but it represents an opportunity cost of many billions of pounds for the Scottish economy.

That is the challenge that faces every member in the Parliament, and it is the specific focus of the new council. The council's remit is therefore deliberately specific. The council of economic advisers will advise me directly about the best way to improve Scotland's sustainable economic growth rate. Our initial target is to match the performance of the UK average by the end of this session of Parliament and to ensure that the benefits of that growth reach all parts of our society. We should be under no illusions about the scale of the challenge. In nine of the past 10 years, Scotland's economy has underperformed in relation to the UK average. That must change.

The idea of bringing together leaders from business and academia to offer advice on the economy is not new. In 1946 Harry Truman instituted a council of economic advisers in the United States. Alan Greenspan described the CEA as

"one of the most successful government agencies in history."

Three years ago, when California's economy was experiencing trouble, Governor Arnold Schwarzenegger used a different model when he convened his council of economic advisers. Rather than call together a Government agency, the governor convened top individuals to give him frank advice on how best to steer the economy.

The council of economic advisers that I announce today brings together a small group of top economists and business leaders. It will have several specific outputs in addition to any others that are decided by the council members. It will hold quarterly meetings at which there will be direct open dialogue between the council and the First Minister, following the publication of the quarterly growth figures. So that it can share insights with the wider public, the Parliament and the UK Government, the council will publish an annual report, which will provide an expert commentary on the Scottish economy and—crucially—all the relevant economic data that support its findings.

That is the model adopted in the United States, and it is the model that we propose to use in Scotland. The approach acknowledges the current reality, which is that some economic levers reside in Scotland and many, many others reside with Westminster. It is critical that both Governments work together to improve the economic prospects of Scottish families. Those measures and others will ensure that the council is plugged into the heart of Government decision making.

I will be clear about how the council will interact with Parliament and my Government. Advisers advise; Governments govern. Let no one doubt that, although the council will be highly influential, this Government and, ultimately, this Parliament will decide. The explicit role of the council is to provide expert advice, after which the people who have an electoral mandate will rightly consider and agree what decisions and steps need to be taken.

The composition of the council includes some remarkable people. The council deliberately represents a wide spectrum of economic opinion and it is independent of party politics. It exists to challenge accepted wisdoms and to think freely about the best way forward. The council will be robust, diverse and rigorous in its analysis of our historical performance and of what this Government and Parliament propose for the future.

The council is deliberately small, but that is not to suggest that only members of the council will have a view on how to drive growth in Scotland—quite the contrary. There are many vital participants in that process, whose views are not just important but essential to the formation of policy. Therefore, I am pleased to announce that I will invite bodies to join a national economic forum,

the purpose of which is to allow the council and my Government to draw from the widest pool of opinion and to allow good ideas to flow from the forum to those directly advising the First Minister and the Government. We will announce more detail about the forum shortly, and we look forward to hearing those important voices as part of a national conversation about sustainable economic growth. It is my firm belief that the council of economic advisers and the national economic forum can together herald a step change in the analysis of economic policy in Scotland and allow a direct route for those driving our growth to influence public policy.

Having outlined the role and remit of the council and established the wider context within which the council will operate, I turn finally to the announcement of the individuals who have agreed to serve on the first council of advisers. Their appointments are unpaid and are for a duration of two years.

I am delighted to announce that the chairman of the council will be Sir George Mathewson. Sir George is perhaps the most eminent Scottish businessman of his generation. His period as chief executive and then chairman of the Royal Bank of Scotland inspired the transformation of the bank into a global success story. Sir George also spent six years as the chief executive of the Scottish Development Agency.

Frances Cairncross serves as rector of Exeter college at the University of Oxford. Previously, she worked for 20 years on *The Economist* magazine. She chaired the Economic and Social Research Council for six years, until this year, and is a well-respected author, whose works include "Costing the Earth" and "Green Inc."

Sir Robert Smith is chairman of the Weir Group and Scottish and Southern Energy. He also serves as a non-executive director of 3i, Standard Bank and Aegon UK. Sir Robert also chairs the Smith group—a group of dedicated educators and business and civic leaders who are determined to offer more opportunities to young Scots.

Professor Andrew Hughes Hallett is professor of economics and public policy at George Mason University in the United States and is visiting professor of economics at the University of St Andrews. He specialises in international economic policy and has acted as a consultant for the World Bank, the International Monetary Fund, the Federal Reserve, the United Nations, the Organisation for Economic Co-operation and Development, the European Commission and central banks around the world.

Professor Alex Kemp is the Schlumberger professor of petroleum economics at the University of Aberdeen. He is a leading energy

and taxation expert who has advised the World Bank, the UN and individual Governments around the world. In recent times, he has expanded his research to include the economics of renewable energy and how best to foster carbon capture.

Jim McColl is chairman and chief executive of Clyde Blowers—a company that has been transformed under his leadership into a portfolio of global engineering companies. He also serves as chairman of the welfare to work forum, which has seen 15,000 young Scots enter employment.

Professor Frances Ruane serves as director of Ireland's Economic and Social Research Institute, having been associate professor of economics at Trinity College Dublin. She is widely published in the area of international economic and industrial development.

Professor John Kay is one of Britain's leading economists. The author of several influential books, Professor Kay is a regular contributor to the *Financial Times*. He is a fellow of St John's College Oxford and has served as director of the Institute for Fiscal Studies and as a professor at the London Business School and the University of Oxford. He is currently a visiting professor at the London School of Economics and Political Science.

Crawford Beveridge is the executive vice-president and chairman of Sun Microsystems in Europe, the middle east and Africa. From 1991 to 2000, he served as chief executive of Scottish Enterprise. He brings a wealth of international business experience.

The final members of the council are two Nobel laureates in economics. Professor Finn Kydland is the Henley professor of economics at the University of California, Santa Barbara. He was awarded the Nobel prize for his work in dynamic macroeconomics. Professor Sir James Mirrlees is professor emeritus at the University of Cambridge and distinguished professor-at-large at the Chinese University of Hong Kong.

