

# **MEETING OF THE PARLIAMENT**

Thursday 6 September 2007

Session 3

£5.00

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## Scottish Parliament

*Thursday 6 September 2007*

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

### Foot-and-mouth Disease

**The Presiding Officer (Alex Fergusson):** Good morning. The first item of business is a statement by Richard Lochhead on the outbreak of foot-and-mouth disease. As the minister will take questions at the end of his statement, there should be no interventions during it.

09:15

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I would like to make a statement on the response in Scotland to the recent outbreak of foot-and-mouth disease in Surrey. I understand that there may have been a delay in some of the other parties receiving copies of the statement. If that was the case, I apologise, and will have it investigated.

As members will be aware, August was a turbulent and difficult month for Scotland's livestock and red-meat industries. Disease was confirmed in the early evening of Friday 3 August. That came as a considerable surprise, given that the international surveillance work for exotic diseases suggested that the risk of foot-and-mouth disease to the United Kingdom was low. Clearly, the news was of serious concern to the many rural communities and agricultural businesses whose memories of the devastation caused by the outbreak of foot-and-mouth disease in 2001 remain painful and whose contribution to the Scottish economy is vital.

When the outbreak was confirmed, leave was cancelled for ministers and key officials. On receiving the news, the Scottish Government acted quickly to put its emergency arrangements in place. The Scottish foot-and-mouth disease contingency plan was activated, and the Scottish Government's emergency room arrangements were immediately implemented within Pentland House. My officials and I immediately returned to Edinburgh to participate in key meetings and to direct the precautionary and proportionate response to the events. The Scottish contingency plan incorporates many lessons learned from the 2001 outbreak. One of the key lessons was that confirmation of disease within the single epidemiological unit of Great Britain would lead to a nationwide movement ban on susceptible animals as quickly as possible.

Following confirmation of this serious animal disease, the Scottish and UK Governments took immediate action and the movement ban was implemented at 9 pm on Friday 3 August, just three hours after disease was confirmed in Surrey. That was a necessary, immediate step to protect Scotland's interests, as the disease picture was uncertain, both in terms of its source and in terms of the potential spread of disease. In addition, major agricultural shows were being staged in Scotland over that weekend.

Ministers and officials were in close contact with the other Administrations throughout the UK from the outset, and there were several telephone conferences a day between the Administrations. Parallel movement bans were put in place in England and Wales, and the Scottish Government participated in key meetings, including Cabinet Office briefing room meetings chaired by the Prime Minister, which the First Minister and I attended. The scale of that response reflected the serious intent behind our actions.

The Scottish Government recognised that the introduction of the movement ban, while fully justified by the uncertainty of the origins of the disease, would have consequences for the entire livestock supply chain. That is why, where justified by science and veterinary risk assessment, relaxations were made as soon as possible. In particular, during the first 48 hours of response we permitted movement of dairy cows across roads for milking; we permitted the movement of animals for emergency veterinary treatment; and, as a temporary measure, we permitted the on-farm burial of fallen stock to protect animal and public health.

The rapid introduction of those measures was possible because of the strong and early engagement with Scottish industry and other stakeholders. From an early stage, my officials were in close contact with key stakeholders to spread the message of restrictions imposed and the need for heightened vigilance and biosecurity. That initial communication was supported by the quick establishment of a dedicated area on the Scottish Government's website and the creation of a dedicated foot-and-mouth disease helpline. At its peak, the website took 14,000 hits in one day and the helpline took 1,749 calls over a four-week period.

Through those communication channels and regular meetings with stakeholders, we were able to identify the key challenges and issues that needed to be addressed. That allowed us to consider and prioritise work that needed to be done to support the on-going operation of the Scottish livestock industry. Through that approach, from 8 August—only four days into the outbreak—we were able to allow the resumption of

movements direct to slaughter. That was an unprecedented achievement, which was based solely on the available science and risk assessments.

Those risk assessments were undertaken by my chief veterinary officer, Charles Milne, and his team, and I take this opportunity to state on the record my sincere thanks to all my officials. Throughout this crisis they have demonstrated the highest levels of commitment and professionalism. They consistently sought solutions and worked round the clock to ensure that the livestock sector, the media and—as often as possible—MSPs were kept fully up to date with the latest information and that restrictions were relaxed as soon as it was prudent to do so. I am proud, and Scotland should be proud, to have such high-calibre professionals working for us, particularly in such difficult circumstances. I know that the many people involved in the livestock sector who I have spoken to would echo my vote of thanks to them. As a result of their efforts, Scotland was able to be the first part of Great Britain back in business. Similar risk assessments allowed Scotland to move early to open up collection centres on 22 August; movement between farms on 24 August; and—a significant achievement—to allow markets to resume operation on 27 August, a whole week earlier than other parts of the UK were able to achieve.

The Scottish Government's activities were not solely related to the livestock sector. We worked with the media and others to send out a message of reassurance to Scotland and the wider world. In particular, we wanted to ensure that everyone understood that Scotland's countryside remained open for business. We were aware that a significant number of agricultural shows were planned for August. I ensured that the organisers of each show that was planned for the weekend on which disease was confirmed were contacted and provided with advice on how their shows could continue, albeit without livestock. I personally spoke to a number of show organisers and was privileged to be able to attend the Turriff show on 5 August with the First Minister. I later also attended the Keith show. Indeed, ministers from across the Government attended many shows throughout Scotland over that four-week period.

As the disease situation became clearer, further restrictions were relaxed. In particular, the islands were removed from the restricted zone on 12 August, allowing them to return to pre-3 August activities. From an early stage, the Scottish Government worked to consider how Scotland could roll back from the restrictions. In doing so, we have been ably supported by the Scottish science base, and in particular the centre of excellence in epidemiology, known as EPIC, which

is funded by the Scottish Government. As part of that, a team of scientists, led by Edinburgh University, were commissioned to analyse known movements of livestock from Surrey to Scotland. That work considered both direct movements and indirect contacts between livestock within 20km of the infected premises in Surrey and animals that moved to Scotland between 16 July and 3 August. Not only did that work provide important evidence, enabling restrictions in Scotland to be relaxed, it provided a significant contribution to the wider debate. I record my thanks to the EPIC team for its efforts.

Discussions with other Administrations were vital in making a successful approach to Europe for a return to full European Union trade. Exports to the EU had been suspended on 3 August. For Scotland, early resumption was critical, given the value of exports to the industry and the Scottish economy. The Government considered all available opportunities for regaining access to export markets. Regionalisation was one option that was given serious consideration. I had early discussions with a wide range of industry representatives to consider the desirability of such an approach. The conclusion from those discussions was that regionalisation would be difficult, particularly given the significance of trade with other parts of the UK. It was an option, but not the preferred option under the circumstances of the August outbreak.

Fortunately, it did not come to that. On 23 August, Europe's Standing Committee on the Food Chain and Animal Health unanimously agreed to allow the resumption of export trade in live animals and animal products from Great Britain, with the exception of the Surrey surveillance zone. The value and volume of trade with England and Wales meant that that was a particularly good result for Scotland. To the industry's enormous relief, the export ban was lifted three weeks after the outbreak rather than the potential three months. I express the Scottish Government's appreciation for the efforts of the European Commission officials and the UK's negotiating team in achieving that result. Once again, the speed and scale of the result was unprecedented.

It is worth noting that an important factor in allowing exports to resume so early was the robust response taken throughout Great Britain. A core part of that was the national movement ban. However, there is still work to be done. We have been successful in securing EU trade, but third-country exports remain an issue and we continue to engage with the UK Government to support negotiations with the OIE, the World Organisation for Animal Health.

When I announced the lifting of movement restrictions in Scotland, the Scottish Government put in place some temporary safeguards: the 20-day movement standstill, the suspension of separation agreements and the requirement for a veterinary presence at markets. That was a temporary measure recommended by my chief veterinary officer until the risk levels returned to those of before 3 August.

I have already announced that the temporary safeguards will be lifted in parallel with the lifting of the surveillance zone in Surrey. That is currently scheduled for Saturday and will mean in practice that the additional standstill restriction amounts to only an additional two days beyond the normal 13 days. By Sunday, Scotland will have returned to the normal movement regime.

Overall, Scotland has achieved much over the past month. This was a team effort of the highest order, with industry and Government working together with a common goal. I would also like to record the good support that we have received from other agencies, particularly the Meat Hygiene Service, local authorities and Animal Health. In particular, this event was an early test of the new co-ordination arrangements between the Scottish Government and Animal Health, which saw a senior agency official embedded within the Edinburgh strategy team for the first time. This was invaluable in ensuring close co-ordination with the vets in the field and helped to address emerging issues quickly.

Although there have been successes we must not be complacent. It is our intention to learn from these events and to be even more prepared in the future. Today, I can announce that the Scottish Government is commissioning an independent review into the Scottish response to foot-and-mouth disease. The review will be led by Professor Jim Scudamore, who has extensive experience in the animal health field, having held the post of chief veterinary officer to the United Kingdom Government, including during the 2001 outbreak, and also having served as assistant chief veterinary officer for Scotland.

I will meet Professor Scudamore next week to discuss in detail the scope and timescales for the review. I intend the review to inform our contingency plan and to reflect on our experience in relation to this outbreak. I will keep Parliament apprised as the review progresses.

I am also commissioning research into the economic impacts of the movement ban and the relaxations that we were able to introduce. This is important in guiding our future response and ensuring that our actions are proportionate.

We understand that the industry and the rural economy have been disrupted. The livestock

sector before the outbreak was already facing pressures, particularly due to the effects of cereal prices. With that in mind, I wish to say a final vote of thanks to those who were most adversely affected by this outbreak: the farmers, auctioneers, hauliers, processors and people who form every link in the livestock supply chain and whose resilience, understanding and co-operation in the face of this crisis has been truly magnificent. They have responded to the restrictions with patience and understanding and I assure them that the Scottish Government will do everything that it can to support them at this challenging time.

We have acted quickly to respond. We have committed £100,000 to support a Quality Meat Scotland lamb promotion campaign. This is a practical step to aid speedy recovery and we will continue to offer practical support. The demand for quality Scottish produce in export markets and the premium price that this produce can command will bring huge benefits to the industry in Scotland. We will continue to work across the sector to maximise Scotland's opportunities.

I know that we all agree that it is vital that every effort is made to identify the source of the outbreak. We await the official outcome of the investigations by the Health and Safety Executive and Professor Spratt, who are concentrating their efforts at the Institute for Animal Health and the Merial facility at Pirbright. Whatever the source, it is absolutely vital that every step is taken to prevent any lapses of biosecurity in future.

In concluding, I reiterate my thanks to all involved in achieving what has been a positive outcome for Scotland. Within the space of three weeks, we responded to a significant outbreak of a notifiable disease. Furthermore, within those three weeks we were able to relax movement restrictions and restore export markets. Scotland set the pace and was able to lift many of the restrictions ahead of the rest of Great Britain, when it was safe to do so.

Although there is a need to maintain the highest standards of biosecurity and to remain vigilant and alert to the threat of animal disease, there is no question but that in the handling of this outbreak the Scottish Government has delivered the best outcome for the Scottish people.

**The Presiding Officer:** I intend to allow about 30 minutes for the minister to take questions on the issues raised in his statement. Rob Gibson will ask the first question, followed by Rhona Brankin.

**Rob Gibson (Highlands and Islands) (SNP):** People across the country have welcomed the possibility of the early lifting of the bans. The minister and his team are to be congratulated.

At the moment, Britain is one epidemiological unit in relation to exotic disease. In terms of our

economic interests and biosecurity, would it be practical and beneficial to explore the prospects of Scotland being treated by the EU as an epidemiological unit?

**Richard Lochhead:** We have considered regionalisation over the past few weeks and many of those issues have been highlighted. Those are the kinds of issues that it is important for Professor Scudamore to analyse. However, we must recognise that the reason why Great Britain is identified as one epidemiological unit is because of the integrated industry and the fact that there are no natural boundaries.

**Rhona Brankin (Midlothian) (Lab):** I welcome Rob Gibson to the ranks of the official Opposition.

I, too, pay tribute to the responsible reaction from the farming community and the broader rural community. The events of 2001 remain a vivid memory for many people in Scotland and throughout Britain. There is still a high level of understanding of the need for alertness and biosecurity measures throughout the country. Indeed, I echo the praise of the commitment and professionalism of the officials who were involved at the Scottish level, the British level and the European level. I am aware that some of the officials who are sitting at the back of the chamber have the misfortune to be going through this process for the second time and I pay special tribute to them, as I was in the Scottish Executive Environment and Rural Affairs Department at the time of the previous outbreak.

I welcome the minister's commitment to the independent inquiry under Professor Scudamore. I ask the minister to ensure that the results of the inquiry are brought before the Parliament at an early opportunity. We all await with interest the results of the Health and Safety Executive's inquiry and the Spratt report.

Despite the tendency of the minister to try to make political capital out of the suggestion that Scotland does things better than England, does he agree that politicians make decisions only on the basis of the advice of chief veterinary officers and that that is how it should be? Further, will he join me in recognising the importance of team GB and of close working with the rest of the UK when dealing with such a crisis?

**Richard Lochhead:** I thank Rhona Brankin for echoing the thanks that I paid to our officials. I was interested in her comment about making political capital out of this issue.

With regard to the independent review, it is imperative that we keep both Parliaments and the Rural Affairs and Environment Committee up to date with Professor Scudamore's work.

Throughout the crisis, all our decisions were made with regard to the advice of the chief veterinary officer in Scotland. However, as I explained in my statement, at the beginning of the crisis the chief veterinary officer, I, other officials, the First Minister and the Government decided that we had to go forward when the chief veterinary officer's advice allowed us to do so, but that we should accept that we wanted to lift the relaxations as soon as possible because of the impact on the industry. That twin-pronged approach was essential if we were to get through the crisis as quickly as possible. Of course, the fact that we did not have a disease outbreak in Scotland helped us move at a quick pace.

I assure Rhona Brankin that all decisions were taken in the light of the scientific advice. I have already paid tribute in my statement to the co-operation between the Scottish Government and the UK Government. From the beginning of the crisis, I had daily conversations with Lord Rooker; or Hilary Benn, the Secretary of State for Environment, Food and Rural Affairs; or Jonathan Shaw, a minister in the Department for Environment, Food and Rural Affairs. The First Minister was involved in conversations with the Prime Minister. There was a good team effort across Great Britain and it produced the results that we wanted in Scotland.

**The Presiding Officer:** I apologise to the chamber for not calling the Opposition spokesman to ask the first question, which, of course, I should have done. I can only put it down to ring rustiness after the summer recess.

**John Scott (Ayr) (Con):** I thank the minister for the advance copy of his statement, declare my interest as a farmer, and welcome the appointment of Professor Scudamore to carry out the review as discussed this morning. I also congratulate the minister and his team of dedicated officials at Pentland House—particularly Charles Milne—on their sterling efforts during the crisis. I might, however, gently rebuke the minister for his comments about champagne corks popping all over Scotland last week; none were, because normal service has not yet been resumed.

While the foot-and-mouth crisis has mercifully largely been overcome, it will pale into insignificance unless producers—particularly those in the pig and poultry sector—start to receive a return from the marketplace that matches the hugely escalating costs of production, driven by the doubling of world grain prices, as the minister noted.

What progress is the minister making on resolving the transport issue by seeking a temporary relaxation of the restrictions on lorry drivers' hours so that the backlog of livestock movements can be cleared up, particularly in



Scotland where it is such a problem? Can the minister also advise those farmers who are considering buying livestock this week whether they should do so, considering the fact that the 20-day movement rule is not being lifted until Sunday? If animals are bought today or tomorrow, will they be subject to the 20-day or the 13-day restriction rule on Monday? Will the minister assure us that he is doing all that he can to ensure that only the 13-day restriction rule is in place from Monday?

What will the Scottish Government's response be if the evidence points to foot-and-mouth disease having escaped from a Government-licensed facility? Will that affect the Scottish Government's view on the proposed animal disease levy?

**Richard Lochhead:** I thank John Scott for his initial comments and three questions.

Transport is a serious issue for hauliers and the livestock sector in Scotland. The current situation is unusual because the movement restrictions have caused a backlog of livestock on farms and, potentially, in markets. We need to relax temporarily some of the restrictions on drivers' hours and the industry and the Scottish Government have conveyed that message to the UK Government. The day before yesterday, I wrote to Ruth Kelly, the Secretary of State for Transport, to ask her for a change of heart and to allow a relaxation of the restrictions for a short time so that we can deal with the livestock backlog. That would be of enormous benefit to the livestock sector in Scotland. In the aftermath of an outbreak of foot-and-mouth disease there are unusual circumstances. There was a similar relaxation of the restrictions on drivers' hours in 2001, so I think we have a strong case for that to be repeated.

As I indicated in my statement, the plan is to remove the 20-day standstill period on Saturday if all goes well. So by Monday, we will be back to the situation as it stood before 3 August—a 13-day standstill. As members can imagine, I have spoken to many farmers during the past few weeks and they are understanding about the situation. I am hopeful that, by Monday, the industry in Scotland will be back to the pre-3 August situation.

On Pirbright and the source of the outbreak, it is important that the chamber, and I as cabinet secretary, await the outcome of the investigations that are being conducted by the Health and Safety Executive and Professor Spratt. Once we have the reports—which I hope to receive as soon as they are made available—we can reflect on their contents.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I have two specific questions for the minister.

First, given the likelihood that the Health and Safety Executive findings that are due to be published tomorrow will show that the foot-and-mouth outbreak occurred as a result of identified biosecurity lapses between the Government-run Institute for Animal Health and the private company Merial, what action is the Scottish Executive taking to press the UK Government to compensate all those Scottish farming operations that have suffered direct financial loss because of that failure of biosecurity measures?

Secondly, the minister said—and I listened very carefully—that he followed advice at all times. However, I want to check something with the minister. Did the minister not reject specific advice that he received from his officials on biosecurity measures for people visiting agricultural shows, when deciding that those shows should continue during the outbreak?

**Richard Lochhead:** I do not want to speculate on the investigations at Pirbright. We should await the publication of the reports and then reflect on the findings. I assure Mike Rumbles that I am engaged in regular discussions with farmers' representatives and the livestock industry, and I will continue with those in the coming days. No doubt our discussions will reflect on the contents of the forthcoming reports as they become available.

My response to Mike Rumbles's second question is that that is simply not the case. I am not sure where he got his information from. Under no circumstance did I, as cabinet secretary, reject advice from the chief veterinary officer. That did not occur during those four weeks. I would be interested to find out Mike Rumbles's source for that information.

**Peter Peacock (Highlands and Islands) (Lab):** One of the matters that became clear during the incident was the rejection by the National Farmers Union Scotland of a regional, Scotland-only approach to the management of the crisis. The lamb sector, to which the minister alluded, along with beef, is so integrated into the rest of the UK for the purposes of slaughter and export that it would have been ineffective to take a solely Scottish approach to the crisis. Does the minister accept that the UK market operates as one market, that the Scottish sector is so integrated with the rest of the UK that it would not be appropriate to take a solely Scottish approach to such problems, and that such matters are always best dealt with at a level above that of the Scottish boundaries alone?

**Richard Lochhead:** Peter Peacock's initial statement was incorrect. The option of regionalisation was not rejected outright; there was simply a preferred option of the surveillance area being exempted from the lifting of the restrictions in the rest of GB because that was in Scotland's interests. Peter Peacock's initial comment was, therefore, inaccurate; it was a case of there being a preferred option, which I accepted completely.

We adopted a Scottish approach; we did not reject such an approach and it would have been foolish to do so. Because we took that approach and reflected Scottish circumstances in Scotland, we were able to relax the restrictions in the islands as soon as possible and Scotland was able to relax a number of other important restrictions before the rest of GB. That was the right thing to do.

**Roseanna Cunningham (Perth) (SNP):** I thank the cabinet secretary for the phone call that I received on the Friday night that the outbreak was made public. The Perth show had opened on that Friday and was to continue on the Saturday, so the impact on my constituency was immediate. I also commend the people who organised Perth show for doing the enormous amount of work that was necessary in the middle of the show to comply with the various newly imposed restrictions.

We have heard how well things were handled, but the outbreak was a stark reminder of the consequences of foot-and-mouth disease and other diseases for the agricultural sector. Although the source of the recent outbreak seems to have been lab based, which is pretty shocking, the importance of very strict controls was highlighted. Is the cabinet secretary aware of the serious concern about the potential for contaminated imports, whether they come into the country legally from countries such as Brazil, for example, where the regulatory regime is seen to be inadequate, or whether they are illegal? Has any analysis of the extent of that problem been done in Scotland? Is the cabinet secretary pursuing that matter with the relevant authorities given this summer's stark reminder of how badly things can go wrong?

**Richard Lochhead:** I did my best to contact many of the Opposition spokespeople and representatives of the areas in which some of the key agricultural shows were taking place during the weekend of the outbreak. I contacted some of them in lovely overseas countries and they were clearly enjoying their holidays at the time.

Roseanna Cunningham's questions raise an important point about ensuring that adequate safeguards are in place at ports of entry throughout Great Britain and Scotland to prevent

illegal imports from entering the country, especially given the threat that that can pose.

The issue has been raised previously in committee reports, in both the Scottish Parliament and the House of Commons, and it continues to be a concern. In the weeks ahead, I intend to meet the other devolved Administrations and the UK Government to reflect on the foot-and-mouth outbreak and I will seek reassurance from the UK Government on the matter at that meeting.

**Alex Johnstone (North East Scotland) (Con):** I put on public record my thanks to the cabinet secretary for the efforts that he made to assist me in having direct contact with senior officials during the worst part of the crisis, to deal with specific points that constituents had raised with me. I also record my gratitude to the chief veterinary officer and his staff for the efforts that they made to ensure that problems were dealt with effectively and in a timely manner.

I have a specific point to make on the minister's commitment to a review of the way in which the most recent foot-and-mouth outbreak was handled. Although it seems likely that that outbreak will turn out to be an open-and-shut case, I ask the minister to take the opportunity to extend the review to ensure that it considers the experience of dealing with the 2001 outbreak, as that presents us with two possible learning opportunities.

First, it might be possible to consider some of the proposals made during the review of the 2001 outbreak that have not yet been acted on. Secondly, time has passed since that outbreak and there may be opportunities to give further consideration to proposals that were rejected in 2001, but which the cabinet secretary might think it appropriate to take up in response to any future outbreak of the disease. Will he give an undertaking that the review that is to be conducted will take into account the experience of the 2001 outbreak?

**Richard Lochhead:** I and my officials very much appreciated the contacts that we had with constituency members the length and breadth of Scotland who made representations on behalf of their local farmers. Those representations were fed into discussions involving me and my officials and were helpful in determining our way forward, so I thank all the members who made them during the four-week period.

I will meet Professor Scudamore shortly to discuss the precise terms of reference of the review and will take on board many of the good points that have been made this morning. Alex Johnstone makes an important point. We must bear in mind that the current contingency plan was drawn up in response to the 2001 outbreak. It

makes sense to recognise that the 2007 outbreak was different from the 2001 outbreak, to reflect on the existing contingency plan, which relates to 2001, and to examine the specific circumstances of the most recent outbreak so that we can update the contingency plan to take into account all the factors that Alex Johnstone mentioned.

**Sarah Boyack (Edinburgh Central) (Lab):** During the Environment and Rural Development Committee's scrutiny of the Animal Health and Welfare (Scotland) Bill in session 2, we had detailed discussions on the contingency plan and the biosecurity measures, during which Richard Lochhead was highly critical of the approach of former ministers. In the light of the cabinet secretary's criticisms, what changes did he adopt in the Scottish Executive's response to the recent outbreak? Are there any specific issues that he intends to put on Professor Scudamore's agenda that he feels the previous Scottish Executive did not address properly?

**Richard Lochhead:** Many of the criticisms that were expressed after the 2001 outbreak were reflected in the new contingency plan, from which I and my officials benefited greatly. If the member is suggesting that I should pay tribute to the previous Administration for taking on board those criticisms and updating the contingency plan, I am happy to do that. The outbreak in 2001 was extremely serious and I would have been amazed if we had not learned lessons from it. We learned important lessons, the main one of which was, as I explained in my statement, the need for a rapid response and the imposition, as soon as is practical, of restrictions on the movement of animals.

At this stage, we have an open mind on the precise terms of reference of the review. As I said to Alex Johnstone, we will take into account many of the points that members have made today. If there are specific issues that members are keen for the review to include, they should write to me and I will ensure that their suggestions are passed on to Professor Scudamore. I am sure that he will take the opportunity to speak directly to members in the Parliament in the weeks and months ahead.

**Jim Hume (South of Scotland) (LD):** I thank the cabinet secretary for the advance copy of his statement. Members must forgive my voice—it sounds as if I have picked up a form of foot and mouth. Members should not laugh because if that is the case, a 3km cull might have to be declared. I declare an interest in farming.

I acknowledge that the Government reacted swiftly to the latest outbreak of foot-and-mouth disease. I am concerned about our facing such a devastating disease again so soon after the tragic 2001 outbreak, so I urge the Government to support a full investigation into how the outbreak came about. In addition, I am concerned about

imports from countries in South America and south and east Asia, where foot-and-mouth disease is rife and traceability is doubtful. There is no doubt that the recent outbreak has caused a disturbance in their usual markets.

Yesterday's statement on the legislative programme made no mention of local food procurement by public agencies. Has the Government turned back on its promise for such procurement?

**The Presiding Officer:** Questions are supposed to be about the foot-and-mouth outbreak, but I leave it up to the cabinet secretary whether he wishes to reply to that.

**Richard Lochhead:** The member's question is reasonable, given that promoting Scottish food will help farmers to obtain a better return for their top-quality produce at a difficult time.

The £100,000 that we have given to Quality Meat Scotland is aimed at promoting Scotch lamb, given the specific pressures that the lamb sector in Scotland faces. I know that that has been warmly welcomed.

I remind members that the on-going Scottish food fortnight provides us with an excellent opportunity to spread the message of encouraging Scottish consumers to get behind our farmers and food producers at this difficult time by purchasing Scottish food. It would be an enormous help if they would do so. This morning I had a bacon roll for breakfast, as I did yesterday. I am sure that other members have been doing the same.

**Andrew Welsh (Angus) (SNP):** Will the independent review address the backlog in livestock movement and the practical problems that are faced by Scotland's haulage industry, which are linked to animal health? I congratulate the minister on his prompt and highly effective action. Looking forward, what steps is he taking to ensure the full recovery and future prosperity of the red meat industry in Scotland?

**Richard Lochhead:** Throughout the outbreak, we were highly conscious that not just farmers, but hauliers, abattoirs and other sectors connected with the red meat industry were affected.

We will learn lessons from the past few weeks. It would be arrogant of us to say that everything was done correctly. We want to learn any lessons that can be learned. That is one of the purposes of the review that we will undertake.

As regards support for the red meat sector, I reiterate what I said to Jim Hume. We have scheduled meetings with the NFUS and other organisations for the days ahead, starting this afternoon, at which we will discuss the pressures that the red meat sector in Scotland faces. Those pressures are due to a wide range of factors,

some of which have arisen as a result of the foot-and-mouth outbreak, but many of which were already causing severe difficulties for livestock farmers in Scotland.

**Richard Baker (North East Scotland) (Lab):** Does the minister agree that the approach that was taken not only in Scotland, but across Great Britain has been crucial to minimising the impact of the outbreak on Scottish farmers? Does he agree that the review that he has announced should be informed by the impending UK Government report? There have been many questions about the review's terms of reference. Once the minister has met Professor Scudamore, when does he expect to be able to report on that to the Parliament and the Rural Affairs and Environment Committee?

**Richard Lochhead:** Richard Baker is right to say that across Great Britain the response to the outbreak was first class. Our response was part of a joint team effort involving Scotland and the UK.

As I explained in my statement, my general approach is that we want the review to inform the contingency plan for responding to foot-and-mouth disease and to reflect on the experiences of the past four weeks. In broad-brush terms, that is our approach to the review. However, the precise terms of reference will reflect many of the points that have been made this morning. We will report to the Rural Affairs and Environment Committee and the Parliament as soon as possible.

**The Presiding Officer:** I call Liam McArthur, to be followed by Andrew Allan.

**Liam McArthur (Orkney) (LD):** I thank the cabinet secretary for the advance copy of his statement. I also thank him and his officials for making themselves accessible to me throughout the recent outbreak. I note that calls were made to various members on 3 August, although not to me; I readily confess that I was overseas at the time, but I point out that it is extremely difficult to travel round my constituency without constantly being overseas.

I echo the praise that has been expressed by members for Charles Milne and his team. I cannot guarantee that he will be given the freedom of Kirkwall any time soon, but he can be assured of a warm welcome throughout Orkney when next he visits.

There is real concern in my constituency about the price that is being achieved in the early market sales, especially for store cattle. With significant increases in the cost of barley, the situation is serious. What specific steps will ministers take with the industry to improve consumer confidence and a return to a more sustainable price for cattle? The cabinet secretary said that £100 million has been committed to the promotion of lamb for

specific reasons. Although I welcome that, what steps is he considering to support likewise our important beef industry?

**Richard Lochhead:** I point out that we have allocated only £100,000, not £100 million, for the promotion of lamb. Had we allocated £100 million, that may have scuppered yesterday's legislative announcements.

I thank Liam McArthur for the cup of tea that he gave me in his constituency office last week, when I was in Kirkwall. I received such a warm response in Kirkwall that I thought I was about to be given the freedom of the community, which I am sure would have worried Liam McArthur.

Yesterday, I had the great privilege of attending the Lairg sales prior to coming down to the Parliament. I spoke to many sheep farmers from the Highlands, as well as from throughout Scotland, who were there to buy lambs. The prices are down on those of previous times, which is a worry; however, thankfully, yesterday's prices at Lairg appeared not to be as bad as expected. Some of the early sale prices were very encouraging. I therefore hope that the sheep farming sector, which is crucial to the Highlands and Islands and elsewhere, will recover from some of the pressures that we are witnessing currently.

I reiterate that the First Minister and I will meet farmers' representatives this afternoon and that such meetings will continue over the next few days and weeks. We are keen to do everything in our power to help the red meat sector to get through these difficult times.

**The Presiding Officer:** I call Alasdair Allan and apologise for getting his name wrong the first time.

**Alasdair Allan (Western Isles) (SNP):** Thank you, Presiding Officer.

I associate myself and all the representatives of the islands with the remarks that have been made by Mr McArthur and others about the gratitude that is felt in the islands for the role that was played by officials in ensuring that a difficult situation was contained relatively quickly.

Despite the attempts of one or two members today to make this a constitutional issue—reflecting some Labour members' constitutional obsessions—most people understand that the process was science driven and that the response was proportionate. In particular, I am grateful for the fact that the situation of the islands was recognised in that response. Should another outbreak occur in the future, although we hope that that will not happen, what lessons have been learned specifically about the situation of the islands, particularly with regard to ensuring that people are able to get livestock to markets on the

mainland as soon as it is safe and practicable to do so?

**Richard Lochhead:** My colleague, Michael Russell, has visited the Western Isles in the past few weeks, and I have had the privilege of visiting the Shetland and Orkney islands as well. We have, therefore, had the opportunity to speak to many crofters and farmers on all those islands and we are well aware of the specific nature of the livestock sector on the islands.

We will have an opportunity to consider that area in the review. The islands face specific circumstances—a fact that, to a certain extent, we were able to reflect in our response over the past four weeks. The islands were the first communities to have the restrictions relaxed, because of their geographical nature and their links with the mainland trade. I feel that there is an opportunity there. We are willing to learn the lessons to ensure that the specific needs of the islands are taken into account in the future contingency plan.

**The Presiding Officer:** That brings us to the end of questions on the statement on foot-and-mouth disease. I will allow a brief suspension while members change their seats.

09:59

*Meeting suspended.*

10:00

*On resuming—*

## Drugs Misuse

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-415, in the name of Kenny MacAskill, on tackling drugs misuse. I call Fergus Ewing to speak to and move the motion.

10:00

**The Minister for Community Safety (Fergus Ewing):** It is fitting that the first Government debate of the new parliamentary year concerns an issue that is vital to the future of Scotland. If we are to realise our aspirations for a safer, stronger and healthier Scotland, it is critical that, as a nation, we succeed in tackling perhaps the most pernicious social challenge of our time—the misuse of drugs.

When we came to power in May, we said that we were committed to building a new national consensus on tackling drugs misuse. In June, we gave effect to an initiative that was developed by the previous Labour-Liberal Administration and which was based on proposals that were put forward in the chamber by the Conservatives—a new online directory of drugs services, which can be accessed at [www.scottishdrugservices.com](http://www.scottishdrugservices.com). I launched the initiative in Drumchapel and, to date, there have been more than 2,300 visitors to the website.

In July, following discussions with Annabel Goldie, we announced that we would explore how the most successful features of the well-established and successful drug treatment and testing orders could be applied to those who are at an earlier stage in their drug addiction. Later that month, we published and publicised five reports that were commissioned by the previous Labour-Liberal Administration, including the findings and recommendations of an expert group that had investigated the use of methadone in Scotland. We made it clear at that time that we agreed strongly with the key conclusions of the group—that methadone has a vital part to play in reducing harm, but that it cannot be the only treatment that people receive. We need, at the same time, to place a much greater emphasis on promoting recovery.

At the end of July, I chaired a meeting of the key experts and practitioners in the field—the Scottish Advisory Committee on Drug Misuse—who gave me their perspectives on the key challenges that we face in Scotland.

Today, it is the turn of Parliament to express the concerns of the people and communities of Scotland on this critical issue. All members will have experienced in their constituencies the devastating effects that drugs can have on people's lives, through tragic deaths from drugs misuse, the break-up of families and the crime that funds the desperate addictions that drugs misuse can bring.

Those personal, local experiences add up to a dismal account. Only last week, we learned that the number of drug deaths in Scotland had hit a record high of 421 deaths in 2006. Earlier this week, we learned that more than 42,000 drug crimes were recorded by the police throughout Scotland—the second highest figure on record. The figures also showed a near 50 per cent increase in the illegal cultivation of drugs, to say nothing of the crimes of dishonesty that will have been driven by dependency on drugs. It is estimated that, throughout Scotland, there are around 52,000 problematic drug users, and some 10,000 to 19,000 children in Scotland live in households where at least one adult is a problematic drug user. It is a challenge that we can meet only by acting together. If ever there was a case of our needing to set aside party-political affiliations, this is surely it. Our aim today, therefore, is to build on the consensus that we believe exists and to shape it to take forward a national policy to tackle the scourge of drugs misuse.

Today, I confirm that the Scottish Government is committed to taking forward a new strategy. For the next few months, all our work will be focused on discussing, designing and delivering a new approach to tackling the damage that drugs do to our people and our nation.

It is for all members to play their part. I see around me many whom, I suppose, I could characterise as old hands—I had better not name them—but there are also many new members who I hope will take an active part and, developing that, be as active as some of the old hands in together fighting this national problem.

First, we have already learned from the reports that have been published that we do not have the full range of services throughout Scotland to reach our goal of promoting recovery. Secondly, we need treatment and care to be more strongly focused on recovery. We need better information about what treatment people are getting and what the results of that treatment are. Thirdly, we need to improve quality and accountability across the board.

As part of that strategy, we will set key national outcomes for tackling drugs misuse that are founded on promoting recovery. We will set out clearly the responsibilities and functions of

Government, local service commissioners and managers and other national and local bodies and how they should relate to one another in pursuing those outcomes. We will also ensure that funding for services is clearly aligned with those outcomes. We will develop the framework in consultation with those in the field and with SACDM. We will engage with our communities and with service users. In short, working together we will ensure that services are robust, focused and effective.

As all members know, one of the most damaging aspects of drugs misuse is its effect on families and on the children in those families. It is imperative that we tackle the complex problems that are faced by children living in substance-misusing households. That means working with local agencies to improve the identification of children at risk to address their needs more effectively. A great deal of such work is already being carried out, but much more remains to be done. We want a renewed emphasis on prevention and early intervention, so that we support young people and families to make positive choices for safe and healthy lifestyles, and holistic support for substance misusers during pregnancy.

We also want to strengthen drugs education in our schools. It is important that all who are involved in delivering drugs education to our children, including our teachers, should be confident in their ability and have suitable resources that are appropriate for each age group. We need to maximise the benefit of important and well-established initiatives such as choices for life—which, I believe, reaches out to 82 per cent of primary 7 children—by placing them within a more effective and more broadly based approach to drugs education.

There will be no let-up on enforcement. Tackling the supply of all forms of illegal drugs remains an essential part of our strategy. We will be unstinting in our support of the police in disrupting the drug-dealing networks and the organised crime groups behind them. We will foster even closer co-operation, joint working and intelligence to produce results. Only recently, Strathclyde Police seized £12.5 million-worth of heroin. Those drugs are no longer on the streets as a result of the force's excellent efforts.

On that point, I commend two Aviemore police officers—Sergeant Maggie Miller and Police Constable David McAlpine—who recently received commendations for their work, as a result of which a known drug dealer is now serving eight years in prison and a large quantity of class A drugs has been kept off our streets.

Finally, as noted above, we need to continue to improve the link between the criminal justice system and treatment for offenders. I believe that

there is a real potential for adapting the current model of DTTOs to, for example, the needs of child and female offenders. Those two groups do not fit the current criteria for such orders. Our review of community disposals will explore that possibility.

Our strategy will have five strands: first, better service delivery to promote recovery; secondly, early intervention to protect children; thirdly, drugs education that works; fourthly, effective enforcement; and, fifthly, more appropriate court disposals.

Our action on drugs will be embedded in an approach across the various directorates of Government. Shona Robison will lead a ministerial task force on health inequalities that will provide specific actions to be taken forward. We will offer more of our young people opportunities to do something positive and constructive with their lives. We have already announced a new approach to ensuring that the funds that have been recovered under the Proceeds of Crime Act 2002 are invested in our communities. We will look to ensure that those funds are used to best effect in order to promote confidence and self-esteem among our young people.

In tackling the challenges that we face, we must remember that there is hope. Thousands of people throughout Scotland are working day in and day out with those who are affected by drugs misuse. During my visit during the summer to south-east alternatives—at the Adelphi centre in the Gorbals in Glasgow—I saw at first hand the difference that the workers there were making to the lives of the people whom they help. They told me how disheartening it was when drugs issues become a political football. Although we must debate and agree on the course that we need to set, we owe it to those on the front line to recall that we need to work together for the nation to build consensus on the way ahead.

Tomorrow, I will take the opportunity to thank staff at a project in Kingussie for the work that they do in assisting young people who are at risk of developing drug and alcohol problems. On Monday, Shona Robison and I will chair a meeting in Edinburgh of the alcohol and drug action teams. There is much more work to be done.

In conclusion, there is success to build on but we have much to do. I look forward to today's debate. I am sure that all members will provide a valuable contribution to the policy that we all wish to develop.

I move,

That the Parliament recognises that tackling drugs misuse is one of the great social challenges of our time, requiring determined and sustained action; welcomes the Scottish Government's commitment to build consensus

around a new strategy for tackling drugs misuse; welcomes the recent publication of reports, commissioned by the previous administration, on key aspects of drugs services; supports the Government's determination to improve services to promote recovery from drug addiction, to ensure that children are protected from the drug addictions of their parents, to improve drugs education, to offer young people more opportunities to do something positive and constructive with their lives, to strengthen enforcement and to provide courts with more effective ways of dealing with those whose crimes are driven by addiction, and recognises that there will be resource implications in meeting this challenge.

10:12

**Margaret Smith (Edinburgh West) (LD):** I thank colleagues for their courtesy in allowing me to head off early because of my back problems.

I echo Fergus Ewing's comments on the importance of the issue, so I am delighted that this will be the first debate since the summer recess in which I have the opportunity to speak.

In 2006, we had a record 421 drug-related deaths. We now have 21,000 people who use prescribed methadone. Some 70 per cent of all court cases are believed to have a drug-related aspect and the cost of drug-related crime is around £330 million a year. Those are not just statistics; they represent broken lives, destroyed families and devastated communities. There are no easy answers. We require a mixed approach, greater investment and joint efforts among not only health, education, justice and social work professionals but politicians.

The Executive's motion is fair enough and contains nothing with which we particularly disagree. I certainly do not disagree with anything that Fergus Ewing said in his opening speech and I note his remarks about recovery and monitoring of outcomes. However, we feel that the motion does not go far enough. Our amendment makes some specific suggestions, which I hope will be taken up by the minister and will attract cross-party support.

Each £1 that is invested in drug treatment saves £3 in the cost of enforcement. We are calling for a doubling of funding for drug and alcohol treatment that would amount to more than £100 million of extra resources over the next spending review period. I know that the Conservatives and others were keen to see such a commitment, which was included in their manifestos, so I hope that we can all move forward together on that.

We want to see an expansion in the number of residential places because they are more effective than methadone treatment. Fewer than 4 per cent of addicts who have stabilised on methadone manage to become drug free within three years—that should be our ultimate aim—whereas 30 per cent of addicts become drug free after being

treated in residential rehabilitation. However, despite increased investment over the past few years, few addicts have access to such an option. Only one addict in 50 is offered a residential place.

It is also important that community after-care services are in place to assist addicts after they have returned home. From my experience of work that has been done in my constituency, a key issue is that many people feel that, although they benefited when they were in rehab, the difficulties really hit them when they returned to the community where they again faced the same pressures.

There is a great deal of discussion about heroin and methadone policy. The Liberal Democrats and, I suppose, most of us in the chamber, want to take a pragmatic approach that is based on what works. Although methadone has a role in tackling drugs misuse in Scotland, it should form part of a package of services.

The prescribing of heroin cannot be undertaken lightly. Pilots are under way in England and Holland, where it has been found that patients who were prescribed heroin and methadone together have experienced a 25 per cent increase in improvements in their physical and mental health in comparison with those on methadone alone. Complex issues are involved in such treatment and we should develop our approach together. I will be interested to hear the cabinet secretary's views on that.

The drugs scene is a constant and evolving challenge for service providers. For example, we could be about to experience much greater use of crystal meth, a relatively new drug to Scotland that is three times as addictive as cocaine, and the cannabis that people now use is much stronger than before. It is perfectly reasonable for the United Kingdom Government to keep the reclassification of drugs under review because the picture is changing.

We must continue to invest in services to help the thousands of children in Scotland who are living with drug-using parents. The previous Executive invested in important schemes that gave funds to the voluntary sector organisations that work with children and young people who are affected by substance misuse. As our amendment states, we believe that early intervention work with kids at risk of the misuse of drugs—whether they are in care or have parents who are users—should be a key priority. Drugs misuse is a significant factor in criminal behaviour. Tackling the supply and use of drugs—particularly class A drugs—through law enforcement activity must remain a priority.

Members of the Justice Committee recently heard about the work of the Scottish Crime and

Drug Enforcement Agency, which should be applauded for and supported in its work, in relation to not only the amount of drugs and assets seized and assets redistributed but the important job that it does in harrying and disrupting the businesses and lives of the gangsters—the hoods—who feed off that despicable trade.

The previous Administration introduced a range of different disposals, and I look forward to our considering them in the review of community sentences. Studies indicate that drug treatment and testing orders have a significant impact on reoffending rates, with almost half of those who completed an order having no further convictions within two years of the start of the order. That is why we would like the ability to issue DTTOs to be extended to Scotland's district courts and used more frequently to address the abuse of alcohol, which we all agree is another significant factor. I was pleased to hear Fergus Ewing's comments about extending the use of DTTOs and I hope that the Government will take on board our suggestion for their further use.

The previous Administration put in place drugs court pilots in Glasgow and Fife, with dedicated drugs court sheriffs and the use of multi-agency pre-review hearings. I hope that the cabinet secretary can tell us when those pilots will be reviewed and whether he shares my view that we should look seriously at developing the specialisation of sheriffs and courts, in either a drugs or family context. We suggest that the use of drugs courts could be rolled out throughout the country.