It is my view that that list represents the most formidable intellectual firepower ever to have tackled Scottish economic underperformance. It also seeks to embrace the practical experience of some of the country's most impressive business leaders. Its formation sends out the clearest message both domestically and internationally that Scotland is serious about tackling economic underperformance and has asked serious people to advise us on achieving that goal. The council stands as our best chance in several generations to tackle the problem of systemic economic mediocrity.

The council will not have a magic wand, and neither do we in this chamber, but what it will offer is the potential for future generations to reap the

benefit of our endeavours. It is time that Scotland finally seized the opportunities for small, flexible, open economies to position themselves cleverly in a fiercely competitive world. If this nation is to prosper, it will be because we have been smarter, faster and more innovative.

The council, and the thinking that will flow from it, can be a lasting legacy for the Parliament. If, in four years' time, we can say that together we have started Scotland on a path to higher sustainable growth and international competitiveness, we will have done something of which every member in this chamber can be justifiably proud.

The Deputy Presiding Officer: The First Minister will now take questions on the issues raised in his statement. I intend to allow 30 minutes for questions, after which we will move to the next item of business. It would be helpful if members who wish to ask questions were to press their request-to-speak buttons now. I remind members that they should ask a question, and not give a preamble and then ask a question.

Jack McConnell (Motherwell and Wishaw) (Lab): On behalf of the Scottish Labour Party, I welcome the concept of a council of economic advisers. I congratulate those who have been appointed to the council, thank them for taking up the duties of public service and wish them well.

We agree, as I think all parties do, that there is a need to address Scotland's economic underperformance, but I hope that in his work with the council of economic advisers, the First Minister will be a little bit more straightforward in his description of the current position. For every year since 1983, Scotland has been above its long-term trend growth rate and has been closing on the United Kingdom rate. Employment in Scotland is the highest in the UK and is at record levels. Our population decline has been reversed and in recent years we have had the highest net immigration in decades. In other areas, such as research and development and inward investment, Scotland's performance has been improving.

That brings me to my first question. Much of that success over recent years has come through the engagement of Scottish Enterprise's international advisory board—a group of global Scottish business figures whose expertise has been used, since 2003 in particular, to guide our policy and direction. I thank them for all their work, but I express regret that the only member of the advisory board who has been retained and appointed to the council of economic advisers is the sole member who was a public supporter of the Scottish National Party. I ask the First Minister, as I did last month, whether he envisages any continuing role for the advisory board and whether he has contacted it as a matter of courtesy to

thank it for its work and to explain what role it may—or may not—have in future.

Secondly, will the First Minister and the Government publish a full, independent and accurate statement of the starting point for the council of economic advisers, especially in relation to current trends and comparisons? Thirdly, will the council of economic advisers meet the relevant parliamentary committees on, for example, an annual basis, and will it be able to participate impartially and openly in the annual business in the Parliament conference? Fourthly—and most importantly—I presume that the council will not meet in public in order to ensure that its members can express their views independently and without any restraint. However, the monetary policy committee of the Bank of England publishes its minutes. Will the council of economic advisers publish its minutes and a record of attendance, to ensure that the diversity of views that I assume the First Minister has appointed to it is reflected in the public discussion of the advice that he receives?

The First Minister: I will answer the last question first. A communiqué will be published after each quarterly meeting. Crucially, the council of economic advisers will publish an annual report. The idea is to give that report and the council's analysis as wide a public airing as possible. That is one of the factors driving the existence of the new council. When we marshal such economic talent, we want to get the advice to as wide an audience as possible.

Turning to Jack McConnell's other points, Scottish Enterprise's international advisory board is not affected. It advises Scottish Enterprise; the council of economic advisers will advise the First Minister and will give information to Parliament, the Government and wider society.

Sir George Mathewson has indicated that he would welcome the opportunity to appear before parliamentary committees, which he thinks would be a useful addition to the council's ability to get across its views.

That brings me to Jack McConnell's description of the current position of the Scottish economy. If we were settling for mediocrity, perhaps his description would be adequate. However, only two weeks have passed since the Federation of Small Businesses and John McLaren, the former economic adviser to Donald Dewar and Henry McLeish, issued a study that shows Scotland to be 10th out of 10 comparable European countries, which is down one place from last year, and 17th out of 24 OECD countries on a range and index of economic measurements.

Occasionally in the past, I have disagreed with John McLaren's emphasis and with some of his analysis. However, there must be a basis for the

index of success—or lack of success—that was published two weeks ago. One of the things that the Labour Party must do in the Parliament, both politically and economically, is to confront the reality of the circumstances in which it has left Scotland.

Annabel Goldie (West of Scotland) (Con): As I have previously indicated, the Scottish Conservatives are not hostile to the principle of a council of economic advisers. However, it is now clear from the details that have been given that the council usurps—there is no other word for it—the function of providing macroeconomic advice to Government that is currently discharged by Scottish Enterprise. We cannot continue with the replication, duplication and confusion that would be brought about by the creation of yet another group of economic cognoscenti. The place is positively hoatching with them—it is not a “decluttered landscape”, to use the Scottish National Party's jargon. What does the First Minister now propose to do about the urgent need for reform and rationalisation of Scottish Enterprise? When will that reform commence?

The First Minister: A process comprising exactly that discussion and reform is under way. I disagree with Annabel Goldie about the current function and role of Scottish Enterprise. Scottish Enterprise is a delivery mechanism that tries to spread broad Government economic policy throughout the economy. The new council of economic advisers that I have described is a body that will advise the First Minister and Government on economic policy and on how to reach targets that are driven politically by Government and, I hope, agreed by the Parliament.

Given that the analogy that I have used for the success of councils of economic advisers elsewhere is the United States of America, and given the undoubted and unqualified success that such councils have been in other economies, I would have thought that Annabel Goldie would look more favourably on the concept of having such an advisory council here.

Nicol Stephen (Aberdeen South) (LD): I thank the First Minister for advance sight of the statement, and I very much welcome the appointment of the people who are named in it. Many of them have served Scotland well in the past in different roles. There are also new individuals of significant quality.

The First Minister wants the council of economic advisers to transform long-term growth rates. Why, therefore, is there an appointment period of two years? Might that allow a member of the council just one annual report before their appointment ends? How will that work?