We want to see greater use of arrest referral schemes. Pilot schemes that have been in place since 2003 have successfully allowed drugs workers to offer offending addicts access to treatment when they are arrested, which seems to be an ideal time to get hold of them and offer them different options.

I pay tribute to the very important and challenging work of all the agencies throughout Scotland. The Liberal Democrats will support the Scottish Government in taking on the challenge of tackling drugs misuse and I look forward to working with people from all parts of the chamber on such a crucial issue.

I move amendment S3M-415.1, to leave out from "supports" to end and insert:

"believes that increased opportunities, improved facilities, more drug-free activities and better drug education are necessary to give young people a positive alternative to drugs; calls on the Scottish Government to introduce a strategy for early intervention with vulnerable young people, particularly those in care or living with a parent who has a drug problem; calls for the establishment of a national register of drug and alcohol services including residential placements; believes that additional resources are required to increase drug and alcohol treatment places, cut waiting



times and create more family support services; calls on the Scottish Government to commit to at least double the funding for drug and alcohol treatment in the first year of the next spending review; further notes the direct link between drug and alcohol use and crime and supports the greater use of arrest referral schemes across Scotland; further believes that Drug Testing and Treatment Orders (DTTOs) introduced by the previous administration can make a real difference in cutting crime and reoffending, and calls for DTTOs to be extended to Scotland's district courts and used more frequently to address alcohol abuse among offenders."

**The Presiding Officer:** I thank Miss Smith for her courtesy in informing me that she is unable to stay for the entire debate.

10:19

**Margaret Curran (Glasgow Baillieston) (Lab):** You will note, Presiding Officer, that we have not submitted a Labour amendment to the motion. That should not imply that we have no questions or issues to raise; I intend to raise many with the new Scottish National Party Executive—or, rather, Government.

Given the scale of the problem that we face, it is appropriate at this stage in the parliamentary session to indicate that we are prepared to engage with, reflect on and assess possible ways forward and that we look to work constructively with the Government, as we have been asked to do. Indeed, the tone of the motion indicates a recognition of the previous Executive's work. As Fergus Ewing said, the challenge of dealing with drugs in modern society is one of the most profound that we face, and it defies crude analysis and standard approaches. Given the scale of what we face, none of us is in a position to dismiss easily others' arguments.

I am glad that Fergus Ewing said that we cannot underestimate or undermine current practice and the serious work that is taking place in Scotland in services, the voluntary sector and communities.

I suppose I am one of the old hands that the minister referred to. As a committee convener in the first parliamentary session, I chaired one of the first parliamentary inquiries into the links between drugs and poverty. As we listened to the evidence that was given during what was a significant parliamentary inquiry, we heard drugs rightly described as one of the truly wicked issues that we face and an ever-changing problem: when we take action on one front, another problem emerges elsewhere, such as a new drug coming on to the market.

Recent statistics on drug deaths not only signal the scale of the problem, but draw our attention to the human cost of those desperate individuals and the appalling impact on their families and communities. None of us can avoid facing the full implications of that cost. We are now dealing with

the social consequences of people using drugs over many years. We know from evidence that has emerged since that first inquiry of the strong correlation between deprivation and drugs misuse. Even in a city such as Glasgow, which carries a disproportionate share of the burden of drugs misuse in Scotland, the experience of drugs is highly differentiated.

Few of us in Scotland are immune to the impact of drugs, but some people have to live with it daily—every time they open their front door, it stares them in the face as their next-door neighbour sells drugs to children. Can we imagine what it is like to try to raise a family in such a situation? I ask members to imagine what that would be like for them or their children—or any child—and to think how they would and should respond.

The challenge to public policy makers is to target resources, direct services and co-ordinate our intervention to address that reality. As has been said, dealing with drugs requires a spectrum of approaches from prevention to care, support and of course, enforcement.

**Brian Adam (Aberdeen North) (SNP):** I hope that the member does not wish to create the impression that illicit drugs use occurs exclusively in our deprived communities, because that is not the case. I am sure that that is not the impression that she wishes to give. Perhaps she will acknowledge that although there is a higher preponderance of drugs misuse in our deprived areas, it occurs throughout society.

**Margaret Curran:** I suspect that Brian Adam is the only person to draw that conclusion, as I did not say that drugs misuse is exclusive to deprived areas. However, statistical evidence suggests that Glasgow bears a disproportionate share of the burden. Given that Kenny MacAskill is nodding, I am sure that he recognises that. I am not implying for a second that the problem is an urban phenomenon only. As I said clearly, few people in Scotland escape the impact of drugs. As I am a Glasgow MSP, Brian Adam will appreciate that my knowledge of drugs is informed by my knowledge of that area. We cannot run away from the strong correlation between poverty and drugs—I assume that he agrees.

We have made some progress. The minister referred to education programmes, and although there is evidence to suggest that they have an impact on young people, a table in the statistics shows that such programmes are less effective among more deprived young people. Ministers want to do more work in education, but I hope that they recognise that teachers in the more deprived communities face a more difficult task and should be given support.

Most people recognise the need to develop treatment and care services with an emphasis on what works. As the minister said, we need to develop more holistic approaches. We cannot just provide rehabilitation services and then send people back to circumstances in their communities where drug taking is all too easy. We need to develop a social model as well as a medical model. We also need to link into education and employability programmes that provide proper opportunities, routes out of drug use as well as care.

That is the context for this deadly serious debate. In Glasgow alone, it is estimated that as many as 7,600 children are affected in some way by the serious problem drug use of their parents.

Methadone has been used—at times effectively—to stabilise addicts and enable families to stay together. However, as I am sure that Duncan McNeil will point out, we cannot afford to fool ourselves that that approach is enough. Indeed, the statistics tell us as much. Methadone was never meant to be an end in itself, and we must come to terms with its limitations and think beyond traditional approaches.

In that respect, I have a few questions that I hope Kenny MacAskill will answer in his summing up. The SNP stated in its manifesto that it would set up a drugs commission, which I presume would address these issues. Is it still committed to establishing such a body? Has it commissioned civil servants to carry out exploratory work on the matter? Is it able to give us an indication of timescales?

In what I suspect will be my concluding 30 seconds, I want to raise with Kenny MacAskill a couple of points on the vital issue of enforcement with regard to drug dealing. We need to be very cautious with those who dismiss our approach to antisocial behaviour. As drug dealers actively encourage and engage those who are involved in street violence, if we deal with antisocial behaviour, particularly among the under-16s, we will cut off their options. It might well be seen as tough love, but we need to divert and stop young people before they are caught up in a cycle of despair, addiction and criminality.

I also wonder whether, in his summing up, Kenny MacAskill will respond to two very quick questions. First, is the SNP still committed to delivering a 20 per cent increase in funding for drug treatment and rehabilitation services? Secondly, will it give us some indication about its commitment to £10 million of dedicated funding for drugs education, and to ring fencing moneys in that respect? After all, in dealing with the challenge of drugs, it is vital that we keep all options open. In that regard, I must point out that, if the SNP Administration goes through with its

plan of limiting the ability of sheriffs and judges to send to prison those whom they think should be sent there by getting rid of sentences of less than six months in some sweeping gesture, it will find that it will not be able to tackle this problem. If it wants tough sentencing for drugs offences, it simply cannot get rid of such sentences. As I have said, we must keep all options open.

10:27

**Annabel Goldie (West of Scotland) (Con):** I very much welcome this opportunity to debate the issue of tackling drugs misuse and congratulate the cabinet secretary on bringing the topic to the chamber at such an early stage in the new session.

Mr Ewing said that drugs misuse is “the most pernicious social challenge of our time”, and I endorse every word of that. I also feel comforted. Scotland has entered a new political age, and there can be no dispute about the new political mix and attitude in the Parliament. I genuinely detect a change in political will with regard to drug abuse. At this point, I put on record my respect for and acknowledgement of the First Minister’s role in that change of direction. The launch of the directory to which Mr Ewing referred is indicative of such progress, and I am encouraged by the willingness to consider the possibility of extending the ability to issue DTTOs to district courts, which is something that my party advocated in its manifesto. I accept, however, that that will have resource implications.

It is vital that we put past failures behind us. We have spent far too much time ignoring direct evidence not only from the wide range of people who work with addiction but from addicts themselves, and we have been far too reluctant to challenge methods of and approaches to dealing with drug abuse that were conceived 15 or 20 years ago. Things must change—and quickly. However, I am confident that if members of the Parliament work together in the way that Mr Ewing has called for we can achieve real and lasting change.

We need to move into a new era in which none of us is scared to face up to the real challenge of eradicating drugs from our society. None of us is scared to face up to the reality of what is going on. As other speakers have pointed out, the situation in Scotland is singularly depressing. Indeed, Margaret Smith referred to the fact that the number of drug-related deaths has recently soared to 421.

However, as depressing as the picture is, I pay tribute to the outstanding professionalism and commitment shown by individuals throughout Scotland who fight drug abuse every day. We

should be very proud of their efforts at grass-roots level, and we must ensure that approaches and practices that demonstrably work are encouraged by recognition, support and resource.

As I have indicated, the Conservatives support the expansion of the use of DTTOs in our courts. After all, it is believed that 70 per cent of court cases have a drug-related aspect. That said, we must get things into a logical, sensible order. Although increasing and expanding referral and intervention facilities is an attractive option, unless we can get the basic rehabilitation sector ready to deal with individuals we will simply be putting the cart before the horse.

An important part of what we are trying to do involves our prisons, where I believe we need a comprehensive system of drug treatment and testing. After all, if we do not know the extent of the problem, how on earth can we address it? If we can find the political will to tackle the problem in our prisons, the benefits to society will be great.

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** The mandatory testing system that the Conservatives introduced at great expense into the prison service a considerable time ago has been counterproductive. Instead, we must engage those in prison by offering them drug testing and rewards for testing drug-free and by improving drug-free zones in prisons. Simply imposing further testing will be expensive, and there is no evidence that it will work. Perhaps the Conservatives should stick to their mantra of "Let us do only what works".

**Annabel Goldie:** I am not able to agree totally with Dr Simpson, although his attitude probably explains why we now have such an unprecedented drug addiction problem in our prisons that even our prison officers are at their wits' end to know what to do. At the moment, there is no information base on which to assess the best way of dealing with drug-addicted prisoners.

That said, I accept the latter part of Dr Simpson's proposition. It is, of course, not just a question of finding out who is addicted; the prison must have the support facilities to begin to deal with the problem.

If we can start to tackle what is by any assessment an appalling problem in our prisons, we cannot lose. We will have lower levels of reoffending, less crime and a safer prison environment, which will be good for addicts, families and society as a whole. Moreover, we urgently need a proactive rehabilitation programme—not just within our prisons, I should add—that allows agencies to work with addicts in prison to prepare them for release into the community.

I will not rehearse the statistics that other speakers have quoted, but they say it all about the scale of the problem that we face. We should all acknowledge that they are not simply sterile facts on bits of paper; they are depressing, disturbing and horrifying, and should stop us in our tracks.

We need a clearer strategy that rehabilitates those who have been caught up in a life of drugs and helps them on the way to abstinence while adopting a zero-tolerance attitude to drugs and, especially, to drug dealers. As politicians, we must ensure that such a strategy is in place and that we manage to provide a coherent and robust rehabilitation programme.

On harm reduction, I have in the past said publicly that methadone has a role to play, but only as one of a range of options. The Conservatives want an end to the overreliance on methadone as a dominant response to addiction.

I endorse and applaud the minister's approach. We can make progress with this matter, but only if we refrain from managing the problem. We must now be prepared to tackle it, and I pledge my party's unstinting support in charting that new direction. We will do everything that we can to help mend our broken society and, in that regard, I support Mr MacAskill's motion.

10:33

**Christine Grahame (South of Scotland) (SNP):** I will endeavour not to repeat statistics that have already been cited in the debate, but perhaps I can begin by highlighting a few other figures. Although I fully agree with Margaret Curran's response to Brian Adam's intervention that there is a high incidence of drug abuse in the pockets of deprivation in Glasgow, I should point out that, according to last year's drugs misuse statistics for Scotland, the trend with regard to new referrals is also increasing in rural areas. In 2001-02, 118 referrals were made in the Borders, whereas, last year, there were 219. I believe that the figures are worst of all in Tayside, where, in 2001-02, 346 referrals were made while, in 2005-06, there were 902. Perhaps that trend suggests that dealers are simply moving out to fresh fields.

I welcome the tone of the debate and the view that it is the duty of the Parliament, including both ministers and committees, to try to deal with this major issue, which is a tough one. If it were not, somebody would have solved it somewhere and we could just pick up a map and follow the solution.

Another unfortunate statistic, to which someone may have referred earlier, is that, according to Professor McKeganey, there are currently 50,000 heroin addicts in Scotland and 22,000 on

methadone. All their families and communities are also affected by this dreadful plague.

After eight years of this young Parliament, we have increased drug addiction, increased alcohol abuse and an increased prison population, which relates both to acquisitive crimes and to crimes of violence—the former are more often related to drugs and the latter are more often related to alcohol. Unfortunately, there is also the ever-increasing spiral of teenage drinking. This morning's *Herald* has the headline "Teenage drinking spirals into drug abuse and crime".

Many years ago, when I was on the Justice 1 Committee, we visited Barlinnie prison. A medical officer there made it plain that, in his view, the gateway into drug addiction is alcohol. Sadly, that point is now reflected in the report in *The Herald*.

This is obvious stuff and there are short-term and long-term solutions. On the former, I welcome the attitude to the failure of custodial sentences because, as we know, short-term sentences do not give prison officers an opportunity to get into the rehabilitation of prisoners. There is no joined-up progression from rehabilitation in prison to life outside it. The drug dealers used to wait at the prison gates and sometimes threw the drugs over the prison walls to the prisoners. There was a cycle of drug abuse that just brought people back into prison.

The public quite rightly expect people who steal and who are violent to be punished, and they expect to be protected from such people, but there must also be a role for rehabilitation. The protection and the punishment are only short term if someone offends again after a short-term sentence and then receives a further short-term sentence. That view is sometimes a hard one to sell; it appears that we are being soft on certain people, when in fact we are trying to be hard in a way that helps the individual and society.

I commend the work of the drugs courts, which I have seen in operation. However, their work is very intensive and involves a lot of sheriff manpower. For a drug and/or alcohol abuser, it is often one step forward, two steps back. The drugs courts service must therefore have a high level of commitment, but that is dependent on available funding and manpower.

The issue of education on drug abuse is difficult. What we do does not work. Advertising campaigns about drug addiction tend to be just short term; at the time, they look as if they will work and they might indeed have some impact. Some public health advertising campaigns in other areas have worked. For example, campaigns about violence against women have had an impact. However, the message on drug addiction is obviously not getting

through to our young people, who think that they are immortal.

**Dr Simpson:** I am sorry to contradict Christine Grahame, but the Scottish schools adolescent lifestyle and substance use survey, which is a two-yearly study that looks at attitudes to drugs among secondary school children, has shown that, since 2001, the level of use of drugs by young people has stabilised and has begun to drop. I agree with Christine Grahame that we need to do more, but to say that drugs use continues to increase is to mislead.

**Christine Grahame:** I defer to Dr Simpson's knowledge in certain areas, but the headline that I quoted refers to a serious report, which I hope he will read. Its evidence reflects what we see on our streets. When we talk about drug addiction, we must also look back to see where that comes from for our young people. Obviously, it often starts with excessive alcohol consumption.

Professor McKeganey states that there are only 300 places for residential treatment. National health service boards refer people with drugs and alcohol problems to residential places in Castle Craig hospital in the Borders for treatment and rehabilitation. There were 149 such referrals in 1997, but it is predicted that there will be only 33 this year. Either NHS boards do not have sufficient money, or they are not using their money for residential treatment.

I welcome the new structure of the cabinet, which is much more integrated than it was previously. I hope that that structure will be reflected in how the parliamentary committees work. When the Health and Sport Committee was considering whether to do work on drug addiction and so on, members kept saying, "Well, that's a justice issue," "That's an education issue," or "That's a housing issue." It would be useful if committees could work together on a parallel investigation on drug addiction and do so in tandem with the Government.

I commend the Social Justice Committee's report of December 2000, to which Margaret Curran referred. Everything that it said is worth while. I do not know whether that was one of the reports to which the minister referred. If it was not, he should read it.

10:40

**Trish Godman (West Renfrewshire) (Lab):** The motion says everything—well, almost everything. There is not a lot in it with which we could disagree. However, there is not enough—or perhaps anything—about how to address the underlying cause of addiction. We have not looked at that seriously.

The question is how we achieve the measures to which the motion refers. Margaret Smith talked about projects that are giving people heroin. I am not going to tell members what age I am—they can look that up on the web—but when I started in social work, there were 38 heroin addicts in Glasgow. I had them all on my case load and looked after them. They came in every day, got their heroin and went off to work or did whatever they had to do. However, as we all know, things have changed.

How did we get to where we are? After heroin hit the streets, the first thing that we were told was that we had methadone and that it was a great thing. It was first introduced to those of us who worked with addicts, but it was not seen as an answer to addiction. We were not sold that line and I did not sell it on to addicts with whom I worked. I did not say, "If you take this methadone, then your addiction will disappear." What I did sell was an answer to a chaotic lifestyle and an opportunity for them to look after their kids and settle their lives into some kind of order, with plenty of constructive support.

We found that the approach of having someone at the end of a phone 24/7 could work. Those of us who got involved and tried it argued that it could work generally, but it did not happen. Why not? Is it because it takes a lot of money? David Liddell, the director of the Scottish Drugs Forum, says that we need to spend between £7,000 and £10,000 for each addict. That is a lot of money, but I think that it would be cost effective. It is less than the cost of keeping someone in prison or of caring for looked-after children. It is also a lot less than we pay for kinship care, which I will come to later. Will the Executive have the guts to spend such an amount of money on those individuals? I am not sure. The Executive is spending money like it has gone out of style, so I do not know whether there will be anything left. The motion states that the Executive

"recognises that there will be resource implications".

However, I am not sure whether that means that it will meet those resource implications.

Let us look at attitudes. There are still those around who do not believe that addiction is an illness. They say that people can give up whatever it is. They say that if someone is anorexic, they eat; if someone is fat, they do not eat; and if someone is using drugs, they give them up—it is easy. However, that is not true. There is a wide range of people who are on drugs.

Margaret Smith and others pointed out that drug addiction affects not only a particular social class but all social classes. Many drug addicts have mental illnesses and they are moved from pillar to post. One minute they are in an addiction centre,

the next they are in a hospital. Nobody involved talks to anybody else, so they do not know what the individual's main problem is.

We are dealing with a multimillion pound industry out there. There is a lot of money around in drugs. Dealers nowadays are often addicts, which is not what I saw in the 1980s.

What is needed? We need a wide range of quality support from different services. Service provision is patchy at the moment. Services can occasionally be accessed quickly. For example, there is apparently no waiting list for services in Fife. However, in general, access to services is a slow process. There is a need for wrap-around services and for that old chestnut, the joined-up approach through the single shared assessment.

Addicts may have separate assessments for housing, education, training and family support. Why? That is a waste of time and money. The assessments that are available through the drug treatment and testing orders are costly, but they are just single assessments and are therefore probably a better way of spending money. I have some sympathy for the proposal to extend the DTTOs into district courts.

So what are the solutions? We need to invest in early support for the most vulnerable families—everybody agrees with that. Children whose parents are addicts can be easily identified. They tend to be withdrawn at school, or they can be the opposite and be very aggressive. The children tend to have no confidence and live in social isolation.

When I talk about drugs, I mean drugs and alcohol. However, I think that some people separate alcohol off. We must think about doing that in this case, perhaps, because of what is called hidden harm. It is much more difficult to identify that someone has an alcohol problem than it is to identify that they have a drugs problem.

We must ensure that we do not channel the resources to the user and forget the child—that is what worries me. We need proper material and financial support for kinship carers—that is an absolute. My colleague Wendy Alexander is interested in considering that matter closely.

Alcohol and drug action teams need to have a thorough review of the treatment, care and rehabilitation in their areas and the health services need to be included in their decisions. If we agree that more needs to be spent to achieve our goals, we must consider ring fencing. That might take away local accountability, but if councils have the money in a soft budget line, we should ring fence it. However, whatever we do, it will take time. There are too many long-term addicts, some of whom are now in their 50s. Care packages must reflect the whole problem, both during and after

drugs misuse. As Margaret Curran said, there is an undisputed link between drugs, alcohol and antisocial behaviour. The SNP must be careful not to lose that link if it considers antisocial behaviour legislation. That is one of the most important points.

Many parents are desperate for help, but they do not want closed-circuit television cameras in their living-rooms. Children of addicts need care and protection to be provided by social work departments, other interested parties and voluntary organisations, which should adopt health and care programmes that ensure that young citizens escape the blighting of their lives that is brought about by parents who themselves are in need of support and treatment.

10:46

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I will use speeches that we have heard so far as the framework for mine. Fergus Ewing gave a full account of the work that he is undertaking—we wish him the best on that front. He mentioned the problems of crime and the break-up of families and used the phrase “joint working and intelligence”. I shall support Margaret Smith’s amendment, with its call for increased expenditure. She talked about joint working and mentioned, among others services, the NHS and social work. Margaret Curran referred rightly to the work of the voluntary sector. Christine Grahame properly made the point that the gateway to drug abuse is often alcohol and she rightly drew attention to the rural perspective.

On 20 December last year, I had a meeting with Steve March and Jack Law of Alcohol Focus Scotland, who pointed out to me that all parts of the Highlands except Caithness have councils on alcohol. There was a Caithness council on alcohol until fairly recently but, for reasons that I will not go into, it went out of existence. I was told that, although Alcohol Focus Scotland spends a great deal of money throughout Scotland, it was not impacting on what Christine Grahame referred to as one of the gateways to drug abuse. Let us remember that the councils on alcohol, despite their title, have responsibility for drug abuse, too. Previously, NHS Highland and Highland Council gave £7,500 towards the service, but it is no more. That meeting was on 20 December last year. By a fortunate coincidence, there was a debate that same evening in Maureen Macmillan’s name about drug abuse in the Highlands, during which I raised the matter and asked ministers to give it attention and consider why Caithness did not enjoy the service.