Will the First Minister publish the party allegiances of the individuals who have been appointed and any donations made by them, whether to the SNP or to other political parties?

In his statement, the First Minister referred to the second new body, the economic forum, saying that its purpose was “to allow good ideas to flow from the forum to those directly advising the First Minister”. That suggests that ideas will go to the forum, then to the council and then to the First Minister. Is that how the set-up will work?

Will the First Minister confirm that the business leaders who serve on Scottish Enterprise’s international advisory board will continue to have direct access to the First Minister and to other ministers who are involved in the economy? Why were those business leaders not even mentioned in today’s statement, given the importance of the role that they fulfil?

Will the council of economic advisers be tasked with publishing an assessment of the economic damage that is likely to be suffered by the Scottish economy on separation from the rest of the United Kingdom?

In the autumn, the Cabinet Secretary for Finance and Sustainable Growth will publish the spending review, which will have a profound impact on the Scottish economy. It will commit budgets for three years, through to the end of this session of the Parliament. Will the First Minister give an assurance that the council of economic advisers will have an opportunity to assess the spending review proposals before they are fixed by Mr Swinney and presented to this chamber? Will their advice on that important issue be published at that time?

The First Minister: On the last point, I think that Nicol Stephen is confusing parliamentary process with the role of a council of economic advisers. It is the job of this Parliament to scrutinise the Government’s budget. The council of economic advisers will exist to offer advice on how to remove obstacles to Scottish economic growth and how to grasp opportunities for Scottish economic growth.

I welcome the fact that Nicol Stephen recognises the eminence of the people who have agreed to serve on the council. I think that Parliament should welcome the fact that people of such distinction are prepared to move into public service in Scotland for no salary whatsoever.

Any donations that are given to the Scottish National Party are on the public record, as per the regulations. If I were going to be really cruel to Nicol Stephen, I would remind him of the whereabouts of the Liberal Democrats’ largest donor—he is in jail.

The Deputy Presiding Officer: I remind members that, to ensure that as many of their colleagues as possible are called, they should ask questions without preambles.

Alex Neil (Central Scotland) (SNP): I welcome the First Minister’s announcement of the creation of the council of economic advisers and the national economic forum—the subject of recommendations that were unanimously agreed by the Enterprise and Culture Committee last year and particularly supported by the Scottish Trades Union Congress.

I want to ask the First Minister about two areas of policy that the council should examine. Can the council examine the dearth of reliable statistics on the Scottish economy and examine whether something can be done to rectify that anomaly? Will the council consider the damaging impact of some aspects of UK macroeconomic policy on the Scottish economy, which result in there being much higher interest rates than we need and—according to the UK Government—our subsidising the running of UK departments to the tune of £550 million a year? If that money were to be spent in Scotland, it would add a great deal to Scottish economic growth.

The First Minister: I avoided the temptation to get drawn in by Nicol Stephen’s party-political points about what the council will do—I will take the same approach to Alex Neil’s question.

The council will be looking at how, across a wide canvas, we can improve the performance of the Scottish economy, examine what is holding us back and what opportunities we have for moving forward.

Alex Neil has drawn attention to something important, which is the existence of the national economic forum. He is right to point out that, when he was the convener of the Enterprise and Culture Committee, it called for such a forum. When we were consulting on the formation of the council of economic advisers, the idea of a forum to accompany it was strongly put by the STUC. I am delighted to say that I believe that the STUC will welcome the addition of the forum. Interest groups such as the STUC, the Federation of Small Businesses, the CBI, chambers of commerce and a range of other organisations play important roles, and I regard the forum as being very much a part of the wider conversation and discussion that is required throughout Scottish society if we are to agree joint objectives on lifting economic growth from the mediocre to the successful.

Ms Wendy Alexander (Paisley North) (Lab): From the much more lowly position of a back bencher, I endeavoured to bring Nobel laureates to Scotland to talk about our future opportunities. In that regard, we should all whole-heartedly

welcome the establishment of a council of such standing and repute.

As the First Minister knows, one of the strengths of the council of economic advisers in the United States is its power to review the Government's activities to examine whether they support national economic objectives. I would welcome clarification on whether the Scottish council will have the same reach. In that light, and given that the most hotly contested economic measure at the recent election was the wisdom or otherwise of the introduction of a local income tax—on which a bill is planned—might the First Minister invite the council of economic advisers to consider the wisdom of a local income tax? His Minister for Enterprise, Energy and Tourism suggested that raising income taxes is naive in a knowledge economy.

The First Minister: Parliament, in its wisdom, will consider the local income tax before long. I thank Wendy Alexander for acknowledging the breadth and strength of the council that I have announced today and the importance not just of mobilising people who have attachments to, and track records and careers in Scotland, but of international Scots and people who have no specific Scottish attachment except that they want Scotland to do well and better. I thank Wendy Alexander for her important point on that.

When Wendy Alexander said

"From the ... position of a back bencher",

I thought that there had been a development of which I was unaware. However, whatever the differences between us on how the constitutional situation affects the Scottish economy—we have valid political differences on that—there has never been difference between us on the fact that the Scottish economy's performance must improve. We must improve our international competitiveness. The series of lectures in which Ms Alexander was deeply involved a few years ago was a substantial contribution to the debate. I hope that she can see that the council will take that forward in a more organised and long-term way.

Derek Brownlee (South of Scotland) (Con): Will the council of economic advisers consider only the impact of devolved powers on economic performance? Will the First Minister undertake to report to Parliament whenever he rejects the council's advice? If he is as keen on the United States model as he seems to be, will he consider giving Parliament the right that the US Senate has to confirm members of the council? What do the creation of the council and of the forum mean for Scottish Enterprise?

The First Minister: There is not just one model in the United States. I mentioned that we have taken the Californian initiative.