I move forward to today, a number of months on. I am indebted to Jon Webster, a community mental health nurse and the chair of the Caithness

drug and alcohol forum, who has pointed out that we are still in the same situation today, several months on. We have now had 18 months without the service. Evidence has been gathered locally in Caithness to support the need for an effective counselling service and separate proposals have been made by Birchwood Highland and Alcohol Focus Scotland, two organisations with which Fergus Ewing will be familiar. The proposals have been put to NHS Highland and Highland Council, but as yet no move has been made to address the issue, although measures may be in train and officials could be dealing with the matter. My only reason for speaking in the debate is to say that a rural part of the world is not enjoying the level of service that it could, which is relevant if we accept Christine Grahame’s argument about alcohol being the gateway to drug abuse. I wonder what problems are being built up for the future. When the service was working, it helped approximately 200 people per annum, but that is now not happening.

The point of my speech, which will be briefer than the six minutes that I have been given, is unashamedly local and related to my constituency. The problem of drugs is not the preserve of the deprived or the rich or of rural areas or cities—it is everywhere. However, right now, one part of Scotland is not enjoying the service that it should have. On a personal level, I say to the minister that I would be extremely grateful if he and his colleagues could at least take a look at the problem and, if it is as bad as it appears, help us to put it right.

10:50

**Stuart McMillan (West of Scotland) (SNP):** Members will have various experiences of the drugs problems in Scotland and in their local communities. I certainly hope that the new SNP Government can build a consensual approach to tackling the issue. The problem of drugs abuse is shocking. On 24 July, the *Daily Record* had a report in which it quoted Professor Neil McKeganey and stated that 50,000 people in Scotland are on heroin, 22,000 are on methadone and we have only 300 places for residential treatment. Christine Grahame mentioned some of those figures earlier and the minister highlighted other statistics. The problem is vast. It is obvious that every stakeholder should get involved in the fight against drugs misuse.

To follow the consensual approach, I point out that I am not averse to some policies in the other parties’ manifestos for the recent election. The Labour Party suggested providing a wider range of drug treatments that are tailored to the individual, and making it easier to seize assets using the Proceeds of Crime Act 2002 and reinvesting drug

dealers' money in the communities that are hardest hit by drugs. Labour also said that it would not shy away from taking children away from drug-misusing parents for their safety and well-being and that it wanted to take into account the wider family in rehabilitation programmes. Some of those proposals are laudable. I am also keen on the Conservative policy of putting £100 million into tackling drugs.

Obviously, I stood on an SNP platform, with SNP policies such as developing a national drugs commission, increasing by 20 per cent the funding for drug treatment and rehabilitation programmes, increasing access to abstinence programmes, dedicating £10 million to drugs education in schools, and increasing support services for the families of drug addicts and the families of those who misuse alcohol. I hope that some of those policies are included in our national strategy. I am happy to have a broader, non-partisan approach to continuing the struggle and, judging from what has been said so far in the debate, I think that that is true of other members.

In the run-up to the election, I visited the Haven rehabilitation centre in Kilmacolm, which opened my eyes. I was humbled by the success stories that I was told. Of the people who go to the Haven, 65 per cent come out rehabilitated and drug free. That success rate means that the blight on our communities from drug abuse is reduced and people go back into society to play an active and positive part in our communities. I was told one story that I am sure has been replicated throughout the country. The Haven has a graduation ceremony for those who go back into the community. When one individual who is now clean and back in the community attended the ceremony, his family, including his child, were there, which was the first time that he had seen his child in about eight years. When drug addicts become clean and get their lives and families back together, that is a major achievement for them and for our society and communities.

**Dr Simpson:** Will the member take an intervention?

**Stuart McMillan:** I am sorry, but not at the moment.

I live in Greenock in Inverclyde, an area that has well-documented drugs problems. Duncan McNeil and I are fully aware of the devastating effect that drugs have had in Inverclyde. I may not always agree with Duncan's comments on drugs, but I know that he wants Inverclyde to be a better place and that he wants a successful outcome in combating the problems and challenges of drug abuse. Combating drug abuse will help Scottish society immeasurably. It will help those drug addicts who want to be clean and want to get their lives back in order and it will help our communities

to live in a stronger Scotland, where criminal activity perpetrated by drug addicts is reduced and where our citizens can live in a safer society.

10:55

**Duncan McNeil (Greenock and Inverclyde)**

**(Lab):** I welcome the opportunity to discuss this issue. Because of its impact on communities and families right across Scotland, no issue is more important for us to discuss. Who could argue with the view that we should reach a political consensus on how to deal with the issue? However, our views on how to deal with it sometimes differ.

The current methadone programme is a key part of the harm-reduction approach to drug abuse. It was supposed to stop addicts dying, but drug-related deaths have continued to rise—up by 25 per cent last year. It was supposed to get addicts off drugs by providing a legal substitute, but 70 per cent of those on methadone are still getting their illegal hits anyway. It was supposed to cut drug-related crime, but 80 per cent of addicts on methadone are still committing crimes, and our prisons are full of inmates with drug addictions.

We have to grasp this issue. Members may not all agree, but I feel that by making drug use affordable and acceptable, current policies are conspiring to keep addicts in what—over generations in some cases—has become a way of life. The sad fact behind recent reported deaths is that some of those people were not our children but our grandparents. The harm-reduction approach has increased the risk for our children and our communities. Therefore, calls for “more support” or “more of the same” will not help. We have heard such calls from members this morning.

Is the answer not to challenge the lack of ambition that saw stabilisation as the only realistic policy goal? We have to move towards cessation schemes. We have to challenge drug-taking behaviour and have a clear ambition—as Stuart McMillan said earlier—to get as many people as we can back to their families, back to work and back into the community.

We have to acknowledge that some people who take drugs have multiple problems. However, whether we accept it or not, there are also people who like drugs and choose to take them. That behaviour has to be challenged. Those people are not the only innocent victims; the child, the neighbour and the parent of the addict are the victims as well.

If the Executive is intent on setting up another consultation, that is a worthy intention. If we can reach a consensus on how to challenge the present situation, that will be great. However, I give members a reminder—as if it were needed—

about how the children of drug-abusing parents find their way on to the priority lists. The reminder is from the recently published letters of assurance that the Executive sought from local authorities. Those letters reveal that any number of children in Scotland may be living—unidentified and unprotected—in the squalor of parental drug addiction.

Among the correspondence is a submission in which Strathclyde Police chief constable Sir Willie Rae and NHS Greater Glasgow and Clyde chief executive Tom Divers concede that

“At this present time, we could not provide general assurance that all children affected by substance misuse have been identified.”

Those men are very senior figures delivering services in our communities.

However, that is just the tip of the iceberg. The Executive’s own summary acknowledges that

“the vast majority of ... areas experience difficulty in consistently identifying those children affected by drug misuse.”

That was reported by child protection committees.

In Inverclyde, the past council leader Alan Blair acknowledged that children were living in such circumstances. He admitted that their safety could not be guaranteed. In North Lanarkshire, a report signed off by council, health and police chiefs states:

“We cannot provide a definitive guarantee that all children who ... have parents who are misusing substances have been identified.”

Senior figures in South Lanarkshire assert that the reason why

“it is never possible to be entirely confident in relation to the identification of all children ... affected by parental drug use”

is that drug users are hidden from services. However, precisely where those self-sufficient drug addicts—who have never accessed housing benefit, child benefit, council tax benefit, a general practitioner, a social worker, the housing department or any other public service—are to be found is, alas, not divulged.

I could go on, but time is limited and I am sure that members get the picture. Children are being failed by a system that does not even see them as a statistic. Local authorities have been given a clear duty by the Executive to ensure that addicts’ children get the services they need before they are at risk of harm. However, as has now been revealed by the letters of assurance, local authorities are nothing like able to meet that obligation.

The inability to identify, far less protect, a significant number of children and young people is

not only creating much needless suffering but risking another child’s preventable death. I therefore renew my call to the minister—whether it be Shona Robison, Fergus Ewing, Kenny MacAskill, Adam Ingram, or whoever can be put in post specifically to deal with this issue—to act now. There are no excuses and there can be no delay. Those children need our help now.

11:01

**John Lamont (Roxburgh and Berwickshire)**

**(Con):** A couple of weeks ago, I served a night shift with the local police force down in my constituency in the Borders. I was able to see at first hand what the police encounter every day and to discuss their concerns about how we can improve general policing and safety records in the Borders. It is clear—as it is throughout the United Kingdom—that drug abuse and crimes connected to drug use take up a lot of police time.

It is often assumed that drug abuse is a problem of the big cities of Glasgow and Edinburgh. However, as Christine Grahame stated earlier, it is as much a blight on the streets of the towns and villages across the Borders as it is elsewhere. Indeed, in some league tables on drug crime, the Scottish Borders area comes ahead of West Lothian and Falkirk and is on a par with Edinburgh.

The drug dependency figures for young people in the Scottish Borders show a worrying trend. In a recent survey, a staggering 20 per cent of 15-year-olds had used drugs, which is higher than the average for Scotland. What is more, the number of drug-related deaths of people in their early 20s is disproportionately higher in the Scottish Borders. Drug use is clearly becoming a problem at an earlier age in the Scottish Borders, and there is no clear evidence as to why.

The decision of the previous Scottish Government to replace the just say no campaign with the much weaker know the score programme was perhaps not the wisest decision. We need to make children much more aware of the dangers of drugs from an earlier age.

I note the SNP’s election pledge to ensure £10 million investment in classroom-based drug education. I hope that the new Administration can fulfil that election promise.

We must consider the provision of services to tackle drugs misuse from a rural perspective. The health service has been increasingly centralised in the big towns and cities. In rural areas a home visit can sometimes take up most of the day. For safety reasons, such visits often have to be carried out by more than one person. Such issues have to be given greater consideration. An extra £15,000 of funding might go a long way in Glasgow or



Dundee, but it will not even pay the cost of an extra member of staff in somewhere like the Borders. The downgrading of the Borders local treatment centres has had an adverse consequence. It is only right that the Government should reflect on that in future funding plans.

Social responsibility and social entrepreneurs have an important role to play in dealing with social problems. It is therefore important not to forget the role that the voluntary and charitable sectors, as well as social entrepreneurs, can play in tackling problems. I would like that to be recognised more, and those sectors to be included in public policy reviews to a much greater extent. Government does not always know best and it does not always have the right answers—sometimes it is better for it to stand aside and let others take over. I am waiting eagerly to see how the new Administration will approach that aspect of the drugs challenge.

I am proud of the work that my Conservative party colleagues have done in pursuing drug abuse. Annabel Goldie has highlighted the issue consistently, often when it was not fashionable to do so. The damage that drug abuse does to our communities is immeasurable. Annabel Goldie and the Scottish Conservatives should be congratulated on the work that they did in the previous session to push the issue to the top of the agenda. My Conservative colleagues and I intend in this session to ensure that that work continues.

I am pleased that so far the new Administration has been prepared to co-operate on the matter. I am sure that there are many areas on which we will disagree, but there is great potential for us to work together on drug abuse to bring about positive change.

**The Deputy Presiding Officer (Alasdair Morgan):** I can give Bill Wilson just under six minutes.

11:06

**Bill Wilson (West of Scotland) (SNP):** Thank you, Presiding Officer—that means that I can put some of the scored-out bits of my speech back in.

I congratulate Fergus Ewing on his presentation of the motion, which contains much that is to be welcomed. It refers to better treatment of addicts, the need for better protection of addicts' children, the need to improve drugs education and, not least, the need to offer young people better opportunities in life. An effective drugs policy would be cost effective, as it would cut crime; reduce total costs to the national health service, police and judiciary; and reduce the suffering of addicts, their families and the many victims of

drug-related crime. An effective drugs policy would pay for itself.

To get such an effective, cost-effective policy we need honest, evidence-based debate. We must move away from the old knee-jerk, tabloid-proofed, party political but essentially empty and counterproductive rhetoric of the past. That is why we should welcome the proposal to introduce a national drugs commission with the aim of producing an evidence-based long-term strategy. In the late 1960s, there were a few thousand addicts in the United Kingdom. Today, across the spectrum of drugs use, there are approximately a quarter of a million. Heroin and methadone account for 85 per cent of drug-related deaths. In the European Union there are between 8,000 and 9,000 opiate deaths each year.

Addicts damage not only themselves but the fabric of society. According to one source, each of the estimated 40,000 heroin addicts in the UK commits an average of 432 crimes a year at a cost of £45,000—£1.8 billion in total. In the USA, Superior Court Judge Howard Scheinblum—I hope that I am pronouncing his name correctly—estimated that 90 per cent of criminal cases in the state of Connecticut were connected in some way to the pursuit of illegal drugs. Judge James P Gray of the Superior Court of Orange County, California, stated that the sale of illicit drugs was by far the largest source of funding for terrorists around the world. In Afghanistan, the drugs eradication policy is not only alienating impoverished farmers but has just resulted in the largest illegal opium crop in history. Meanwhile, there is a world shortage of legal sources of opiates—Africa is in a pain crisis. Where is it going, who is being harmed, and who is benefiting?

It is clear that previous policies have not been and are not being successful. The past two decades of special measures, drugs tsars, higher sentences and various education campaigns here and in many other countries appear to have resulted in more drug users than ever, the profits from selling drugs being greater than ever and the incentive to produce, distribute and push drugs being greater than ever. Is that the universal picture? Are we irretrievably doomed? *Ilka chiel maun dree his ain weird*—is there no escaping ours?

If we are to fix things and to have a comprehensive, evidence-based debate, we need to look not only at what does not work—the policies that have gone before—but, more important, at what does work. A study of drugs services in six Dutch cities published in the *British Medical Journal* showed that the clinic-based prescription of heroin as part of an overall package of care, though expensive, resulted in a reduction

in drugs-related crime and a net saving per patient of £8,600 per year; in other words, it more than paid for itself. A successful drugs policy will also pull the carpet from under the feet of the drug dealers.

In Zurich, a programme of clinic-based administration of heroin and methadone saw an 82 per cent reduction in the number of new addicts over 10 years, and there is an on-going annual decrease. Incidentally, addicts on the programme, in which the taking of heroin is greatly deglamorised, successfully come off the drug. *The Lancet* has called for a thorough trial of drug-consumption rooms in the UK, and there are currently Home Office pilot projects in London and Manchester. I am delighted that the Executive is committed to developing an evidence-based policy, is prepared to consider innovative approaches and recognises that not all of what has gone before works.

I conclude with the words of those who should know about the issue—a few present and retired police chiefs. Chief Constable John Vine of Tayside Police states:

“The idea of a heroin clinic has potential. Unless we get past the hand wringing, do nothing stage, there will be no progress.”

Chief Constable Richard Brunstrom of North Wales Police states:

“the current regime is untenable and it is not going to be successful any more than controlling alcohol was through prohibition in the US. We are making it easy for organised crime”.

Inspector Jim Duffy, chairman of Strathclyde police federation, states:

“We are not winning the war against drugs and we need to think about different ways to tackle it. Tell me a village where they are drug free”.

If we want to keep people safe and to protect them, we must examine new approaches, develop evidence-based policies, tackle poverty and consider alternative methods of rehabilitation.

11:11

**Mike Pringle (Edinburgh South) (LD):** I am delighted that the first debate of this term to which I am contributing is on the important issue of drugs misuse. I thank Kenny MacAskill for bringing the issue to the chamber. There are a number of topics that I want to address today, but I will enter into the consensual spirit of this period in Scottish politics for a moment and say that I welcome those parts of the SNP motion in which ministers commit themselves to promoting recovery from addiction, ensuring that children are protected and improving drug education.

Although the Scottish Liberal Democrats fully support tough enforcement of the law against drug dealers, we must consider the recent comments of Tom Wood, the chair of the Scottish Association of Alcohol and Drug Action Teams, who said:

“We have lost the war on drugs. We must re-focus resources on education and deterrence.”

The role of enforcement should be to tackle class A drugs and to seize the assets of drug dealers. Users need help and support to get off drugs. If the SNP focuses on those two issues, I will be more than happy to support it.

The facts about drugs are clear. Margaret Smith, Annabel Goldie and others have already made this point, but I have no hesitation in making it again: in 2006 there were 421 drug-related deaths. There are now 21,000 people on methadone, and 160,000 children in Scotland live with drink or drug-dependent parents. Duncan McNeil made the extremely good point that those are the children we know about. Another member pointed out that drug use is an issue throughout society. Has anyone done research into those children who live in middle and upper-class families in which the drug that is misused is cocaine? I am pleased that the minister is to give more support to families and children.

**Dr Simpson:** The answer to the member's question about whether research has been done in this area is yes. The estimated number of children who are associated with drug-using families is more than 50,000—some would say 60,000. The number of children who are associated with families in which alcohol is a problem is 70,000—some would say 100,000. Between 100,000 and 150,000 children are affected, which is the equivalent of three birth years.

**Mike Pringle:** I take Richard Simpson's point and, like others, bow to his knowledge of the area, which is greater than mine.

Trish Godman was absolutely right to make the point that antisocial behaviour is almost always the result of misuse of mainly drink, but also drugs. In Edinburgh, the way forward has been seen through action on alcohol and drugs, a partnership of the key bodies in the city that deal with different aspects of alcohol and drugs misuse. The partnership performs a key role in allocating funding to agencies offering treatment and rehabilitation in the area of drug and alcohol misuse. It is a great scheme that seeks to ensure that there are no gaps or overlaps in the services that people with substance misuse problems receive. Funding of such schemes needs to be increased. For every £1 that is spent on treatment, £3 is saved on enforcement.

Trish Godman pointed out that it costs up to £10,000 to treat someone. She obviously has experience of that. We need to take cognisance of such experience.

I hope that the new SNP Government will spend more money on preventing drugs misuse. It has long been my party's policy that Government should spend to save in many areas of public policy. That needs to be done in this area. The cost to society of drugs misuse is huge. The Scottish Executive—when it was the Scottish Executive—estimated a cost of £330 million in relation to absenteeism, crime and the criminal justice system. If a fraction of that was better channelled towards treatment and rehabilitation, we would be a better society. What will the Government consider doing in that regard?

The previous Executive made a good start in changing our culture of drugs. I welcome the minister's commitment to extend drug treatment and testing orders, particularly for females and children. I disagree with Annabel Goldie, and think that Richard Simpson is right: we do not need more testing in prison—we should be sending fewer people to prison for short-term sentences and should use DTTOs to keep such people out of prison and thereby reduce our prison population. Duncan McNeil was right to say that we need to keep families together as far as possible and to give them help, rather than put the mother or father in prison.

DTTOs have cut reoffending rates: 48 per cent of people given an order have not reoffended within two years. Seventy per cent of cases dealt with by the courts are believed to be drug related. The DTTO method of dealing with drugs misuse is the best way of addressing drug-related criminal behaviour. That has been coupled with the work of the Scottish Crime and Drug Enforcement Agency, which seized £70 million worth of drugs in 2005-06.

We have also tackled people who are engaged in trafficking and organised crime, with 43 new finance investigators working to seize the assets of drug dealing. Some of those assets have gone directly to communities—I know that the Royal Mile outside the Parliament is cleaned by a washer truck that was bought using such money.

My colleague Margaret Smith highlighted the need for more residential rehab places. Such rehab is very effective for most people, but at present only one person in 50 is offered a place. If we had spent more money on residential rehab for drug users it could have had a serious impact.

I am pleased that the SNP has addressed the issue, but we still await the details, as we do with so much of its programme for government.

Our amendment highlights the way forward and I urge members to support it.

11:17

**Bill Aitken (Glasgow) (Con):** I have found this debate encouraging. Not only have there been a lot of positive contributions in which members have drawn on their expertise from previous occupations, but what has come across is a consensus and determination to address the major problem that Scotland faces today.

The buck stops here. Although the ministerial team has special responsibility for finding a solution to the problem, every one of us has to buy into doing something about this 21<sup>st</sup> century scourge, which has cost so much in lives and resources. That is why it is good that the mood of the debate has been one of quiet determination to do something about the problem.

What do we do? As Christine Grahame said, there are no easy answers—if there were, people would have found them long before now—but we can make a start. I congratulate the Scottish Government ministers on the start that they have made. They have acknowledged that the mood of the Parliament is that there requires to be some lateral, out-of-the-box thinking and that some of the sacred cows that have governed the drug policy of all parties have to be slaughtered.

I am particularly pleased about the intention to extend DTTOs through the district courts to young offenders in respect of the children's hearings system and to female offenders. I have long felt that the way in which the court system operates prejudices those at the lower end of the scale of criminality and those who might have a greater degree of determination to overcome their drug difficulties. The move is therefore wise and positive.

I am also encouraged by the determination shown by ministers to build on the achievements of the previous Administration by acknowledging that confiscations under the Proceeds of Crime Act 2002 should be directed towards activities involving young people. The devil will find evil for idle hands to do. We have to keep youngsters occupied.

I am also encouraged by the determination to look anew at some problems. We are not going to reach agreement about everything that we have discussed, but we have to try, because the figures that have been bandied about this morning are chilling. Margaret Curran referred to the report that was produced seven years ago by the then Social Inclusion, Housing and Voluntary Sector Committee on drug abuse and its effect on poorer areas. One of the worst things to come out of the report—Margaret Curran will correct me if I am wrong—was the evidence that there were many families in the Glasgow area in which three generations were addicted to drugs. If that was the

situation seven years ago, it will be much worse now. We have to do something about it.

I suggest that the way forward is a tripartite approach involving prevention, enforcement and rehabilitation.

We will support the activities of the Scottish Crime and Drug Enforcement Agency and demand that the toughest possible sentences be given to people who peddle human misery.

On prevention, we must send out a clear, unequivocal message that the use of drugs is not only crazy but unacceptable. In the past, we have not got the educational message correct, nor have we been able to direct it effectively towards young people.

We have to consider rehabilitation carefully. We have to involve everyone. Of course we have to involve the public sector, but we must also consider what has been successful in the private and voluntary sectors. We must garner good ideas that have worked and use them effectively.