It will not be only for me to deliver the council's announcements and proceedings to Parliament: on the contrary, the idea is for them to be widely available so that Parliament can deliver them to me, rather than such things coming only from the Executive. That is one of the key reasons why the initiative is important. We might call it the announcement effect. It is a major matter for the Scottish economy that such distinguished people are prepared to devote their time to analysing not just our problems, but our opportunities. The point is to broadcast those messages to as wide an audience as possible—not just to parliamentarians, but to the public—and to send a message internationally that Scotland is now serious about tackling economic underperformance.

Alasdair Allan (Western Isles) (SNP): Like many members—indeed, I hope, like all—I am delighted to hear that such an array of talented individuals is participating in the council. Will the council also have the opportunity to draw on the experiences of other talented academics at home and abroad?

The First Minister: Yes. The council will be able to commission work from whomever it pleases. However, we should remember that there are talented economists in the Scottish Government who will analyse information for the council. Given the council's breadth of interest, range of activities and quality, we will find that most topics that we wish to go into will be well served by the council's membership.

Tavish Scott (Shetland) (LD): I welcome the First Minister's commitment to have the council's chairman appear before the relevant parliamentary committees and I hope that he will undertake to work with Parliament on the best way in which to bring that about.

The First Minister was keen to mention the FSB study and the league table that is produced therein. Where, on that league table, does he expect Scotland to be in four years?

What will be the council's position in relation to the existing office of the chief economic adviser, which is at the First Minister's disposal? Will the council be allowed input to standard economic publications, such as "Government Expenditure and Revenue in Scotland" and the "Scottish Economic Report"?

The First Minister: The statistics branch and the economics branch have certain responsibilities, which include the publications that Tavish Scott mentioned, and those responsibilities will continue. The council will analyse and identify obstacles to economic growth and opportunities for the Scottish economy. It will not produce

statistics, although it may say that the statistical base is incomplete, as Alex Neil said.

When I said that Sir George Mathewson was prepared to appear before the relevant parliamentary committees, I did not say that he was inviting himself. It is up to parliamentary committees to decide whom they wish to invite to appear. I was just indicating his willingness to appear.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Where is the league table?

John Park (Mid Scotland and Fife) (Lab): The First Minister will be aware that there was significant cross-party support for trade union representation on the council of economic advisers, so I am a little concerned that the workforce is not represented on that body. However, I am sure that the establishment of the national economic forum will have the full support of the Scottish Trades Union Congress and trade unions.

The previous session's Enterprise and Culture Committee's business growth inquiry recommended the establishment of a national economic forum, but by no means did that have wide support among business organisations. Given that, will the First Minister please explain how less-enthusiastic partners will be encouraged to participate in the forum?

The First Minister: I think that huge enthusiasm will be expressed, not just by the Scottish Trades Union Congress, which pushed the forum hard in consultation, but by a range of organisations. I do not believe or expect that anyone will refuse to serve on or to attend such a forum, given its importance and the links that it will make. People will see a more organised sequence in how we develop economic policy through the announcements that are made, but I expect the forum to be extremely well attended, and not just by the STUC.

Liberal members chided me for not referring directly to Tavish Scott's question about the league table. I promise Tavish Scott that we will not do worse than 10th out of 10, which is where we were under the Administration on which he served.

John Wilson (Central Scotland) (SNP): I congratulate the First Minister on his announcement. Does he envisage the council of economic advisers feeding into the UK central bank mechanism, which currently deals with the monetary and fiscal policy needs of the Scottish economy?

The First Minister: That is a good question. As I said, it is important for the council's viewpoints on the issues that it identifies and analyses to be

made widely available not just to Parliament, but to the United Kingdom Government. Regardless of how John Wilson and I would like the situation to be, we must acknowledge that, currently, many levers of economic influence are held at United Kingdom level. It is therefore all the more important that a council of such distinction can comment publicly and analyse broadly what requires to be done to improve and enhance our economic competitive position.

Patrick Harvie (Glasgow) (Green): I thank the First Minister for the advance copy of his statement. He will perhaps not be terribly surprised that I am going to ask about the advice that he may receive from Frances Cairncross. Is the First Minister aware of her view that environmental resources—particularly those that can be overconsumed or, indeed, polluted without particular cost—can serve as limits to economic growth, and that Government intervention is needed to prevent the depletion or pollution of all such resources? If that is the advice that he receives from Frances Cairncross and others, what does it say about the need for greater Government intervention to prevent the depletion of environmental resources that are important to Scotland, such as oil and fish?

The First Minister: As Patrick Harvie might expect, Frances Cairncross was appointed because of her range of activities and abilities and her distinguished career. Her interest in environmental economics and the book that she has written recently were factors that led us to identify her as somebody who might be willing to serve on the council. However, I think that I should wait until the council has had its first meeting before I start responding to its views. The council members would consider it surprising if I anticipated their first report before their first meeting.

George Foulkes (Lothians) (Lab): Given that it is the chairman of the council who will be the most important person—the driving force—in the council, is it really the right way forward to choose as chairman someone who thinks that the politician who has done most for the Scottish economy is Margaret Thatcher?

The First Minister: I prefer my Sir Georges to my Lord Georges. I will ask the most prominent Scottish businessperson of his generation to try not to appear before a parliamentary committee on a Tuesday—when George Foulkes will be in the House of Lords.

David Whitton (Strathkelvin and Bearsden) (Lab): The First Minister said that the council will provide a communiqué after each quarterly meeting. The First Minister will know that a communiqué is not the same as a verbatim report. There are substantially verbatim reports of the

proceedings of Parliament and its committees. I have only a higher in economics and I am sure that I could learn a lot from Nobel laureates, so I would welcome the First Minister publishing a full verbatim report of meetings of the council of economic advisers, which might in turn advise the committee of which I am privileged to be a member.

The First Minister: There will be a communiqué from the quarterly meetings and a fully published annual report with as much public disclosure as possible. To be frank, I do not think that it would take a Nobel laureate to teach David Whitton a few things about economics.

The Presiding Officer: If any other member feels like asking a question, I would be minded to take it.

Members: Will the First Minister answer it?

The Presiding Officer: Order. As members know, I have no say over the substance of answers.

We have come to the end of questions. I have no choice other than to suspend the meeting until 5 o'clock.

16:53

Meeting suspended.