On prisons, I do not agree with Richard Simpson that drug testing is negative, but I do agree that we should encourage drug-free areas in prison and provide back-up to prisoners when they leave. I recollect visiting a unit in Barlinnie in which the people were staying clean—they seemed to me to all intents and purposes to be clean. However, I acknowledge the pressures that such people face when they leave prison. It is likely that they would be tapped on the number 37 bus back to Pollok, where the drug dealers would be going up and down the stairs giving them freebies. The pressure under which such people operate must be severe.

We must consider the provision of residential rehab units. The approach is multifaceted. Interesting ideas have been raised this morning, although I do not agree with some of them, such as the suggestion—if I heard it right—from Bill Wilson regarding heroin provision, which is off-the-wall and will not receive unanimous support.

The debate has been encouraging and we must continue along that route.

11:23

**Paul Martin (Glasgow Springburn) (Lab):** I want to maintain the spirit of consensus, after one slight interruption. John Lamont said that Annabel Goldie raised the issue of drugs misuse even when it was not fashionable to do so. I argue that all members in the chamber have raised the issue and that it has always been the fashion to do so, because drugs misuse affects many parts of Scotland. It is important that we learn. We are not pioneers of the cross-party approach. I am old enough—I suppose that most of us are—to remember the Scotland against drugs campaign,

which is the one thing for which I give Michael Forsyth credit. The campaign highlighted the need for parties to work together and the need for us to acknowledge the challenges that our constituents face.

It is important that we move away from the language that members have used today and in previous debates—the word “holistic”, the “joined-up approach” and many other such references that have been made—and talk about the specifics. Duncan McNeil and other members raised specific points, and it is important that we take them on board. He also raised the issue of the importance of having a more robust regime in the methadone dispensing programme. I know that in my constituency there is a role for pharmacies to play in supporting addicts who are involved in the methadone programme and ensuring that they and their children receive services during that process.

Trish Godman made a constructive and informed speech on the importance of kinship. Every member in the chamber values the role of grandparents and other carers in respect of tackling drugs misuse. In that area, members of the Parliament can move away from using language such as “holistic” and “joined up” and say, “Yes, we will take on board the importance of the role of kinship, and we will move forward to ensure that grandparents and other carers feel valued.” To be honest, I am afraid that grandparents and other carers do not feel valued at the moment. When they do, we will be setting a clear agenda on which we can move forward.

As in previous debates on drugs misuse—I checked the *Official Report*—members mentioned that there were 421 drug-related deaths in Scotland in 2006. We talk about the challenges that arise in relation to drugs, but we should also consider how we can learn from that statistic. We are talking about human beings and human tragedies, and many families are affected by drugs misuse. Is it time to consider establishing a drugs commission? I would like to hear the Executive’s view on that. Will the Cabinet Secretary for Justice take the matter forward and consider holding a more detailed inquiry into how those deaths occurred? Are there lessons to be learned from the specific detail of the deaths of those individuals? We are referring to human beings; they are not just statistics. Perhaps we should take a more detailed approach to ensure that we learn from the statistics. The Parliament launched an inquiry in respect of the McKie case. I argue that a public inquiry might be required into the 421 drug-related deaths in Scotland. Such an inquiry should at least be considered, because it would help us to understand the statistics and ensure that, when we invest in challenging the misuse of drugs, we get best value.

I turn to the question of how we tackle antisocial behaviour and the importance of ensuring that the right environment does not exist for the drug dealers who are the scourge of our communities. Let us face it—constituencies such as mine and Margaret Curran's are havens for drug dealers. Through the Antisocial Behaviour etc (Scotland) Act 2004, we successfully provided unprecedented levels of investment to tackle drug dealers. I speak from my personal experience in dealing with Glasgow's neighbourhood relations team. For the first time in my career as an elected representative, which will have lasted 14 years in December, I had a call and an e-mail from the neighbourhood relations team in respect of a drug dealer who was carrying out activities in my constituency. The team asked for a letter of support in respect of a court action. That happened because the team is working with the various authorities throughout Glasgow to tackle the drug dealers in our constituencies. The action is a result of the previous Executive's unprecedented investment in tackling antisocial behaviour. I call on the Government to continue that high level of investment, including the investment in closed-circuit television, which plays a crucial role in tackling drug dealers.

I am sure that we all wish Graeme Pearson every future success as he retires from the Scottish Crime and Drug Enforcement Agency. He has played a crucial role in providing leadership to those who tackle the most dangerous individuals in our communities—individuals who supply drugs. I welcome his innovative approach. I hope that the new Government will ensure that every support is given to the SCDEA so that it can continue its good work. Nothing hits drug dealers more than the recovery of assets from them and their families. Constituents often raise concerns with members about the fact that drug dealers' families benefit from their activities.

We on the Labour benches will continue with the spirit of consensus. I am sure that other members will do so, too. However, it is important that we hold each other to account and have a robust and constructive dialogue, that we drill down into the 421 deaths, and that we do our best for communities throughout Scotland.

11:31

**The Cabinet Secretary for Justice (Kenny MacAskill):** I thank colleagues from all parts of the chamber for their contributions to the debate. Many members spoke eloquently, passionately and, indeed, poignantly—some because of their commitment to the issue since they entered the world of politics and others because of their experience in their previous occupations. Each added to the strong commitment that the

Parliament must have to tackle the problems of drugs misuse.

I am grateful for the consensual nature of the debate, which was pointed out by Bill Aitken and Paul Martin. Paul Martin is correct; in seeking to create a consensus, we do not expect to have a supine Opposition. That would never be the case, and the adjective "supine" does not describe the members involved, but we are keen to try to work together towards common solutions.

We accept that the Opposition will disagree on some matters and it is appropriate that it should challenge us—that is the role of the Opposition—but we hope to make it clear that our door is open and that others can come and speak to us before something becomes an issue of political debate. If we can resolve the matter, all the better. If we cannot, we will require to disagree about it and vote on it in the chamber, but let us seek to work together first. I am grateful to the members throughout the chamber who have sought to make a commitment to do that.

The Government acknowledges that we do not face the problem of drug misuse alone. It is a problem that we must tackle together. We do not face the problem alone because it does not exist only in Scotland. Most western democracies have significant problems with drug taking. I recently returned from a weekend in the island of Ireland. It is well known that those of us on the SNP benches and in the Government greatly admire the success of the Celtic tiger and the Government of Ireland, but we should not forget that a significant drug problem exists not simply in Dublin but in rural Ireland too. Members from all sides made the point that drug misuse occurs not only in areas of urban deprivation but in rural areas. In Ireland, it occurs not simply in Tallaght but in the Gaeltacht.

The United States of America has the strongest economy in the world, but it still has significant problems with drug abuse. Even with all the resources of its drug enforcement agencies, its military and its police, it cannot stop drugs coming in. It is clear that there is a significant problem. Bill Wilson mentioned that there are even significant problems with drug taking in Switzerland, which everybody in the world recognises as a haven of great wealth and stable democracy. The problem affects us all and we have to try to reach a solution.

I welcome the change in terminology. The Westminster Government is to be given credit for moving away from the language and nomenclature of a war on terror, but we must do the same in relation to drugs. It is not a war on drugs, because that would be a war on our own communities and on individuals who are often more to be pitied than punished. Certainly many are to be punished, and I heartily endorse the credit that Paul Martin paid

to Graeme Pearson. The Government will not seek to diminish the action that is taken against those who peddle drugs and those who are involved in serious and organised crime, with the attendant risk to those in law enforcement, but we have to accept that this is not a war; it is far deeper and more pernicious than that.

As many, such as Margaret Curran and Trish Godman, have said, it is also clear that beneath the statistics there are stories and tragedies. Paul Martin commented on that in relation to his area. For all the statistics, these are individuals. They may not be citizen of the year or the most pleasant people to spend time with, but they are somebody's son or daughter. Tragically, they are quite often somebody's mum or dad, and they are a death far too soon that we could do without. Something about common humanity means that we have to address that.

We have listened to many of the points Liberal Democrat members have made, and we will be happy to reflect on them, but I ask them, in the spirit of consensus, to consider withdrawing their amendment, which we do not feel able to accept. We accept the spirit in which it was lodged, and we hope that we can rally around that.

I will try to run through the various points that members have raised. If I do not manage to deal with them all, the error will be mine and I will be happy to meet privately or answer a letter.

Margaret Smith spoke about the expansion of residential places, which we clearly have to address. We have to provide support for those who recognise that they have reached such a juncture in their lives and make a cry for help. Some of that can be given as direction from the centre but, ultimately, it has to be delivered at grass roots level. We have to work with all bodies to ensure that those who work in the community are able to provide support. We are reviewing the matter, and on Monday coming the Minister for Community Safety and the Minister for Public Health will meet alcohol and drug action teams to work out how we can improve delivery, because this is an area in which we must deliver.

Margaret Smith and Bill Wilson mentioned heroin prescription. It is sometimes forgotten that practitioners may already prescribe heroin if they so wish, although they require a Home Office licence to do so. Three practitioners in Scotland have such a licence but are not currently using it. It is not a simple matter, as there are clear problems related to it and there is no real suggestion that it is necessarily better, but it must obviously be reflected on. As I said, heroin prescription currently exists, but we would delude ourselves if we thought that it was a panacea.

Margaret Smith mentioned drugs courts. They started as a pilot, and we have welcomed their success. They were a pilot until March 2006. At that juncture, it was agreed to fund the courts for a further three years, and we will continue to maintain them under operation. She also touched on a variety of other courts. I remind her that what operates in one jurisdiction does not necessarily operate in another because of several factors, including the number of sheriffs and the size of the court. What can be done in Glasgow is vastly different from what can be done in Tain or Dornoch, but we accept that drugs courts have worked and are an important factor to be considered.

Margaret Curran raised the idea of creating a drugs commission. We are determined to build on the national consensus, and we will consider a variety of views. We are conscious that, before we formed the Government, the Parliament had taken some steps and that Mr Pignatelli had been charged with investigating certain matters. We are considering a variety of mechanisms to take on board the genuine consensus and to work together—not simply in Parliament, because the issue involves all of civic Scotland.

I echo the point made by Margaret Curran and others that we sometimes forget and ignore the role of the voluntary sector in Scotland. Trish Godman and Duncan McNeil recognised the importance of kinship and those people who do a great deal of good collectively through organisations or individually through simply dealing with their families. We wish to engage with them as they are significant. We should not forget them.

This is a question not simply of spending more money, but of spending it wisely. We must also recognise that we address the problems in different ways. Some are dealt with through health, education and criminal justice; some are dealt with at central Government level; others are correctly dealt with at local government level. We are committed to providing the appropriate resources. Ring fencing will be difficult because of how such matters are laid out and how money is dispensed, but we are committed to ensuring that the appropriate resources are available to tackle not simply the health manifestations but the problems that we face in education.

Drugs in prison have also been mentioned. There is clearly a significant problem that we have to tackle.

We announced £4 million in additional funding last month to increase training opportunities for foster and kinship carers.

Duncan McNeil raised points about children, which I would be happy to discuss with my

colleague the Cabinet Secretary for Education and Lifelong Learning, because some of the matters he raised fall outwith the sphere of criminal justice. However, we have to ensure a holistic and joined-up approach.

If I have not answered any particular points, members should feel free to come to me and I will address them in greater detail. I pay tribute to the consensus that prevails in the chamber and recognise that we have a job of work to do. We understand that if we work together, we are more likely to reach a solution. Matters are being addressed; we just have to work harder and work smarter.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Parental Substance Misuse (Child Protection)

**1. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what plans it has to ensure that all children living in families where there is parental drug or alcohol misuse are properly assessed and protected. (S3O-506)

**The Minister for Children and Early Years (Adam Ingram):** The Scottish Government is determined to tackle the problem of parental substance misuse and to make real and lasting improvements to the lives of children being brought up in such households.

We will adopt a twin-track approach. Prevention and early intervention will be given significant emphasis to stop the development of abuse and neglect. Our aim will be to build the capacity of families to deal with their problems directly, avoiding the need for future crisis intervention.

At the same time, we need to improve support for children who are already affected by parental substance misuse. For that to happen, we need to ensure effective multi-agency working with integrated assessment and care planning at its core. The Government is committed to the "getting it right for every child" agenda.

**Dr Simpson:** My question is precisely about that. In 2005, the previous Administration issued the first consultation "getting it right for every child" and in December 2006 to March 2007 it issued for consultation the draft Children's Services (Scotland) Bill, to implement "getting it right for every child". That built on the "Hidden Harm" report and the "Getting Our Priorities Right" guidelines.

In other words, there was a pattern of work that should have resulted in the Children's Services (Scotland) Bill being in the programme for government yesterday. The bill would revolutionise the provision of services for children, including, as the minister has just said, a multi-agency, integrated assessment, recording and planning framework. Why has the Government not included that bill in its programme for this year?

**Adam Ingram:** The member knows from his own experience that this is a complex and challenging area of work for us all—policy makers as well as front-line staff who deliver services.

**George Foulkes (Lothians) (Lab):** Try answering the question rather than reading the prepared—

**The Presiding Officer (Alex Fergusson):** Order.

**Adam Ingram:** It is important to acknowledge that a lot of good work is going on in the field. Many local authorities and other agencies are making significant progress, particularly with integrated assessment and care plans. There has been a marked improvement in multi-agency training, and the three-year child protection reform programme has been successful in those terms. However, as the letters of assurance exercise showed, we still have some considerable way to go, not least in developing front-line capacity to identify, assess and support every child at risk. We do not need legislation for that.

As I have said already, where this Government differs from the previous Administration is a question of emphasis—less on crisis intervention and enforcement, and more on early intervention and family support.

**The Presiding Officer:** I will take a supplementary question from Jim Hume.

**Jim Hume (South of Scotland) (LD):** Sorry, that is for later.

**The Presiding Officer:** In which case, I will take a supplementary question from Rhoda Grant.

**Rhoda Grant (Highlands and Islands) (Lab):** There are groups who seek to support young people who care for parents and family members who have drug and alcohol problems, as well as those who care for family members with ill health and disabilities. One such group is Skye and Lochalsh young carers project, which was successful this week in obtaining Big Lottery funding to develop services that were identified as needs by the children themselves—but the core funding for the group is not guaranteed, and neither is it guaranteed for similar groups throughout Scotland.

Will the minister ensure that all young people in such a terrible situation have access to support from a local group in their area? Will he also ensure that they are provided with a statutory obligation for provision and dedicated funding?

**Adam Ingram:** I am happy to give the member an undertaking to look seriously at those matters. Indeed, I offer to have a meeting with her to discuss the issue.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** One of the less complex issues that the minister outlined in his long response to the question is the requirement for a child's plan to be in place for December 2007. That plan would

streamline the process when there are children for protection going into hearings. So far, the Government has not mentioned the child's plan requirement for December 2007. Is there still a requirement for such plans to be delivered?

**Adam Ingram:** I am happy to confirm that the December 2007 target still requires to be met. I visited the Highland pathfinder project the other week. The issue in question was high on the agenda.

### **Voluntary Sector (Support for Vulnerable and Older People)**

**2. Iain Gray (East Lothian) (Lab):** To ask the Scottish Executive what plans it has to develop the role of voluntary organisations in supporting vulnerable and older people in their communities. (S3O-484)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** The Scottish Government greatly appreciates the voluntary sector's valuable contribution towards supporting vulnerable and older people in their communities. Consequently, we look forward to continuing to work with it on a range of important issues.

**Iain Gray:** In East Lothian in recent weeks, the Scottish National Party-led council has rescinded grants to lunch clubs and day centres throughout the county. It has—I am glad to say—properly reinstated those grants, but the fear is that when ministers try to persuade councils to freeze council tax levels, some will see voluntary sector grants as a soft target for savings. Will the minister give an assurance that, in the fruitful discussions between ministers and councils that we heard much about yesterday, it will be made clear to councils that they must continue to fund the vital work of voluntary organisations in supporting the elderly and vulnerable?

**Jim Mather:** I thank the member for that augmented supplementary question.

We must remember that grants of £660 million or thereabouts have been made available from executive agencies, non-departmental public bodies and health boards. We are looking to do something that is very much in line with what the member wants us to do. We want to bring together the voluntary sector, councils and other stakeholders to optimise the situation. We have taken a similar approach with the private sector and believe that that approach will work effectively so that there is a spirit of openness and we adopt a common goal, identify constraints and work to achieve better outcomes. We can and hope to achieve greater optimisation and use money better in the longer term.



### Probationary Teachers (Employment)

#### 3. Ms Wendy Alexander (Paisley North) (Lab):

To ask the Scottish Executive how many probationary teachers who completed their probationary year in June 2007 have been unable to find full-time employment. (S3O-466)

**The Minister for Schools and Skills (Maureen Watt):** I thank Ms Alexander for her question. From now on, it is likely that her questions will be to the First Minister only, so I will take the opportunity to congratulate her on her position-elect and to wish her a long and happy time leading the Labour Party in Scotland—in opposition.

The precise number of probationary teachers who completed their probationary year in June 2007 but have been unable to find full-time employment will be known once the annual teacher census has been conducted on 19 September and once the General Teaching Council for Scotland's probationer survey has been conducted in October.

**Ms Alexander:** I thank the minister for at least some of her sentiments.

The minister has said that more than 3,500 probationary teachers were in training in Scotland last year. It would be a tragedy if those probationary teachers were lost to the profession because they could not find employment. Yesterday, the First Minister gave a commitment on class sizes. I look forward to a commitment from the Executive to make an undertaking to train and allow employment for those who have been trained and who risk not having careers in the teaching profession in Scotland.

**Maureen Watt:** I reassure Ms Alexander that the situation for newly qualified teachers this year is no different from that in previous years. Indeed, the situation is better as a result of our injection of 300 extra teaching posts into the system. With respect to the 3,350 newly qualified teachers, local authorities have told us that 3,000 posts have been advertised since Easter.

### Art and Culture

#### 4. Christina McKelvie (Central Scotland)

**(SNP):** To ask the Scottish Government what steps it is taking to support Scottish art and culture. (S3O-517)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** Presiding Officer—

**The Presiding Officer:** I call Linda Fabiani.

**Linda Fabiani:** I am sorry, Presiding Officer. I was anxious to answer the question.

The Scottish Government is undertaking a wide variety of actions to support the arts and culture in Scotland. In the coming months, I plan to make further announcements that will make clear our commitment to supporting excellence in, and widening access to, the arts and culture. Our future cultural policy framework will affirm the place of culture in Scotland and acknowledge the important role that the varied cultural and creative practitioners play.

**Christina McKelvie:** How will the minister ensure that the creative industries are properly considered?

**Linda Fabiani:** The creative industries are a real success story in Scotland and a significant and growing part of our economy. The Scottish Government is determined to play its role in creating the conditions for the sector to continue to flourish.

Members may be interested to know that, earlier this week in the Parliament, the National Endowment for Science, Technology and the Arts held a joint meeting with the Parliament's futures forum. There are powerful lessons to be learned from the delegates and the summing up of what happened at the conference. In particular, I want to consider the need for the different arms of government to work closely together and for funding mechanisms to be capable of responding much more quickly and flexibly to the creative industries' needs.

#### Des McNulty (Clydebank and Milngavie)

**(Lab):** On a point of order, Presiding Officer. The convention is that members ask the question that is on the oral questions paper. Christina McKelvie did not do that; she referred to the Scottish Government rather than the Scottish Executive.

**The Presiding Officer:** We will move swiftly on.

#### Peter Peacock (Highlands and Islands) (Lab):

As the minister will be aware, there is an extensive network of arts organisations in the Highlands and Islands that provides services throughout the region. What do ministers plan to do to ensure that there is an enduring legacy from the 2007 year of Highland culture and to ensure that that legacy is spread throughout the Highlands and Islands and adds to the existing support that is given to, for example, theatres such as the Eden Court Theatre?

**Linda Fabiani:** I have been impressed by what I have seen of the work that all the agencies that have been involved have put into the year of Highland of culture. From what Highland Council and those who have been closely involved with all the events that have taken place—some of which ministers have been fortunate enough to attend—have said, there will be a lot of discussion about

how we can capitalise on a very good year for culture in the Highlands.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** Scottish culture certainly needs support, but does Linda Fabiani believe that it was appropriate for the First Minister to stipulate that the £2 million extra funding that the Government granted to the Edinburgh festival this year should have been earmarked to promote exclusively Scottish work? We are talking about the world's pre-eminent arts festival, which generates £185 million a year for the Scottish economy. Are we in danger of making ourselves an international laughing stock for parochialism by insisting that only Scottish work should qualify for extra funding?

**Linda Fabiani:** Many wonderful Scottish artists of all descriptions would be disturbed to learn that the Conservative party's arts and culture spokesperson thinks that their work is parochial.

**Rhona Brankin (Midlothian) (Lab):** The minister is aware that the Scottish Mining Museum in Newtongrange is in my constituency, but is she aware that Lady Victoria colliery, which is the finest surviving example of a Victorian colliery in Britain—indeed, it is the last remaining such colliery in Scotland—is facing a £2.5 million bill to conserve its grade A listed buildings? Will she commit the SNP Government to conserving the colliery and funding those urgent repairs?

**Linda Fabiani:** I am aware of the many issues that smaller museums throughout the country face and know that the Scottish Museums Council is active in dealing with them. I would be happy to meet Rhona Brankin to discuss specific issues relating to the mining museum in her constituency, just as I have met members with a particular interest in Scotland's Museum of Lead Mining in Wanlockhead.

### Community Regeneration

**5. Mike Pringle (Edinburgh South) (LD):** To ask the Scottish Executive what support is currently available to local authorities for community regeneration. (S3O-528)

**The Minister for Communities and Sport (Stewart Maxwell):** All of the Government's support for local authorities has a role to play in regenerating communities. The most specific support for community regeneration is through the community regeneration fund. That support is provided to community planning partnerships and not just the local authority.

**Mike Pringle:** As the minister will know, the City of Edinburgh Council's previous Labour administration dismally failed to win support for stock transfer, and the release of capital that that would entail. Given the serious financial difficulties

that the council has inherited after 20 years of mismanagement by a Labour administration, will the minister commit to support the council as it tries to improve large areas of the city, including Gilmerton in my constituency?