17:00

On resuming—

Decision Time

The Presiding Officer (Alex Fergusson): There are two questions to be put as a result of today's business. The first question is, that amendment S3M-252.1, in the name of David McLetchie, which seeks to amend motion S3M-252, in the name of Richard Lochhead, on the Conservation (Natural Habitats, &c) Amendment (No 2) (Scotland) Regulations 2007, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-252, in the name of Richard Lochhead, on the Conservation (Natural Habitats, &c) Amendment (No 2) (Scotland) Regulations 2007, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament agrees that the draft Conservation (Natural Habitats, &c) Amendment (No 2) (Scotland) Regulations 2007 be approved and, in so doing, requests the Scottish Government to invite Her Majesty's Government to consider complementary legislative measures to protect environmentally sensitive sites such as the Firth of Forth.

The Presiding Officer: Before we move to members' business, I wish everybody a happy recess.

Diabetes

The Deputy Presiding Officer (Alasdair Morgan): Despite the holiday atmosphere, members should clear the chamber unless they are participating in the next item of business.

The final item is a members' business debate on motion S3M-147, in the name of David Stewart, on national diabetes week. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the Small Change, Big Difference campaign being run by Diabetes UK Scotland for National Diabetes Week 2007; commends the tremendous support that Diabetes UK Scotland gives to the estimated 173,000 people in Scotland who are living with diabetes; notes that, in the Highlands alone, the number of people living with diabetes stands at 11,111 and this figure is predicted to rise to at least 13,000 by 2017, and therefore considers that the Scottish Diabetes Framework Action Plan should be delivered by 2009, as set out in the Diabetes UK Scotland Manifesto 2007.

17:02

David Stewart (Highlands and Islands) (Lab): I welcome the opportunity to debate diabetes, which is appropriate given that it was recently national diabetes week, to which the motion refers. I thank the 37 members who have given their support to the motion.

Some may argue that the last members' business debate before the summer recess is the graveyard shift. I welcome the hardy members who have delayed their escape to the sun to contribute to this evening's debate, although there is perhaps a question about how much the sun is shining this evening.

I warmly welcome the visitors in the public gallery this evening, particularly the representatives of Diabetes UK Scotland.

My proposition tonight is straightforward. At a naive level, it is about prevention being better than cure. The question this evening for me is: how do we detect and treat the 60,000 undiagnosed diabetics in Scotland? I will argue that high-risk screening, particularly for type 2 diabetes, through a threefold focus on those who are overweight, on those who have a family history of diabetes and on those who are over 45, would be the most successful tactic.

My interest in the subject is twofold. First, about 10 years ago, when I was first elected to another place, I had a tour round Raigmore hospital in Inverness and met a diabetic nurse in the clinic in the unit there. She convinced me to take an interest in diabetes, which has continued to this day.

The second reason for my interest is that one of my close family relatives, who tragically is no longer with us, had diabetes for more than 70 years. He taught me that it is possible to lead a normal life with well-controlled and well-maintained pen-needle injections.

I was for eight years the secretary of the all-party group on diabetes at Westminster. At a reception that I chaired a few years ago, I met Gary Mabbutt, who football fans in the chamber might know was once the captain of Tottenham Hotspur. I mention his name in the debate because he was diabetic and was an international player for England. He told me before the reception that he had been all ready to go to Mexico with England for the World Cup, when he suddenly had a phone call from the England team doctor, who told him that he was not going to Mexico because he was diabetic. Of course, that was a ludicrous decision because he was probably the fittest person in the team—it was a discriminatory view of diabetics. I do not have time to talk about that in detail, but I flag it up as an issue. I am sure that many diabetics who are in, for example, the police, the fire services or the armed forces can relate to the point about discrimination.

So what is diabetes? The British Diabetic Association was the predecessor body of Diabetes UK—incidentally, its original members included H G Wells and D H Lawrence—and it defined diabetes as

“the result of impairments in the body's normal abilities to produce or use insulin. This natural substance is vital for control of blood glucose levels. People with diabetes are vulnerable to various forms of long-term damage to their blood vessels and vital organs.”

So what are the effects of diabetes? I am sure that members will be well aware that diabetes is the main cause of blindness for people of working age. Half of all non-traumatic lower-limb amputations are due to diabetes and the incidence of heart disease and stroke is two to three times higher than the average among diabetics. There is also higher perinatal mortality among babies born to women who have diabetes. Highland NHS Board tells me that—at its local level—people with diabetes have higher admission rates to hospital, longer stays and more outpatient attendances.

I recently asked the Minister for Public Health, Shona Robison, who is present for the debate, for a breakdown of the number of people in Scotland who are diagnosed as having diabetes. Her answer of 14 June told me that there are 193,000 diabetics in Scotland. In addition, of course, around 60,000 people have the condition but are undiagnosed.

Those figures break down to suggest that about 5,000 people in the Highlands and 4,745 in

Tayside, which covers the minister's constituency, have diabetes. That means, if my maths is right—which is not guaranteed, I hasten to add—that there are about 800 undiagnosed diabetes sufferers in each Scottish parliamentary constituency. That would mean that scores of staff in Parliament and perhaps one or two MSPs have diabetes without knowing it.

We must also consider the issue in an international context. The St Vincent declaration was adopted by 32 countries in an attempt to tackle diabetes internationally—the United Kingdom adopted the declaration in 1992. Members know that there are two types of diabetes: type 1 normally develops early in life and sufferers tend to be dependent on insulin, while type 2 is known as maturity onset diabetes or non-insulin diabetes mellitus, and about 80 per cent of diabetics suffer from it.

Screening for type 2 is vital, but it requires planning that tackles local needs within a national framework, so the key is targeting. I do not suggest for a second that we should have random or mass-population targeting. That would not work and Diabetes UK Scotland does not support it. It is not viable because of the costs and workload that would be involved and because of the number of false positive results that would be produced. We should view screening as a form of prevention rather than as a cure. That would allow general practitioners or, indeed, diabetic and practice nurses to offer it earlier to patients who are most at risk—normally, people who are over 45, or people who have a family history of diabetes or people who are overweight. Early detection is vital.

Diabetes UK Scotland reports that most diabetics suffer the condition for between three and seven years before diagnosis. Early detection will reduce the number of patients suffering from complications and it will reduce costs. That detection can be done by a simple and inexpensive urine or blood test that takes about 30 seconds. I accept that no perfect screening solution exists, but a GP who detects diabetes through a urine test can follow up the findings with a blood test.

Members will be aware that the United Kingdom National Screening Committee, which advises the Westminster and Holyrood Governments on screening protocols, has recommended that screening for sub-groups of the population that are at high risk of type 2 diabetes is feasible but should be part of an integrated programme to detect and manage cardiovascular risk factors. Although the Scottish diabetic framework of 2002 and the diabetes action plan of 2006 made no clear commitment to screening, I congratulate Andy Kerr on the work that he carried out, as a minister, in developing diabetic retinopathy

screening for all people over 12 with diabetes. However, a recent health technology assessment of screening for type 2 diabetes shows clear evidence that it would be extremely helpful, particularly in conjunction with awareness raising campaigns.

In passing, I will highlight some examples of very good practice—

The Deputy Presiding Officer: You should draw your remarks to a close, as you are well over time.

David Stewart: In conclusion, we have a great opportunity to raise the bar in health care and to lead the way in western Europe by introducing a high-risk targeted screening policy for type 2 diabetes. Not only would that be cost effective, it would, on an individual level, tackle a condition that blinds, maims and kills. Together, we can create fresh vigour to slay Scotland's silent killer.

17:11

Christine Grahame (South of Scotland) (SNP): I congratulate Dave Stewart on raising the issue, which has been raised in the Parliament on many occasions. I acknowledge the contribution of Karen Whitefield, who in the previous session of Parliament worked with me and others on the cross-party group in the Scottish Parliament on diabetes. I also acknowledge the perpetual and worthwhile work of Diabetes UK in keeping the issue to the fore.

I came to be interested in the issue because four members of my family by blood have type 2 diabetes and two members of my family by marriage have type 1 diabetes. That is a huge proportion in a small catchment and that is just the tip of the iceberg. Dave Stewart mentioned that 193,000 people are diagnosed with diabetes and that many other people—60,000-odd—are undiagnosed. That gives us an idea of the size of the problem. One fact that arrested my attention is that 25 per cent of people in Scotland aged 16 and over are obese. There is a link between obesity and type 2 diabetes. The figure on obesity comes from 2003, so one suspects that even it is now significantly increased. As Dave Stewart rightly said, for the undiagnosed, damage is being done during all the years that they are in that situation. A written answer to Dave Stewart of 14 June stated that in my area, the Borders, an estimated 1,618 people are undiagnosed, but I suspect that the actual figure might be even greater.

I commend Lloyds Pharmacy, which carried out diabetes testing of members of the Scottish Parliament to show us how simple the test is, and tested at various conferences. The test is worth while and takes very little time. One of our members was diagnosed with type 2 diabetes

after having the test. When people are diagnosed, they can go into panic mode and think that it is the end of their life. Dave Stewart mentioned a football player who had diabetes and who was very fit, as he managed the condition. However, a cautionary point is that that approach can sometimes be double-edged, because when people get over the initial problems and can manage the condition through diet or tablets rather than injecting, they sometimes become complacent and slip back into old ways—they think that they have got over it. However, people do not get over it, as it is a permanent state that remains to be managed.

People who are diagnosed can also have psychological issues. A young man from Selkirk who came to the cross-party group on diabetes said that he went crazy when he was first diagnosed and attempted to challenge the disease by drinking and eating what he liked. Of course, he came to a crisis point and realised that it was not a war between him and diabetes—he realised that he was not going to win in that fashion.

I acknowledge that early intervention is invaluable and that prevention is even better—it is better than cure. That is why I am pleased that the cabinet secretary's title contains the term "Wellbeing" and that the relevant parliamentary committee is called the Health and Sport Committee. I know that when people look at me they do not always think about health and sport, but we must connect the idea of exercise and being fit with that of avoiding a high risk of developing type 2 diabetes.

I am pleased that Dave Stewart has raised the issue and I commend the other members who have campaigned long and hard on the issue. I look forward to hearing the minister's response.

17:15

Mary Scanlon (Highlands and Islands) (Con):

I thank David Stewart for securing the debate and, like Christine Grahame, I acknowledge the excellent work that Karen Whitefield did in the cross-party group in the previous session.

I am not a clinician, so I might have no right to say this, but many of my friends who have diabetes are not overweight. I sometimes think that people are in denial and think that they could not possibly have diabetes because they are not overweight. When we talk about obesity and diabetes, people assume that they have to be obese to have diabetes.

I, too, thank Diabetes UK Scotland for providing the information stand in the Parliament this week. I certainly found it to be helpful and it gave some background for this debate. As David Stewart said, diabetes is a long-term, progressive condition that affects thousands of people in Scotland. There

has been a rise of 53,000 new cases in just four years, so this will not be the last debate on the subject.

I am not quite sure how an economist can come up with a figure for those who have not been diagnosed. I accept the figure, but David Stewart will understand that it is rather difficult to measure.

As a Highlands and Islands MSP, I commend the work of Fergus Ewing's friends Munro and Mhairi Ross, who run an excellent self-help group in Inverness. I know that there are many similar groups throughout Scotland.

The Scottish diabetes framework was an excellent piece of work by the previous Government and all parties were signed up to it. Like many others, I fully endorse the priority that is given to people with diabetes for podiatry care. However, it was not the intention that, in order to prioritise one group of patients, many elderly patients would not be able to access foot care. Therefore, although I fully support the measure, I ask that, when one patient group is prioritised, the capacity of podiatrists is increased so that others do not lose out.

Early diagnosis has been mentioned, and I will give a brief example. One of my hill-walking friends attended the doctor for two years with tiredness and various other problems, and was issued with antidepressants. It was only when he applied for a pension scheme and was asked to take a medical that his diabetes was discovered. Four years later, he is still on antidepressants, although he has never been depressed in his life, and an enormous amount of damage has been done. David Stewart was talking about screening, but I would like to focus on better diagnosis and early intervention rather than a screening programme for everyone.