**Stewart Maxwell:** Far be it from me to intervene between the Liberal Democrats and the Labour Party. Clearly, the end of their honeymoon has come sooner than ours. I have already met members of City of Edinburgh Council to discuss a number of matters in relation to housing and regeneration. I am more than happy to commit to work with the City of Edinburgh Council to ensure that our capital city benefits from future investment and development. There are areas of priority need within Edinburgh that we must ensure are on the radar for redevelopment and regeneration. This Government is committed to regeneration, and we will ensure that Edinburgh does not lose out in regeneration funding over the next few years.

**Jamie McGrigor (Highlands and Islands) (Con):** Is the minister aware of the island of Kerrera in Argyll and Bute, which lies within half a mile of Oban town centre? Despite that proximity to urban life, the long-suffering community has no community hall, no road links between the north and south communities, substandard roads, no school, and no ferry link to Oban after 5 pm. Will the minister look into that sorry state of affairs and do something, so that Kerrera and its people can achieve parity with other Hebridean islands, which is something that the local authority has so far failed to achieve?

**Stewart Maxwell:** It certainly sounds like the result of more than 20 years of mismanagement by successive Labour and Tory Governments. I am more than happy to look into the matter and I will discuss it with ministerial colleagues, perhaps in rural affairs, who may also have a part to play in that area.

### Community Regeneration (Village and Community Halls)

**6. Jim Hume (South of Scotland) (LD):** To ask the Scottish Executive what it will do to ensure a sustainable future for Scottish village and community halls. (S3O-526)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The Scottish Government aims to help rural communities thrive and to enhance rural development. The Scotland rural development programme will inject £1.6 billion into rural areas over the next seven years. It contains specific measures worth £32 million to help provide leisure, recreation, sporting, catering and other rural community services and facilities, including village and community halls.

**Jim Hume:** Bearing in mind the vital role that those halls play, particularly in rural and remote locations, as highlighted by the halls for all campaign, will the minister confirm what steps his department will take to ensure that access to funding will be made easier? Will he further confirm that water charge exemption will remain in place beyond 2010? Finally, is the minister in a position to confirm whether funding will be available to village and community halls through the rural development programme, and when it will be available?

**Richard Lochhead:** I am sure that every MSP who represents rural communities wishes to pay tribute to everyone who helps to maintain and run their local village halls and community facilities. I assure the member that not only do we have the £32 million in the programme that I referred to, there is an additional £40 million under the LEADER programme, all of which should be available to our rural communities, including those who run rural halls.

In July, I had a productive meeting with the Scottish Council for Voluntary Organisations to discuss support for village halls. We will discuss a number of issues in the weeks and months ahead, including many of the issues the member has raised.

## NHS 24

**7. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Executive whether it intends to review the performance of NHS 24. (S3O-458)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The performance of NHS 24 is and will continue to be the subject of close and continuous review by the Scottish Government. As part of that process, I met the chairman and key members of the NHS 24 board when I chaired the board's annual review early last month.

**Murdo Fraser:** The minister will be aware of the serious criticisms of out-of-hours services that are expressed in the recent Audit Scotland report.

On 23 July 2006, Shona Robison, who is now the Minister for Public Health, told the *Sunday Herald*:

"We believe there needs to be a fundamental restructuring of the service, with it devolved to health boards to provide the out-of-hours service including the element of NHS 24."

Is that still the position of the SNP now that it is in government? If so, when will we see that necessary review of the working practices of NHS 24?

**Nicola Sturgeon:** If the member had been paying attention to the annual review of the NHS 24 board last month, he would know that I discussed with it how it can continue to expand the network of local call centres that I consider to be important to ensure that our out-of-hours access is satisfactory and locally based. The board has made good progress with that already and I made it clear that I want that progress to continue. I think that that will continue to increase patients' satisfaction with out-of-hours services.

## First Minister's Question Time

12:00

### Engagements

**1. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S3F-113)

**The First Minister (Alex Salmond):** I welcome Cathy Jamieson to her place. Later today, I will meet officials of the National Farmers Union and other representatives of rural Scotland to discuss pressures on the Scottish livestock industry as a result of rising cereal prices. I will also make a speech to the Scottish Confederation of British Industry in the great city of Glasgow.

**George Foulkes (Lothians) (Lab):** Oh no.

**Cathy Jamieson:** I wish the First Minister well in those discussions.

I want to focus on a few points, following the short debate in the chamber yesterday, when we heard quite a lot about the limitations of minority government. Although I accept that the First Minister will require a parliamentary majority for legislation, a range of manifesto commitments' delivery would not require a parliamentary majority.

Will the First Minister keep his manifesto promises to provide £2,000 grants for first-time house buyers, to end public-private partnerships, to freeze council tax and to reduce class sizes? Does he require legislation to deliver any of those commitments?

**The First Minister:** The SNP is going to work through all of its manifesto commitments over the four-year term of this Administration.

Yesterday, I was struck by the negative response that Cathy Jamieson gave to the Government's programme—an approach that was shared by the other parties. I had to contrast that with the response from outside this chamber. While Cathy Jamieson was saying that the programme contained very little, the British Medical Association, the Royal College of Nursing, the Federation of Small Businesses, the Scottish Chambers of Commerce, Rape Crisis Scotland and the Law Society of Scotland were welcoming the legislative programme and looking forward to productive communication as this Government implements its manifesto over the next four years.

**Cathy Jamieson:** There might have been some selective quoting of yesterday's debate. I said, on record, that there were things in the programme that we welcome and on which we would work

with the Government—indeed, a significant number of things came from work that was commissioned by the previous Executive.

To make things slightly simpler for the First Minister, let me pick one of the manifesto pledges of which I spoke earlier. His manifesto was clear that first-time home buyers across Scotland were to get a £2,000 grant. Will they get it? Yes or no.

**The First Minister:** We will be addressing the housing crisis in Scotland. [*Interruption.*]

**The Presiding Officer (Alex Fergusson):** Order.

**The First Minister:** This autumn, we will publish our proposals. That crisis was left to us after eight years of the Labour and Liberal Democrat Administration.

Cathy Jamieson says that I quoted selectively. However, the Labour Party's acting leader has been quoted as saying that she "blasted" the programme—she says nothing in the article that is before me about all the things she welcomes. The contrast between the negative attitude of the Labour Party and the positive response of the people of Scotland could not be clearer.

The tens of thousands of people in Scotland who are currently in housing crisis as a result of the failures of the previous Administration will welcome the SNP's proposals when they are published this autumn.

**Cathy Jamieson:** I am sorry that the First Minister was not able to answer that fairly straightforward question.

Another of the SNP's pre-election commitments was to scrap PPP. On 14 August, however, John Swinney said:

"We said before the elections that PPP could continue as one of several delivery options open to public sector bodies."—[*Official Report Written Answers*, 14 August 2007; S3W-2573.]

On "Newsnight" last week, Alex Neil said that, within the next three months, the SNP will announce detailed plans for getting rid of PPP. What is the First Minister's view of that? Is PPP being scrapped—mebbes aye or mebbes no?

**The First Minister:** We will bring forward a range of options that will, as I said during the SNP election campaign, crowd out PPP by offering better mechanisms to fund the capital stock of Scotland.

Cathy Jamieson must be aware of the published research that shows the huge obligations that have resulted from her addiction to the private finance initiative. During the past few weeks, we have seen the new leader of the Labour Party divorce her policy from that of the acting leader and welcome our proposal that will bring prisons

back into the public sector instead of taking the prison service down the PPP route. Given all that, I do not think that PPP is a particularly good area for Cathy Jamieson to be discussing.

**George Foulkes:** Three-nil to Cathy.

**The Presiding Officer:** Order, please.

### Prime Minister (Meetings)

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

To ask the First Minister when he will next meet the Prime Minister. (S3F-114)

**The First Minister (Alex Salmond):** I will meet the Prime Minister as soon as possible, although I am tempted to call him the First Lord of the Treasury after what I read about what he might call the Scottish Government.

**Annabel Goldie:** That is the least of the First Minister's worries.

The Scottish Conservatives are committed to building the prison capacity that Scotland needs to contain those whom the courts decide should be in jail. In contrast, the First Minister's proposals to give burglars, muggers and others the softer option of community sentences shows that he is clearly more interested in emptying our jails than in protecting the public. When it comes to tackling crime, the public wants prisoners to be in prison; it does not want convicts in the community. Does the First Minister have the political will to build another prison if protection of the public demands it?

**The First Minister:** Annabel Goldie must be aware that within the first 100 days of this Administration, we made decisions about the prisons estate that had been awaited for as many years as I can remember. We decided to back away from the Labour Party's privatisation plans, which would have left us with a higher proportion of prisoners in the private sector than occurs in the state of California. We also made the welcome decision to build a state-of-the-art prison in the north-east of Scotland to replace the Victorian facilities in Aberdeen and Peterhead. I would have thought that Annabel Goldie would find much to welcome in our rapid and decisive action on the prisons estate.

**Annabel Goldie:** The Cabinet Secretary for Justice recently cast a slur on the prison staff at HMP Kilmarnock—a prison that is recognised for dealing with offending behaviour and combating addiction—by suggesting that officers are vulnerable to bribery and corruption. Given the First Minister's comments yesterday about that prison, it is disturbing to think that he backs Mr MacAskill. The truth is that the First Minister and his party are openly dogged and dogmatic in their prejudice against the private sector, whether it be

in prisons, the health service, or any of our other public services. Will the First Minister reconsider his attitude to the private sector and apologise for his cabinet secretary's unfortunate comments?

**The First Minister:** The Cabinet Secretary for Justice was pointing out that prison officers in the private sector are unfortunately very low paid, in many cases. I am sure that they would agree because they have made that point to me on a number of occasions.

We are not dogmatic in our approach to politics; we are pragmatic, as we indicated yesterday. I challenge Annabel Goldie to find just one representative of the Scottish Prison Officers Association—the organisation that represents our prison officers—who would advocate that we should go down the privatisation route that the Conservative party still advocates, but which has now been rejected by the incoming leader of the Labour Party.

### Cabinet (Meetings)

**3. Nicol Stephen (Aberdeen South) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-121)

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

**Nicol Stephen:** Yesterday the First Minister announced a proposal to give every patient in Scotland an individual waiting-time guarantee. Will that guarantee be legally enforceable?

**The First Minister:** We will consult on the nature of the legislation, as the Cabinet Secretary for Health and Wellbeing said yesterday.

The plan is to have a guarantee that is meaningful rather than one that is meaningless, which was the state of play under the previous Administration. Even Nicol Stephen must remember the scandal of the hidden waiting lists, the existence of which was denied by the Labour Party. People suffered the frustration of having guarantees and guidelines that meant nothing. I would have thought that Nicol Stephen would join the British Medical Association and the Royal College of Nursing in looking forward to productive discussion on our welcome proposals.

**Nicol Stephen:** Why is the position not clear cut? Why is the SNP so confused on the issue? The First Minister's manifesto said that the waiting-time guarantee was to be legally binding. Yesterday the Deputy First Minister said that that was just a detail and that she would have to think about it. Today the First Minister says that he will consult. Is not it the truth that the SNP made the

promise because it sounded good—it was a great soundbite?

The reality is now clear. The SNP's proposal will mean American-style litigation in Scotland's health service, with a lawyer by every bedside, and it will result in health service staff spending time in the courtroom rather than the treatment room. How much money will health boards have to divert from the treatment of patients to prepare for the legal onslaught from our First Minister? Will final decisions on treatment be taken out of the hands of doctors? Will clinical decisions by Scotland's doctors now be influenced by the shadow of Scotland's lawyers?

**The First Minister:** Nicol Stephen could not be accused of self-interest in his attacks on Scotland's lawyers.

The system that we have proposed and put out for genuine consultation is based on the system that is used in the Norwegian health service, where it works extremely well. I do not know whether Nicol Stephen has managed to have a look at the Norwegian health service, but I advise him to do so before he dismisses the option of having in our health service waiting and delivery times that are meaningful to patients. Our initiative is patient centred—it puts the patient first.

As far as having time to do things is concerned, we have had an electoral test in Nicol Stephen's area. The council by-election in Aberdeen resulted in an SNP gain, with the Liberals coming third—although Alison McInnes said that the Liberals were denied a famous victory. With optimism like that, Nicol Stephen should—*[Interruption.]*

**The Presiding Officer:** Order.

I will take a supplementary from Margo MacDonald.

**Margo MacDonald (Lothians) (Ind):** I ask the First Minister for a reply to the questions that I posed to his deputy yesterday, but which she forgot—by accident, I am sure—to answer.

Edinburgh's situation in relation to the schools programme points to the unsatisfactory nature of the funding stream for the capital city of Scotland, which provides the services that we all expect for the rest of the country. Will the First Minister give me an undertaking that he will give serious consideration to the introduction of capital city funding? When he next meets the Prime Minister, will he tell him that it is just unfair that Edinburgh tenants, who chose to stay with the council rather than transfer their stock, have a burden of debt that Glasgow tenants no longer have?

**The First Minister:** The distribution formula for local authorities is always kept under review to ensure fairness and parity.

Regarding the financial situation in Edinburgh, I heard what was said by one of the Liberal members about the allocation of responsibility to the Labour party. As Minister for Finance and Public Services, Andy Kerr made the claim that the last local government settlement was the best local government settlement in history. The problem with the Liberal member's point is that the Liberals were in coalition with the Labour party when that settlement was agreed.

Productively for Margo MacDonald, the fairness and equity of the local government distribution formula is always kept under review by the Government.

**Alex Neil (Central Scotland) (SNP):** Does the First Minister agree that Edinburgh and every other part of Scotland would benefit from the transfer of powers over Scotland's oil and gas resources to the Scottish Parliament? Will he continue to pursue his worthy campaign for the transfer of those powers?

**The First Minister:** For the second time in two days, I agree with Alex Neil. In David Cairns's picking a fight with me at the "Offshore Europe" conference, I detected that there is some upset at the suggestion that the people of Scotland should share in our own resources. To David Cairns and others, I say that it is not just in the health service that Norway has much to teach Scotland. We look across the water to Norway and see a capital investment fund of £165 billion, which has been accumulated over the past 10 years. The obvious point is this: when somebody asks Norwegians how long their oil and gas is going to last, they say forever. That fund is available to power forward the Norwegian economy and Norwegian society. O, that we had the same situation in Scotland.

#### **Stockline Factory (Judicial Public Inquiry)**

**4. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the First Minister whether he will ensure that there is appropriate co-operation between the Scottish Executive, the Crown Office and the UK Government in any consideration of a judicial public inquiry into the explosion at the Stockline factory on 11 May 2004. (S3F-116)

**The First Minister (Alex Salmond):** The decision on the type of inquiry to be held into the circumstances surrounding the explosion and resultant deaths will be made by the Lord Advocate, as she has sole responsibility for the investigation of deaths in Scotland.

There are three kinds of inquiry that the Lord Advocate can consider. There could be an inquiry under section 14 of the Health and Safety at Work etc Act 1974, which would be held by the relevant United Kingdom department. There could be an inquiry held jointly by Scottish and UK ministers

under the Inquiries Act 2005. Or there could be a fatal accident inquiry ordered by the Lord Advocate under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

The Lord Advocate has consulted Lord McKenzie, the UK minister who is responsible for health and safety. Yesterday, she met representatives of the Stockline families and Patricia Ferguson. Once she has finished her consultation, she will come to Cabinet to consult me and other colleagues. The Lord Advocate has undertaken to make her position clear by the end of the month.

**Patricia Ferguson:** I thank the First Minister for his response, and I put on record my thanks to the Lord Advocate for the meetings that she held with me and the families yesterday.

The First Minister will know that, because the two companies that were involved in the tragedy pled guilty to breaches of health and safety legislation, it was not possible for all the issues of concern to be aired in court. Does the First Minister agree that a full judicial public inquiry is necessary in order that all the lessons of the tragedy can be learned?

Furthermore, given that some of the contributory factors, such as health and safety legislation and the regulations that apply to the conveyance of gas through pipes are reserved, whereas others, such as building control and the interaction of the various agencies are devolved, does the First Minister agree that the most appropriate way to proceed is by an inquiry initiated by the UK Government working in tandem with the Crown Office to ensure that we send out a signal that, in this country, it is completely unacceptable that nine people should lose their lives just because they went to work?

**The First Minister:** If there was an inquiry under the Inquiries Act 2005, it would be ordered jointly by Scottish and United Kingdom ministers. Patricia Ferguson makes some strong points about the range that such an inquiry should have, but I think that it would be best to allow the Lord Advocate to complete her discussions and consultations and, after consultation of all concerned, to come to a decision by the end of the month. In addition to what Patricia Ferguson said, I have offered to meet the families and their representatives. I think that all members will join me in welcoming the fact that the Lord Advocate has undertaken to move the process forward and to make a decision in early course.

**Robert Brown (Glasgow) (LD):** Does the First Minister agree that the recent Stockline report is one of the most hair-raising reports that members have ever had the misfortune to see? In the further discussions that are taken forward either by the

First Minister directly or by the Lord Advocate, will priority be given to dealing with the issue of hazardous processes and plants that is identified in the report?

**The First Minister:** A range of issues are mentioned in the report, some of which—as Patricia Ferguson rightly said—touch on devolved responsibilities and some of which touch on reserved matters. Given that the nature of the criminal proceedings meant that, although there was a successful prosecution, some of the evidence was not required to surface in the course of the proceedings, I think that all are agreed that an inquiry in public is necessary. The points that have been raised by Robert Brown and Patricia Ferguson indicate that there is a wide spread of support for ensuring that any such inquiry should be the fullest inquiry possible so that it can look at the full scope of all the issues involved.

### School Accommodation

**5. Elizabeth Smith (Mid Scotland and Fife) (Con):** To ask the First Minister how he will ensure that there is sufficient school accommodation of the correct type for him to meet the promises on class sizes and early intervention and the expectations of parents. (S3F-125)

**The First Minister (Alex Salmond):** Within the 100-day programme, we have already taken the necessary first steps to start driving down class sizes in primary 1 to primary 3 and to provide access to a nursery teacher for all children, but we are targeting the most deprived areas first. As well as announcing funding for an extra 300 teachers and for 250 more teacher-training places from August, we have allocated an additional £40 million in capital funding for school buildings to enable councils to plan investment. After 113 days of administration, that is a pretty good record on fulfilling our aims and ambitions for Scotland's school children.

**Elizabeth Smith:** In Perth and Kinross, the deputy director of education has estimated that 12 schools will not, with existing resources, be able to meet the targets. He said that he would need 19 additional classrooms, the additional teachers for which alone would mean a bill of somewhere in the region of £735,000 on top of his budget of £2.1 million for this year. His fear is that the additional financial burdens are so great that classrooms that are currently used for art, music and drama might have to be sacrificed, with consequent damaging effects on children's education. What will the First Minister do to ensure that that does not happen?

**The First Minister:** The pace and scale of delivery are, of course, dependent on discussions with local authorities and with the universities that will deliver the additional teachers that we need. However, I believe that there is overwhelming

support among both the profession and the people of Scotland for recognising that the policy of early intervention and the measures that we have already taken on funding for extra teachers are the best way forward. The substantial support in local authorities and teaching organisations suggests that our approach to consulting on teacher numbers is the right way forward for delivering on one of the Administration's most important commitments.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Will the First Minister tell us why his SNP colleagues on the City of Edinburgh Council were so ignorant of their party's policy on class sizes that they thought it right to close 22 schools and make the implementation of that policy impossible? While welcoming their U-turn—the fastest U-turn in political history—will the First Minister ensure that in the future his SNP councillors have some minimal acquaintance with party policy, or do his councillors believe that the class-size policy, like many other SNP election promises, will never be implemented?

**The First Minister:** I thought that Malcolm Chisholm would have stayed away from the schools in Edinburgh issue since it is widely known that the so-called hit list was devised under a Labour Administration. As we have already discussed, the budgetary condition of Edinburgh must by definition be the responsibility of the previous Labour Administration or be shared by its Liberal allies in the previous Scottish Government.

I thought that Malcolm Chisholm would welcome the fact that the SNP group in the council took action to stop a schools closure programme. Although as First Minister of Scotland it is not my job to run the schools of Edinburgh, I offer this bit of advice: if a council education convener proposes a programme that is based on the argument that schools are half empty, it is best not to have on the list for closure some schools that are 75 per cent full. The SNP group made the right decision on behalf of the people of Edinburgh.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** The First Minister spoke again today about the £40 million in the schools fund that is targeted at areas of deprivation. He will have seen in guidance that was issued by his Government on 10 July 2007 that the funding is

“to be given to projects to enhance and upgrade sports facilities in schools”.

He will also have seen that of the £40 million, only 5 per cent is to be allocated to areas of deprivation. Why is only 5 per cent of that funding going to areas of deprivation, which he said today is the priority target of the fund?

**The First Minister:** The note gives advice to councils about how they should distribute the fund,

but the final determination lies with each council. I say to Jeremy Purvis that councils in Scotland now have £40 million more, which is an increase of almost 40 per cent in their budgets for school buildings this year over what they would have had if the Labour-Liberal Executive had stayed in office.

**George Foulkes (Lothians) (Lab):** Further to my friend Malcolm Chisholm's question, what assurances has the First Minister had from Steve Cardownie that the SNP group will not do yet another U-turn and propose further school closures, which would make implementation of the SNP manifesto impossible?

**The First Minister:** I thought that as someone who has considerable experience in the City of Edinburgh Council, as well as in this chamber, as well as in the House of Commons, as well as in the House of Lords, that Lord George Foulkes would welcome the fact that the SNP group had brought some sense and sensibility to what the council was doing.

I know from the member's earlier remarks that he was disappointed not to be invited to the Confederation of British Industry dinner in Glasgow this evening, but he should welcome sound common sense when he sees it in the SNP group in the council.

### **Troops Returning from Iraq and Afghanistan (Health)**

**6. Christine Grahame (South of Scotland) (SNP):** To ask the First Minister what plans the Scottish Government has to improve health support and provision for troops returning from Iraq and Afghanistan. (S3F-122)

**The First Minister (Alex Salmond):** The immediate health-care needs of armed services personnel in Scotland are met by the Ministry of Defence, which provides primary health care, rehabilitation and mental health care through its own medical facilities in Scotland. Military personnel requiring routine in-patient treatment will normally be referred to a national health service hospital, according to clinical priority.

**Christine Grahame:** Is the First Minister aware that

“Many veterans have strong feelings of abandonment, the sense of being used and of being forsaken”,

that

“One in four is homeless”,

and that

“74 per cent of serious crime is committed by ex-forces”?

Those are not my words, but those of Alan Meale—Labour MP and commissioner for the Commonwealth War Graves Commission.



Will the First Minister, for a start, support a veterans charter that would enshrine a very modest right to a dedicated point of contact—say, at council level—to co-ordinate support for veterans in relation to housing, employment, benefits and health?

**The First Minister:** Alan Meale has written to me on that very point. There is a great deal to be said for his proposals. I discussed part of this issue with the Secretary of State for Scotland, who is also the Secretary of State for Defence, after we attended a few weeks ago an event in Strathclyde park organised by a new charity called Forward Edge of the Battle Area, which considers the recreational needs of former service people. Alan Meale made some strong points in his correspondence, and we will look at this important issue extremely sympathetically to find out what contribution the Scottish Government can make to it.

**Rhona Brankin (Midlothian) (Lab):** On a point of order, Presiding Officer. My understanding of the rules governing back-bench supplementary questions at First Minister's question time is that a back bencher gets a supplementary if it involves a significant local issue, which Margo MacDonald's question was indeed concerned with. I was, however, slightly surprised when Alex Neil then got in with a highly political supplementary that was bowled underarm to the First Minister—which, if I may say so, is a rather startling departure for Mr Neil. Presiding Officer, will you clarify the rules on this matter, given that First Minister's question time is very valuable to back benchers?

**The Presiding Officer:** The rules clearly state that the choice of supplementaries lies with the Presiding Officer. As a result, I have the right to choose whoever it might be, which is what I have done. I also point out that Nicol Stephen's original question was on the issues that might

"be discussed at the next meeting of the Cabinet".

12:32

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Justice and Law Officers

##### Rape and Sexual Offences (Legislative Change)

**1. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Executive what further progress has been made by the Scottish Law Commission on its work on rape and other sexual offences. (S3O-507)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish Law Commission is working on its final report on rape and sexual offences. It is expected that it will submit its report and recommendations to ministers later this year.

**Elaine Smith:** I welcome the Government's commitment to continue the work of the previous Executive in this area. Does the minister share my concern that essential improvements to the prosecution process could highlight the obvious gaps between the law and public opinion? Is the minister aware of an ICM Research poll commissioned by Amnesty International, which indicated the existence of a "sexist blame culture", whereby 34 per cent of those people who were polled believed that a woman is to blame for her rape if she is perceived to be acting flirtatiously, dressed inappropriately or drunk? Is he aware that a recent survey by the Scottish Executive revealed similar worrying attitudes? How does the Government intend to tackle widely held societal attitudes that seem to hold women responsible for sexual attacks that are inflicted upon them, whereas in fact rape is never a woman's fault?

**Kenny MacAskill:** I pay tribute to Elaine Smith's involvement in this area. She correctly pointed out the role of the previous Administration in pursuing the problem. The percentage of people cited in the poll is cause for concern, although we must recognise that the overwhelming majority of people in Scotland do not hold such views. The fact that such a large minority hold those views, however, is clearly a matter of concern. Speaking for the Government, I assure the member that it will never be a defence that somebody was dressed attractively or, I dare say, provocatively. Such a defence is simply unacceptable.

Elaine C Smith—my apologies; I mean Elaine Smith—is correct to point out that we must address a variety of issues. Some of those issues are cultural; some are legislative; some are

procedural. My colleagues the Lord Advocate and the Solicitor General for Scotland, now and under the previous Administration, have attempted to make progress. They have travelled far, but there is a considerable journey still to go. They are addressing the issues.

Legislative change is pending, as we have mentioned. We will address issues concerning the Scottish Law Commission and other matters. There remains a cultural factor, in which all of us, both in Government and outwith Government, have a role. We will happily work on that with Elaine Smith, Rape Crisis Scotland and others in order to change some people's neanderthal attitudes, which are unacceptable and inappropriate for the 21<sup>st</sup> century.

**Aileen Campbell (South of Scotland) (SNP):** I am particularly concerned about sexual offences against children, and specifically about the low rate of custodial sentences that are being given out for such crimes. In recent years, barely more than half of those who have been convicted of sexual offences against children have spent time in prison. I appreciate that prison can only ever be part of the solution, but does the Cabinet Secretary for Justice agree that the protection of our children from such offenders is paramount? Will he examine closely how we can protect children from convicted sex offenders, and will that include consideration of setting up a sentencing commission?

**Kenny MacAskill:** I am grateful for the member's intervention on the matter. I am aware that she has commented and written on the subject—I have seen some documentation on it. It is a matter of concern. We must remember that, although such instances are horrendous, they are thankfully rare in Scotland. That said, they are still far too common and the consequences—of the incident itself and the long-standing effects on the individuals who have been abused—are significant.

We seek to work on the problem on a consensual basis. We have spoken to members of the Labour Party and the Conservative party to discuss how to review and maintain a vigorous regime to address those who offend sexually, against children and in a predatory manner. We will continue to do that. The Government remains committed to a sentencing council, which will have teeth.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** The Cabinet Secretary for Justice is aware of the highly successful domestic abuse court in Glasgow, which I hope he will continue to support and fund. Does he think that a place may exist for special courts to deal with rape, given the well-known difficulties in the past with the mainstream courts' procedures and processes?

**Kenny MacAskill:** Specialist courts were touched on in this morning's debate on drugs. We support specialist courts. Those that have been rolled out in relation to youth and drugs have been of benefit, as has been the court to which Malcolm Chisholm referred.

We have no plans to introduce rape courts. We believe that the best way to proceed is for the Crown to take a robust approach to prosecution in cases of rape. We will consider how we address the Vulnerable Witnesses (Scotland) Act 2004, which has been beneficial. The media has drawn to our attention instances in which that act does not appear to be working as best it should, but that does not mean that we should jettison the baby with the bath water. The issues are how we review the act to make it work better and how we change the court system to ensure that it works better.

As I said, we have no plans to introduce rape courts. However, I assure the member that, as I said to Elaine Smith, the Lord Advocate and I will do whatever we feel is necessary to address procedural matters—through legislation if need be—and to address the culture that is at the root of why people suggest rape courts, given that some individuals on juries appear to have had views that we as a society require to change.

### Antisocial Behaviour (Legislation)

**2. David Whitton (Strathkelvin and Bearsden) (Lab):** To ask the Scottish Executive whether it intends to review the legislation on antisocial behaviour. (S3O-510)

**The Minister for Community Safety (Fergus Ewing):** We will review the national antisocial behaviour strategy to see where it can be strengthened and improved. As part of that review, we will consider the effectiveness of the key elements of the antisocial behaviour legislation.

**David Whitton:** I hope that, when the minister and his colleagues undertake the review, they will resist any attempts to reduce the budget for dealing with antisocial behaviour.

The minister's colleague, the Cabinet Secretary for Justice, was in my constituency recently to visit St Mary's school in Bishopbriggs, which deals with youngsters who have been involved in antisocial and criminal behaviour. In conducting the review, I hope that the ministerial team will speak not only to people who are involved in administering antisocial behaviour legislation. If either minister fancies a return visit to Strathkelvin and Bearsden, they should let me know, because I will introduce them to victims of antisocial behaviour. I am sure that the ministers agree that they will obtain a better insight into the misery that antisocial behaviour causes by speaking to some of its victims.

**Fergus Ewing:** I thank the member for his question and confirm that we are absolutely committed to continuing to tackle antisocial behaviour. We want to hear the fullest range of opinions in the review that is ahead. As I said in my initial answer, that will include a review of the legislation.

Police officers and community wardens are doing much successful work in communities throughout Scotland to tackle antisocial behaviour. The Executive wants to work with people in other parties, such as Mr Whitton, and I am sure that the cabinet secretary and/or I will accept as many invitations as possible to learn more about the consequences for victims of such behaviour.

We wish to have a new focus not only on cracking down on antisocial behaviour, but on promoting good behaviour, by giving young people better things to do with their time, such as participating in sport, outdoor activities, arts and other pursuits.

**Bill Aitken (Glasgow) (Con):** Will the minister confirm that the review will pay particular attention to the effectiveness of antisocial behaviour orders? There is no public confidence that those orders are in any way effective and people who receive them treat them with contempt, as I confidently predicted they would at the outset. Does he agree that considerable toughening of the system will be necessary if the use of the orders is not to end up in disrepute?

**Fergus Ewing:** I confirm that the review will, of course, cover the efficacy of ASBOs. We are all aware of the relative infrequency with which ASBOs have been granted, and of the long process that is needed to persuade a local authority to apply for an ASBO, during which time the victims continue to suffer from antisocial behaviour. I am happy to confirm to Bill Aitken that that will form part of the review. We want a new strategy that will be more effective in tackling antisocial behaviour.

We should all recognise that foremost in that strategy will be the police's good work throughout Scotland in tackling antisocial behaviour using their professional skills but not necessarily legal orders.

**The Presiding Officer (Alex Fergusson):** Question 3 has been withdrawn.

#### High Hedges (Legislation)

**4. Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive when it will bring forward legislation to deal with high hedges. (S3O-527)

**The Minister for Community Safety (Fergus Ewing):** No decision has yet been taken on

whether to introduce legislation to deal with high hedges. The Scottish Government is considering whether to deal with the issue as part of the review of the national antisocial behaviour strategy, which is in its early stages.

**Mike Rumbles:** During the past seven years, like many other members, I have received many representations on the matter. I will quote briefly from the most recent letter, which I received this morning:

"Our neighbours have grown a hedge which makes our driveway access unsafe and the only means available to us is to take legal action and we expect to spend around £10,000 in the process."

We need Government-sponsored legislation on this matter, and we need it soon. Will the Executive agree to act on this non-partisan issue as soon as possible?

**Fergus Ewing:** There is a long history of action—or inaction—on the issue, but we prefer to look forward and not back.

I admit to Mr Rumbles that high hedges do not form part of one of the pledges on which we were determined to deliver during our first 100 days; I am sorry if that disappoints him. Nonetheless, as constituency MSPs, we are all aware that the issue is raised with us frequently. Mr Rumbles will know that, as a matter of land law, an owner of land owns the land *a caelo usque ad centrum*, which means that there is no way in which one can restrict the height of hedges under the existing law other than by pruning that part of the hedge that overhangs one's property. I do not doubt that during the antisocial behaviour strategy review, I will receive representations from Mr Rumbles and they will be considered most carefully.

#### Rape and Sexual Offences (Conviction Rates)

**5. Trish Godman (West Renfrewshire) (Lab):** To ask the Scottish Executive what measures will be taken to address the issue of low conviction rates in court cases involving charges of rape and other forms of sexual assault. (S3O-481)

**The Lord Advocate (Elish Angiolini):** As the Cabinet Secretary for Justice indicated, the Scottish Government remains committed to tackling the problems associated with rape cases. It is expected that the Scottish Law Commission will report to ministers later this year and, as the First Minister announced yesterday, a bill will be introduced next year to reform the law on rape and sexual offences in light of the SLC's recommendations.

The Crown Office and Procurator Fiscal Service's "Review of the Investigation and Prosecution of Rape and Sexual Offences", which I instigated, was published in 2006. The report made 50 recommendations to improve the

investigation and prosecution of such crimes. Implementation is well under way and work is on-going towards full implementation by June 2009. A programme of specialist training and improved guidance for prosecutors is being delivered as part of that major programme.

**Trish Godman:** I welcome the Executive's decision to reform the law on rape. However, the process must not be rushed because the matter is complex and sensitive, and there must be no downgrading of crimes against women.

Will Miss Angiolini assure me that rape cases will remain with the High Court? There must be clarity on that. In relation to the minister's response to Elaine Smith, will the Lord Advocate consider supporting the robust testing of a case by the police before it goes to the procurator fiscal, or after it goes to the PF but before it goes to court? Can we be assured that the exclusion of the sexual history of the victim or the accused will continue to be a matter for the judge under a section 275 procedure?

**The Lord Advocate:** On the jurisdiction of rape cases, rape, along with murder, is one of the few crimes that must be indicted in the High Court. Any change in that regard would be a matter entirely for the Parliament. Rape is one of the most serious crimes that can be committed in society. It is a crime of real violence, and I would be concerned at any suggestion or inference that it should be downgraded in any sense.

Rape is also a wide-ranging crime and the nature and circumstances in which it can be committed vary. The persistent perception that rape means someone being dragged off the street by a man in a balaclava is a problem—it is common for juries to arrive with that notion. In fact, however, approximately 95 per cent of the cases with which we deal are acquaintance rapes that have taken place in circumstances that might be preceded by consensual sexual activity or in the context of a relationship. The prejudices about what rape amounts to must be overcome.

Of course we expect the police to test cases robustly in any context, whatever the crime, to ensure that the case that is submitted to the procurator fiscal for independent consideration is of quality. We expect statements to be accurate and we expect the police to have checked the assertions that have been made. Thereafter, in cases of rape and serious sexual offences, the procurator fiscal commences an independent investigation. As members know, as part of the review, there are major proposals to change the way in which that precognition process takes place, to ensure that a case is resilient when it proceeds to court.

**Christine Grahame (South of Scotland) (SNP):** This question might be more for the Cabinet Secretary for Justice. In response to a written question lodged by Trish Godman, which requested information on the number of victims of human trafficking who have been freed, the former Minister for Justice responded:

"This information is not held centrally."—[*Official Report, Written Answers, 24 January 2007; S2W-30899.*]

Trish Godman also lodged a question—S2W-30898—on the number of convictions in human trafficking cases, but those data are also not held. As I understand it, prosecutions take place under different heads—kidnapping, for example. Will the Lord Advocate review how such data are collected, so that we can identify the scale of the problem and the successful prosecution rate?

**The Lord Advocate:** Some of those issues are for my colleague the Cabinet Secretary for Justice, who I understand attended a meeting down south on human trafficking.

The justice department has a data bank of crimes generally. The labelling of crimes has historically created difficulties in relation to research. The flexibility of our common law in Scotland allows us to prosecute under a number of different categories, especially when the facts and circumstances of a case do not fit neatly into a particular crime. As a result of crimes being prosecuted under a variety of epithets, it is sometimes difficult to discern the rate of criminality. We are conscious of the issue and it is important to ensure that we have an appropriate measurement of the extent of specific crimes and, in particular, the extent of anything that is a new development or relates to new legislation. The matter is being considered.

### Police Officers (Training Cost)

**6. Helen Eadie (Dunfermline East) (Lab):** To ask the Scottish Executive what the average cost is of training police officers. (S3O-476)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The average cost of induction training for new police officers at the Scottish Police College is £7,427. Extensive training programmes are also delivered in-force, but details of those costs are not held centrally.

**Helen Eadie:** I am surprised by the cabinet secretary's answer, but I thank him for it. I am advised elsewhere by police professionals in Scotland that the cost of recruiting and training a police officer is nearly £44,000—the figure that the cabinet secretary gave does not resemble that sum. If my arithmetic is right, an additional £44 million needs to be planned for in the first budget.

Will the minister say unequivocally which is accurate—the First Minister's statement on the Government's programme or the Scottish National Party's manifesto? The First Minister said yesterday in his statement that the SNP would work with the police

"to increase capacity by the equivalent of 1,000 officers"—  
[*Official Report*, 5 September 2007; c 1370.]

Of course, any reasonable thinking person—

**The Presiding Officer:** Please be brief.

**Helen Eadie:** Any reasonable thinking person would say that the First Minister's pledge is not unreasonable. However, it is not what the SNP manifesto said. The manifesto commitment—

**The Presiding Officer:** What is the question, Ms Eadie?

**Helen Eadie:** The SNP said in its manifesto that it would put "1,000 more police" on the streets. Will the cabinet secretary say whether that was smoke and mirrors? Has he got his sums wrong? Will there be 1,000 more police officers in Scotland in 2011 than there are now?

**Kenny MacAskill:** If Ms Eadie wants to challenge the figures, she can certainly write to me and I will investigate. However, the cost of training a police officer at the Police College is as I said. Obviously there are a variety of schemes in relation to how police forces train officers, and other training happens after people have gone through the initial induction period.

With regard to the broader figure on our Government's commitment to ensuring a visible police presence, I can only reiterate that we wish to ensure an additional capacity of 1,000 police officers. How do we achieve that? I reiterate that we wish to recruit new officers. However, equally, we wish to retain serving officers. One of the tragedies in the Scottish police service at the moment is that far too many officers are leaving who still have a great deal of skill and talent that we need to retain. Some are leaving long before the end of their period of service and others are leaving towards the end of their period of service. It is important that we enhance current schemes in order to retain them.

As well as recruiting new officers, we wish to retain existing officers. We also wish to review how to get best value out of our police officers. The issue is not police officers having to work harder—they work very hard—but how we can help them to work smarter in a much more complicated world.

## Finance and Sustainable Growth

### Business Rates (Small Businesses)

**1. Gavin Brown (Lothians) (Con):** To ask the Scottish Executive what progress has been made since June 2007 in relation to the abolition and reduction of business rates for small businesses. (S3O-512)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** I have already made it clear that the Scottish Government shall announce our proposals for removing or reducing business rates for small businesses in Scotland following the comprehensive spending review. It is our intention to help the smallest businesses for which this will make the biggest difference.

**Gavin Brown:** Given that the proposal was included in the Scottish National Party's manifesto "A new approach: Our first steps", I was hoping for further and better particulars on the matter.

On a related angle, is the minister aware that some small town-centre businesses—notably shops—fall far short of the upper rates relief threshold that he has proposed by virtue of their location and subsequent high rateable values? Does he agree that there is a need to look specifically at the ways in which those small firms can be offered help? If so, has he considered any ways of doing that?

**Jim Mather:** The member raises an interesting issue. The small business bonus will increase overall vibrancy in towns, which will bolster existing players. However, I am always keen to engage with business and to see more self-nominating clusters. If a self-nominating cluster of small retail businesses in that band wants to engage with me, my officials, the enterprise agencies and the Economy, Energy and Tourism Committee, I am more than happy to see what we can do to move things forward.

### City of Edinburgh Council (Grant Allocation)

**2. David McLetchie (Edinburgh Pentlands) (Con):** To ask the Scottish Executive whether it will make a special grant allocation to the City of Edinburgh Council to cover the financial deficit incurred by the previous administration. (S3O-453)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** As a distinct corporate body, it is for the City of Edinburgh Council to decide how best to allocate all the resources that are available to it based on its local needs and priorities.

**David McLetchie:** When I lodged the question last week, little did I know that the SNP group on the City of Edinburgh Council would do such a rapid U-turn on the council's school closure plans.

In essence, those councillors are now going to come trooping to the cabinet secretary's door, asking him exactly the same question. If the City of Edinburgh Council is no longer going to make savings in its education budget, and the cabinet secretary is not going to allow the council to increase council tax rates, how can it deal with its inherited budget problem without cutting other council services—unless, of course, Mr Swinney stumps up? Given that it appears that the Scottish Government wants to tell SNP councillors in Edinburgh what to do about our schools, will the cabinet secretary tell them—and us—precisely how he proposes that they should square that financial circle?

**John Swinney:** That is a curious position for David McLetchie, as a Conservative, to adopt. I thought that he believed in the right of local authorities to take their own decisions and in the importance of public authorities such as the City of Edinburgh Council operating their services efficiently and sustainably. It is perfectly in order for the City of Edinburgh Council to come to its conclusions within its own financial arrangements.

I suspect that I will have more to say on the matter in response to other questions that will be put to me today, but I am seeking to work constructively and productively with local authorities on a range of issues in order to secure both a freeze in council tax rates and sustainable public services at the local level. However, I want to do that in a fashion that frees local authorities to take more of their decisions and operate efficiently. I would have thought that those are values to which Mr McLetchie would have been prepared to give a warmer welcome.

#### **Voluntary Sector Youth Groups (Funding)**

**3. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive how it is supporting voluntary sector youth groups. (S3O-533)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** The Scottish Government provides more than £3.5 million of funding annually to national voluntary youth work organisations to support their core costs. As a result of the youth work strategy, youth organisations have had access to an additional £8 million during 2007-08 for improving facilities and new projects.

**Jeremy Purvis:** I thank the minister for ably stating the good work that the previous Administration was doing in this field.

The minister will recall that, on 28 June, I asked the First Minister about the moneys that have accrued to the United Kingdom Government's unclaimed asset fund, which now holds more than

£2 billion. I understand that the UK Government will spend the money on voluntary youth services in England and that consequentials will accrue to Scotland. In his reply, the First Minister said:

"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."—[*Official Report*, 28 June 2007; c 1275-6.]

My point was that the funding should be spent on the same issue in Scotland.

Has the Scottish Government pursued the issue with the UK Government? What progress has been made?

**Jim Mather:** Before I answer the member's question, perhaps he will join me in congratulating Mrs Margie Moffat who, along with her husband, co-founded the travel chain AT Mays. She is reported in today's edition of *The Scotsman* as giving some £50 million to charity, which puts her in a leading philanthropic role in Scotland. It is reported that the charitable trust in question focuses on the area in which the member is interested:

"supporting children and young people, carers, education and training, sports, arts and communities."

On the detail of the member's question, I ask him to allow me the courtesy of taking up the matter with the First Minister. I will find out what response the First Minister has had to date and I will report back to the member in writing.

#### **Forth Crossing**

**4. John Park (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive on what date a decision will be forthcoming about a replacement Forth crossing. (S3O-503)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Transport Scotland has been working over the summer to consider both the bridge and tunnel options. It has also been holding some very successful public information exhibitions. In parallel with those, further work on environmental and geophysical surveys, funding and legislative and procurement options is continuing. That work will inform a decision by ministers on the type and location of the crossing in the autumn.