The condition can be self-managed, but people need support to do that. I understand that in some health authorities the test strips for self-testing are being rationed and some people who need to do regular tests are having to buy their own. I hope that the minister will look at that.

"Delivering for Health" signalled an intention to shift the balance of care towards preventive medicine and, by increasing anticipatory care, to reach out to those who are at greatest risk. The success of the health improvement agenda is crucial if we are to slow the increase in the number of people who are developing diabetes and reduce the rate of life-limiting complications.

I hope that more emphasis will be put on prevention as well as care and treatment.

17:19

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased to speak in the debate. I congratulate

David Stewart on securing a debate on such an important issue.

On 14 November, it will be world diabetes day. Two years ago, I secured the first-ever debate in the Parliament on diabetes. It was a notable occasion, not least because the then Lord Advocate, Colin Boyd, spoke in the debate and went public for the first time about his diagnosis of type 2 diabetes. It was unusual for the Lord Advocate to speak in the chamber, but he felt that he had to say something about the issue, especially about the need to increase awareness of diabetes risk. Some members may recall that I spoke in the debate about the devastating impact that diabetes has had on my family. Unfortunately, as others have said, that is not unusual. As David Stewart's motion points out, it is estimated that 173,000 people in Scotland have diabetes. The illness touches most Scottish families.

David Stewart spoke about the need for early intervention, and he was right to highlight that important point. To improve the health of people in Scotland, we must become better at identifying the tens of thousands of people who have the condition but do not yet know it. Across the parties, we should commit ourselves to moving forward with urgency to address that vital issue.

This year, world diabetes day will focus on children and young people living with diabetes; that is the issue about which I, too, wish to speak. According to the International Diabetes Federation, there is an annual increase of 3 per cent worldwide in the number of children with diabetes. We know that Scotland has one of the highest prevalence rates in the world for diabetes in children. In the Highlands, the rate of increase for the number of children with type 1 diabetes is the highest in the UK. No one is sure why that is the case. The reason for the increase may be environmental or genetic; it is probably a combination of the two. However, when it comes to children and young people in Scotland who are living with diabetes, we need to do more and better.

A recent report on diabetes in the young in Scotland showed that in the past 10 years there has been no improvement in their diabetes control. We all know that the consequences of poorly controlled diabetes can be devastating. Yesterday, Diabetes UK Scotland and the Royal National Institute for the Blind Scotland brought their retinopathy campaign exhibition to the Parliament. The campaign built on the fact that diabetes can lead to sight loss. One of the people who were involved at its launch earlier this month was a young woman who lost her sight due to diabetes at the age of 19. She is not an isolated case. Unless we can find better ways of supporting children and families to take full control of their

diabetes, we will consign too many of our young people to an adulthood that is fraught with avoidable problems such as sight loss, cardiovascular disease, neuropathy and kidney problems.

The Scottish diabetes framework and last year's diabetes action plan offer the best way of tackling the issue. The action plan gives priority to developments for young people and children living with diabetes. That must mean better health outcomes for individual children. We cannot afford to see no improvement over the next 10 years.

I congratulate David Stewart on securing the debate and look forward to working with members of the cross-party group on diabetes to continue to raise awareness of the illness and to ensure that health policies and spending improve the lives of those who suffer from diabetes.

17:23

Hugh O'Donnell (Central Scotland) (LD): Like those who have spoken before me, I congratulate David Stewart on securing this debate on a particularly important issue. Even though I am new to the Parliament—certainly in my current capacity—I am familiar with the work that Karen Whitefield and other members in the chamber have done on the issue. Like many others, I used to have scant knowledge and understanding of diabetes. Since my late father was diagnosed with type 2 diabetes—or late onset diabetes, as it was more familiarly called—I have known a little bit more about the condition, but I cannot claim to be as expert or knowledgeable as others in the chamber.

Increasingly, late onset diabetes is a misnomer. As Karen Whitefield said, the number of teenagers and young people who are being diagnosed with type 2 diabetes is a serious issue. The statistics that have been collated are certainly a cause of concern. As far as young people with type 2 diabetes are concerned, we are on the edge of a crisis, and we must examine a number of areas, not least of which is diet and obesity.

It is well known that type 1 and type 2 diabetes are not standalone ailments. We have done a lot of work on treatment and preventive measures, and in that respect I commend, for example, the guidelines from the Scottish intercollegiate guidelines network; the managed clinical networks that are beginning to emerge; and, in particular, Diabetes UK's very valuable work. Preventive measures can be taken and are bound up with the clear problem of the way Scotland eats. In fairness, the previous Administration tried to tackle the issue in its hungry for success initiative. I seek assurance from the minister that she will continue to support such initiatives.

Education is critical in addressing this matter. We must find a way of tackling certain entrenched cultural positions, particularly those of males in the west of Scotland. As I come from a working-class background, I am familiar with the pride associated with telling people that we have not been to the doctor for 20 or 30 years, but such people have not had the opportunity to take advantage of the preventive measures set out in the SIGN guidelines. We need to widen the information base in that respect. The fact is that, although we have made some progress, we need to tackle all the issues that I have highlighted.

As other members have covered many of the other points I wished to make, I will not take my full four minutes.

17:27

Lewis Macdonald (Aberdeen Central) (Lab): I, too, will be brief. I congratulate David Stewart on securing this debate and echo what he and other members have said about the importance of raising awareness of diabetes; of tackling ignorance and discrimination; and of detecting and treating diabetes as early as possible. Like other members, I have experience of diabetes in my extended family, and I am very aware of the difference that is made by early detection and the increasing availability of user-friendly treatments. Indeed, the latter aspect is particularly important for young people who have to face the shock of such a diagnosis.

I also pay tribute to David Stewart for leading an all-party approach to this issue during his eight years in another place—and to the all-party approach that has been taken and referred to by the members who have spoken in the debate.

It is worth noting the point about wider UK engagement. With diabetes, as with other long-term conditions, we must join up the work being carried out in Scotland with UK research and diagnosis initiatives.

David Stewart highlighted the importance of screening. As he said, the previous Administration introduced a number of helpful initiatives such as retinopathy screening for those who have already been diagnosed as having diabetes, but the issue must be addressed in the wider context of the NHS's general management of long-term conditions. I hope that, in her response, the minister will relate her comments on diabetes to the bigger picture of how the NHS can shift its focus from the traditional emphasis on acute hospital care as the health service's main activity to a greater emphasis on detection, early intervention and support for those who have to live with long-term conditions. Indeed, as Mary Scanlon said, that is what delivering for health is

all about. Further development of that approach will command very broad support.

As has been said, the issues that are raised by the growing incidence of diabetes relate to some of the wider issues of health and well-being in our population. Those issues are not always related to deprivation—sometimes they are to do with lifestyle. It is clear that there are important matters for the health service in Scotland and elsewhere to address and that that must be done in the context of the way in which we approach long-term conditions.

17:30

The Minister for Public Health (Shona Robison): I thank Dave Stewart for lodging his motion on diabetes and welcome the expertise that he brings to Parliament as the former secretary of the all-party parliamentary group for diabetes at Westminster.

I welcome this evening's debate as an opportunity to underline the serious challenge that diabetes presents in Scotland, and to welcome the work that Diabetes UK does during diabetes week and the rest of the year to improve the lives of diabetics. As many members do, I have family members with diabetes and I know the impact that it can have.

The Cabinet Secretary for Health and Wellbeing was delighted to support diabetes week through the launch of the campaign by Diabetes UK and the Royal National Institute for the Blind to promote awareness of the importance of retinopathy screening for people who have diabetes.

When it was published, we welcomed the national framework for service change as a sound analysis of the health challenges that face us. Its conclusions remain valid and we continue to support them. As Karen Whitefield did, we welcome, too, the positive contribution that the diabetes action plan is making to diabetes care. The action plan was developed with support and contributions from a wide range of stakeholders, including voluntary groups and diabetics. It has been well received and there is, among health care professionals, a strong commitment to delivering it. It includes commitments on a number of important areas, including patient education, improving access by disadvantaged groups to services for people with diabetes, improving foot care services, implementing state-of-the-art e-health solutions, enhancing the knowledge and skills of staff, and improving access to diabetic retinopathy screening. Continuity of policies and targets is crucial where they bring benefits to patients, so we support delivery of the diabetes action plan.

I turn to the six key themes in the “Diabetes UK Scotland Manifesto 2007”, the first of which is to “Support people with diabetes to look after themselves”.

That is an important objective, as Mary Scanlon said. It is imperative that we equip diabetics with the knowledge, skills and confidence to deal with their condition and to effectively integrate self-management into their lives so that they can improve their quality of life.

Mary Scanlon mentioned blood-testing strips. As I understand it, the issue that Diabetes UK raised related more to the problem that health authorities in England were encountering with blood-testing strips, but if members have any evidence of that being an issue for health boards in Scotland, I would like to hear from them.

As a Government, we believe that patients and carers should be genuine partners in the design and delivery of care—I expect that principle to be applied in the context of diabetes. Systematic structured education is a central part of diabetes care, and I welcome the emphasis that the diabetes action plan places on education and the efforts of diabetes services to extend such provision to everyone who requires it.

The second key theme in Diabetes UK’s manifesto is to

“Retain entitlement to free prescription charges for people with diabetes”.

I can offer members comfort on that because we agree that diabetics should be entitled to free prescriptions and will ensure that that remains the case. We made a manifesto pledge to phase out prescription charges and we are taking steps to deliver that goal.

The third theme is about diabetes education for non-specialist health care professionals. All health care professionals who care for diabetics should have the knowledge and skills to provide safe and appropriate care. We look to health boards to provide suitable training courses and support to non-specialists so that we can help shift the balance of diabetes care towards local communities. Lewis Macdonald mentioned that—it is particularly important in remote and rural areas, such as the Highlands and Islands.

The fourth theme is to

“Identify people with Type 2 diabetes early”,

which a number of speakers mentioned. Early identification of people with type 2 diabetes offers significant benefits. Providing people with appropriate diabetes care and treatment reduces the risk of complications and produces benefits for the person with diabetes and for the resources of the NHS. The keep well projects, which target at-risk groups in deprived areas, provide one

mechanism through which to reach at an early stage people who may have undiagnosed diabetes. The figures that were referred to by David Stewart show the extent of that group of people.

We also have a manifesto commitment to introduce “life begins” health checks for all men and women when they reach the age of 40. Such checks could provide a systematic mechanism through which to identify people with undiagnosed diabetes and those who are at risk of developing diabetes. We will introduce plans for those checks at a later stage.

The fifth theme is to ensure access to treatments and therapies. Increasing numbers of people with diabetes are receiving the regular tests that they require, and we have seen an overall improvement in the numbers of patients reaching treatment targets. We need to build on those successes and ensure that remaining service gaps are filled. I welcome the fact that the diabetes action plan highlights the need to improve access to diabetes services for disadvantaged groups and communities.

I am aware that the number of people in Scotland who use insulin pumps is low in comparison with other countries. We are working with health care professionals to develop national guidance for those professionals on the use of insulin pumps, and we will monitor that through an audit. We are also exploring whether insulin pumps can be added to our drug-prescription lists to allow people who have an insulin pump to obtain their pump supplies on prescription. We expect such measures to make it easier for the people who meet the criteria for a pump to obtain one.

The sixth theme is to implement the diabetes action plan by 2009 and update it to 2012. I have already emphasised that we intend to see though the objectives of the action plan, and we will look closely at the outcomes of the current action plan and consider, in consultation with others, what further steps need to be taken to secure improvements in diabetes care beyond 2009.

Overall, diabetes services in Scotland provide a high standard of care. There is, of course, more to do, and there are gaps in provision that need to be filled, but I congratulate health care professionals who work in diabetes on what they have achieved in recent years to improve services. We want to develop that work throughout Scotland.

The Deputy Presiding Officer: I wish members a productive recess.

Meeting closed at 17:37.

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