**John Park:** In May, the Executive announced plans to remove tolls on the existing crossing. Immediately after that decision, the minister was contacted by both the Transport and General Workers Union and me, as we were interested to find out whether he would meet workers' representatives to discuss the issue. To date—this is very disappointing—he has refused to meet the union. In my experience, that lack of dialogue with workers' representatives is unprecedented since

devolution. My question is simple: will he commit to meeting those workers in the near future to discuss their views on the future safe operation of the bridge, or will it be a lot quicker for the trade unions to buy a fringe ticket for the SNP's conference in October?

**Stewart Stevenson:** At the meetings that I had with both bridge boards, the agenda included the issue of the staff who are employed in collecting tolls. As employers, it is the boards' responsibility—and our urgent need—that they deal humanely and properly with the situation in which the employees find themselves.

If anyone wishes to talk to me about the operation of the bridges, I will be happy to talk to them. Until the negotiations between management and staff are complete, it is important that I do not make things more complicated for either party by joining that discussion. However, I will be happy to meet anyone who wishes to discuss the continued safe operation of the bridges, which is in all our interests.

**The Presiding Officer:** This question has excited a lot of interest, so I cannot promise to call all members who want to ask a supplementary.

**Patrick Harvie (Glasgow) (Green):** John Park's question refers to a "replacement" Forth crossing, presumably based on the assumption that the existing crossing might be closed to heavy goods vehicles at some point in the future. If the minister's intention is not simply to replace the crossing, will he endeavour to describe his proposals more accurately in future by referring to it as an additional Forth crossing?

**Stewart Stevenson:** It is a replacement crossing. We cannot allow unconstrained growth in traffic over the Forth. Our aim is to maintain traffic at 2006 levels for all modes.

I point out to the member that the existing bridge is a listed building, so although we may have a new crossing, we cannot remove the existing one without the permission of the appropriate body.

**Mary Mulligan (Linlithgow) (Lab):** I am very concerned that little recognition seems to have been given to the impact of a new crossing in West Lothian. Will the minister say when he last met representatives of West Lothian Council? Did they raise with him my concerns about the impact, which I know he will recognise, of a new crossing on villages such as Philipstoun, Newton and Winchburgh? The minister will be aware that I have written to him about the matter. Will he say how he intends to ensure that those villages are not affected badly, both during the construction phase and once the new crossing is open?

**Stewart Stevenson:** I agreed earlier this week to meet representatives of West Lothian Council

and, indeed, the other councils that have an interest in any new crossing. I expect to deal appropriately with the matter that the member raises at that time.

**Tricia Marwick (Central Fife) (SNP):** In reaching a decision about whether to have a bridge or a tunnel, will the minister bear in mind that the number 1 priority for business in Fife and Tayside is that the gap must be closed between the possible closure of the bridge to HGVs in 2013 and the opening of a new crossing, which should happen in 2016? Will he make that the number 1 priority so that we can somehow telescope the timescale left to us as a legacy by the previous Government, which refused to take any action on the matter in November 2005?

**Stewart Stevenson:** Earlier this week, I met the Road Haulage Association and, in a separate meeting, the Freight Transport Association. They made clear their concerns about the choice of crossing and their input will form an important part of the decision-making process.

**Alex Johnstone (North East Scotland) (Con):** I thank the minister for his earlier explanation of the decision-making process on the physical nature of a new Forth crossing, but is he giving any consideration to the fiscal mechanisms that will be necessary to fund such a crossing? When will any decision on that be made?

**Stewart Stevenson:** The financing of the crossing is part of the overall consideration. I refer the member to my original answer, in which I spoke about further work on funding as part of the work that must be done before the decision can be taken to Cabinet and thereafter brought to Parliament.

#### **Howat Review (Recommendations)**

**5. Hugh Henry (Paisley South) (Lab):** To ask the Scottish Executive whether it will provide an update on which of the Howat recommendations have been accepted. (S30-485)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** As I informed Parliament on 24 May 2007, the Government is considering the budget review recommendations as part of our preparations for strategic spending review 2007.

**Hugh Henry:** When Mr Swinney commented before on the Howat recommendations, he said that the Government would consider every recommendation in the report and he ruled out any change to the structure of Scottish Water. Will he confirm today that there will be no change to the age at which senior citizens can travel for free on buses throughout Scotland?

**John Swinney:** Mr Henry invites me to speculate on the contents of the Howat report, which, I remind him gently, was commissioned by the Labour Administration in the previous session. The Government will consider all the conclusions and recommendations in that report. I also gently remind him that one of the accusations levelled at us earlier this week by the Labour Party was about a potential budget choice that the Government might look at—namely, the future of fire control rooms. I do not need to remind him of his deep involvement in the possibility of a reduction in the number of fire control rooms, given that he said that a report was

“clear that moving from the present structure to one major control room would deliver the most significant savings in terms of cost.”

So there we have it. Labour should become a little more consistent in what it says in this debate.

**Marlyn Glen (North East Scotland) (Lab):** I have already heard someone say today that we should look to the future, not to the past. I encourage the minister to do the same.

The minister will be aware that in Tayside concerns have been expressed about, and a significant debate has been had over, the number of fire control rooms in Scotland. I acknowledge his comments about not ruling out any options, but is he able to confirm that there will be no change to the number of fire control rooms?

**John Swinney:** Recommendations in the Howat report refer to this subject. As I explained to Parliament some time ago, I put the report into the public domain to allow everyone, not just the Government, to be involved in the discussion about the choices that the report sets out. The Government will not proceed with many, many parts of the report—

**Hugh Henry:** Tell us which.

**John Swinney:** I say—again, gently—to Mr Henry that he will be told, but, like any orderly, efficient and responsible Government, we will make our decisions clear when the spending review is published. He would be the first to jump up and down if we did not do that.

### Council Tax Freeze

**6. Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive whether it will fully fund its intended council tax freeze. (S3O-496)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The Scottish Government’s commitment to freeze the council tax at 2007-08 levels will be taken forward as part of the spending review, the outcome of

which is expected to be announced later in the autumn.

**Michael McMahon:** Given that there is no timetable for a bill to abolish the council tax, will the cabinet secretary tell us whether he intends to pay for the council tax freeze every year until his proposed local earnings tax comes before Parliament?

**John Swinney:** As Mr McMahon knows, the Government will very shortly publish its consultation paper on the introduction of the local income tax, and all members—and, indeed, wider Scotland—will be able to respond to it and contribute to the debate. The issue that he raises is a material part of the implementation of this policy position—which, of course, will be subject to Parliament’s agreement to the legislation.

As far as the council tax freeze is concerned, I have had a number of very constructive discussions with the Convention of Scottish Local Authorities on local authority funding and other issues that the Government wishes to pursue with regard to the future relationship between central Government and local government. Those issues include encouraging the setting up of outcome agreements, which will ensure that we are much better able to judge the benefits that we can realise from public investment in local services; reducing elements of ring fencing; and giving local authorities greater responsibility. Such exciting measures for developing relationships with local authorities fit into our discussions about the council tax freeze, and the constructive nature of the discussions that I have had with COSLA has been replicated in the discussions that I have had with 18 local authorities over the summer. I intend to pursue more discussions with relevant authorities.

**Ms Wendy Alexander (Paisley North) (Lab):** The cabinet secretary has referred to his constructive discussions over the summer with COSLA and 18 local authorities. Did he share with them the commitment that the First Minister made yesterday that they would be expected to reduce to 18 class sizes in primaries 1 to 3 during this parliamentary session? If they are expected to deliver such a commitment, I wonder whether, given his desire for a council tax freeze, the cabinet secretary has in his discussions undertaken to fund fully such a reduction.

**John Swinney:** Those points will be very material in the settlement that we will reach with local authorities and, in fact, are quite central to the discussions about the policy changes that we wish to introduce.

**Ms Alexander:** So you did tell them.

**John Swinney:** The Government’s commitment to reducing class sizes will come as no surprise;



for months, everyone has been saying that it has brought a breath of fresh air into the debate. These issues all form part of our discussions with local authorities. Our focus is on ensuring that outcome agreements are in place so that we are aware of and can make judgments on the services that local authorities are taking forward on behalf of the Government.

The Cabinet Secretary for Education and Lifelong Learning and I have had very constructive discussions with COSLA about how central Government and local government can, together, pursue certain shared priorities in order to address the very important question of how we give the children of Scotland the greatest educational opportunities that they can have. I am proud that those opportunities will be delivered by an SNP Government.

### **Rail Service (Shotts)**

**7. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what steps it is taking to improve the rail service between Glasgow and Edinburgh via Shotts. (S30-509)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Transport Scotland is leading work to provide firm proposals for the most cost-effective ways to improve reliability, bring down journey times and provide capacity for the expected continuing growth in rail passenger numbers between Edinburgh and Glasgow, including the Glasgow to Edinburgh via Shotts line. The results of that work will be reported to Parliament later this month and will be considered as part of the strategic transport projects review.

**Karen Whitefield:** I am grateful to the minister for his response and I look forward to reading Transport Scotland's report next month. However, is he aware of the concerns of my constituents in Shotts who want to access the rail service? Does he agree that it is simply not good enough that residents in Shotts with physical disabilities are denied access to the rail service because their station is not disabled accessible? Will he confirm that work will be undertaken to end that situation?

Further, is the minister aware of the growing campaign supporting the introduction of a limited-stop express service on the Shotts line, which would greatly improve access to the route for not only Shotts residents but a number of communities across Lanarkshire and West Lothian? In addition, can he confirm that the Caledonian express proposals will be given consideration?

**Stewart Stevenson:** Three for one.

On disabled access, the United Kingdom Government has allocated funding under the access for all scheme. The Scottish portion of that

totals £41 million, of which £35 million has been allocated to Network Rail to improve step-free access to stations. Shotts station has not yet been included, but we will certainly look at future funding for Shotts.

We are considering the limited-stop express as part of our general desire to improve capacity, reliability and speed on the Glasgow to Edinburgh line. The proposed Caledonian express is part of our consideration of the future of the Glasgow to Edinburgh line and the proposal is being considered by Transport Scotland.

**The Presiding Officer:** That brings us to the end of themed questions.

**Christine Grahame (South of Scotland) (SNP):** On a point of order, Presiding Officer. During First Minister's questions today, I attributed a quote in error to Alan Meale MP, when the words concerned were actually those of Jason Rathbone, a gulf war veteran and campaigner. As this is the only way in which I can amend the record, I am seeking to do so at the earliest opportunity. However, Jason Rathbone's comments were fully endorsed by Alan Meale MP, whom I now appropriately quote as saying that our treatment of veterans is "a national disgrace".

Thank you for giving me this opportunity to correct the record, Presiding Officer. I am seeking an early eye test.

## Crichton University Campus

14:57

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-416, in the name of Fiona Hyslop, on a sustainable future for the Crichton university campus. I invite all members who wish to speak in the debate to press their request-to-speak buttons.

14:58

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** It is a pleasure to have the opportunity to ask the Parliament to join me in welcoming the successful outcome that has been achieved to secure the future of the Crichton university campus. The outcome not only protects, but significantly expands, existing provision. It was achieved through the concerted efforts of a wide range of parties and it is being supported by the Scottish Government through additional funding.

The outcome actually exceeds the original objectives of the local campaigners. We have secured existing provision from all existing partners, including the University of Glasgow's liberal arts provision, we have provided innovative primary teacher education options for the south-west and we will support the postgraduate provision in the exciting new carbon centre.

The Government has achieved this outcome by addressing the issue with drive, determination and creativity. We dealt with the problem in the early days of the new Government because we heard the people of the south-west when they expressed their needs, aspirations and expectations. We see Crichton as a thriving and diverse centre of higher education that will contribute to the economy, culture and life of the region. We have equipped the academic partners to deliver that in the long term. *[Interruption.]*

**The Presiding Officer:** Order. The member should not cross the floor. I beg your pardon, minister.

**Fiona Hyslop:** I commend the way in which the academic partners at Crichton and local stakeholders have worked together with the Scottish Funding Council to produce a shared vision for the future of the campus. The development of the academic strategy for the region is a key milestone.

The Scottish Government has committed £1.5 million a year, at full roll-out, to cover the additional costs of new provision and to secure existing provision. Additional funding will secure undergraduate liberal arts provision, with student

intake to recommence from 2008-09; the development and delivery of broad-ranging four-year primary teacher training degrees; and postgraduate provision in climate change and environmental studies as part of the development of the new carbon centre. It will also cover unique infrastructure costs, which currently fall to the partners that operate at the campus.

I am particularly pleased that we will be able to deliver new provision of initial teacher training at Crichton. That will build on our aspiration to give students the opportunity to combine specialist primary teaching studies with a more broad-based degree. The fact that 20 per cent of probationer teachers withdrew from Dumfries and Galloway this year shows that we have particular circumstances to contend with in the south-west.

The solution has made long-term participation at Crichton financially sustainable for the University of Glasgow and the University of Paisley. The University of Glasgow has confirmed that, at full roll-out, it will break even on its Crichton operation and that it is committed to the campus in the long term.

I turn to the comments in Hugh Henry's amendment. I say to him that the funding will be maintained and is guaranteed and that funding for other institutions will not be cut to deliver it. On asking for guarantees, he, as a former minister, should surely know that ministers cannot direct or provide guarantees in relation to independent institutions. Indeed, Labour ministers regularly told us that on this very issue. What we can do, which the Government of which Hugh Henry was a member failed to do, is work with independent institutions to seek creative solutions. We have done that in this case. We have no powers to direct, which demonstrates just how remarkable the consensus solution is. The present Government seeks consensus; Hugh Henry's sought conflict.

**Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):** The cabinet secretary said that, at full roll-out, the University of Glasgow's courses would break even. I am struck by one of the caveats in the academic strategy that was published at the same time as the funding announcement. Annex A states that the strategy will not be put in place

"unless there is sufficient demand from students, most importantly in Dumfries and Galloway".

What discussions have there been on that issue? What guarantee is there that if full roll-out of the University of Glasgow courses does not occur, a demand for further finance will not arise?

**Fiona Hyslop:** It is important to remember that the funded places are for Crichton campus. We are keen to ensure that the University of Glasgow

maintains its position. It is essential that we encourage people to take part in the proposals for initial teacher training. One exciting measure that we can take in the south-west is to have the University of Glasgow work with Dumfries and Galloway College to consider possible articulation routes, particularly from the Stranraer campus. We can start to have a reach-out and to provide access to higher education in liberal arts and initial teacher training, which otherwise would not be available. That is a creative solution.

**George Foulkes (Lothians) (Lab):** Will the minister give way?

**Fiona Hyslop:** I want to continue, because I have an important message to put across to the partners at Crichton.

I expect the academic partners to make their commitment clear to their students, staff and the people of the south-west. I want to see evidence of collective, shared and collaborative leadership that respects individual institutions but gives the Crichton campus a united sense of purpose. I will monitor the success of the partners in attracting students, not only from Dumfries, but from the rest of the region. I will also look to the Crichton Development Company to work closely with the University of Paisley to improve facilities for students and staff at the campus. I will take a close interest in the demand for the new concurrent initial teacher education degrees and in the success of the new carbon centre.

The high regard and enthusiasm for and the loyalty to the unique and innovative campus were highlighted throughout the campaign to secure its future and shone through once again during my visit to the campus last week. The visit was an excellent opportunity for me to meet representatives from the academic partners, local stakeholders, staff and students and to hear at first hand their views on the future for the campus. I also had the opportunity to meet founding members of the carbon centre and was impressed with their aims and ambitions for it. In particular, I was pleased to learn that the first postgraduate students at the centre will enrol this autumn on a course that is unique in the United Kingdom.

**George Foulkes:** Before Jeremy Purvis's intervention, the minister said that this Government is seeking consensus whereas the previous Government sought conflict. I agree that this Government is seeking consensus, and I support that. I know what is happening: my wife is on the court of the University of Paisley. What is happening is extremely good, but is the minister not being very unfair—and is it not just a wee bit ungracious of her to attack, especially when Elaine Murray has been at the forefront of seeking consensus and a solution to this problem?

**Fiona Hyslop:** I am very pleased that Elaine Murray, Alex Fergusson, Alasdair Morgan and others congratulated the Government on providing a solution, but if Mr Foulkes wants to consider what is ungracious, perhaps he should consider the Labour Party's amendment to our motion.

I visited Dumfries and Galloway College last week. Work has begun on a new college campus adjacent to Crichton, and I believe that the relocation will help to deliver the potential to expand articulation routes with the colleges working across the south-west. I hope that that initiative, and others around Scotland, will help to deliver new models that will allow our students to access a rounded and high-quality education in their own localities. This is an excellent example of what can be achieved in rural Scotland through imaginative and committed approaches.

We must focus on the needs and expectations of people in our rural and island communities, and we must work with delivery partners to respond effectively. The Crichton model will not necessarily work in other parts of Scotland; different solutions will be required for particular challenges, but what we have demonstrated is what can be achieved through a shared vision.

I believe that we also have other examples in other areas of what can be achieved when people work collaboratively. The UHI Millennium Institute is a very different model from Crichton, but I would argue that it can be made to work for the diverse and diffuse communities it serves. I recently met senior representatives of UHI and Inverness College, and I visited Lews Castle College on Lewis. On both visits, I discussed the expectations and aspirations of local people for UHI and its partners. I made it clear that this Government shares those expectations and aspirations.

Let me reiterate the importance of Crichton to the south-west of Scotland. For the economic development of the region, it is important that opportunities to develop high-level skills are available at the heart of the region. That will be possible only if a higher education structure that works for the region is in place. I believe that Crichton can offer that to the south-west through an innovative and responsive model.

In social terms, it is critical that everyone can access and benefit from the opportunities available in modern Scotland. We must work hard to remove geographic barriers so that we can meet the needs of people in rural areas and respond to their expectations. By adopting flexible approaches such as the Crichton model, I believe that we can work with rural communities to achieve that.

In cultural terms, it is important that the south-west develops as a vibrant part of Scotland,

making its unique contribution to the cultural development of the country, and drawing the benefits of that development back in. The campus sits at the centre of that vision for the region.

For economic, social and cultural reasons, it is crucial that all partners can move forwards with a long-term vision and on a firm financial footing. The development of the academic strategy and the additional support from the Government that I announced will ensure that those conditions are met.

There is a fresh wind blowing in Scotland. It carries with it hope, confidence and optimism. People want to respond positively to a can-do culture in Scotland. Hugh Henry and his Labour colleagues may want to skulk in the shadows of a can't-do culture in Scotland, but they will be left behind. The motion is about what can be done in Scotland with a will, with co-operation and with a vision of the Scotland that we want and can have.

I move,

That the Parliament congratulates local campaigners, including MSPs from all parties, on effectively highlighting the issues surrounding the future of Crichton University Campus in Dumfries, leading to a successful outcome; commends the work of the local stakeholders, academic partners and the Scottish Funding Council in developing an academic strategy for the campus; welcomes the allocation of additional resources by the Scottish Government to protect existing provision, help deliver the strategy and widen the range of higher education opportunities delivered in the south west of Scotland on a long-term sustainable basis, and recognises the importance of the ability of students in rural and island communities to access higher and further education.

15:09

**Hugh Henry (Paisley South) (Lab):** I might point out to Fiona Hyslop that, far from being ungracious, we are actually accepting the motion. However, we are adding to it and, reasonably, asking for some assurances.

I will preface my remarks by reflecting on comments that Iain Smith made in yesterday's debate in the chamber. It is slightly bizarre that we had about one hour and 25 minutes to discuss the programme of government or governance—however the SNP wants to describe it—for Scotland, but have two hours and five minutes to discuss the investment of £1.5 million in one institution, albeit one that is important to the people of south-west Scotland. That is indicative of distorted and skewed priorities.

**The Minister for Environment (Michael Russell):** On a point of order, Presiding Officer. Will you confirm that the business motion that was presented to the chamber yesterday was endorsed by all members of the Parliamentary

Bureau, including the representative of the Labour Party?

**The Presiding Officer:** I can so confirm.

**Hugh Henry:** That was a bizarre comment by Mike Russell.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer. It is absolutely true that the whole chamber agreed to today's order of business, but it is also true that any member is entitled to express an opinion on it.

**The Presiding Officer:** I do not recall saying that it was not.

**Hugh Henry:** It is disappointing that, notwithstanding the significance of the Crichton campus to people in south-west Scotland, we can find two hours and five minutes for this debate but there has been nothing from the SNP on new teachers seeking employment, nothing from the SNP about a debate on discipline in our schools, nothing from the SNP about raising attainment levels in education and, frankly, nothing from the SNP about education generally.

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

**Hugh Henry:** No. The SNP is trying to exploit one issue for headlines, instead of addressing fundamental issues of concern in Scottish education.

There is no doubt that the matter before us this afternoon is of great concern to people in south-west Scotland. Fiona Hyslop was right to pay tribute to Elaine Murray, to Russell Brown, to you, Presiding Officer, and to other people in the area who have campaigned for the retention of a facility there. However, as the minister knows, there are complexities and difficulties associated with the issue, which she has had to address in her work to arrive at a solution. She cannot say that she wants to see evidence, that she will monitor the situation and that she will take a close interest in demand for the facility at the same time as saying that ministers cannot give guarantees or accept assurances.

I acknowledge the work that has been done by many partners to produce a solution, to which the motion refers, but if that solution is to be sustainable, certain issues must be addressed. Jeremy Purvis was absolutely right to raise the issue of future demand, because funding flows from demand and sustainability flows from funding. It is incumbent on the Parliament to ask whether funding will be maintained throughout the session and to seek assurances that this is not a one-off solution. It is right that we should ask for guarantees that funding is not being provided to the detriment of other institutions. I am glad that Fiona Hyslop has acknowledged that.

It is also right that we should reflect on whether some of what has been done, especially in relation to rent, may not make it easy for institutions to walk away from the campus, because they no longer have any responsibility in that area. I recognise the effort that ministers and all the local partners have put in and the anxiety and clear wishes that have been expressed, but I hope that nothing has been done that will frustrate those wishes over the next few years, that people have not been given false hope and that they are getting a sustainable solution. I also hope that people in south-west Scotland will respond and that there will be sufficient demand to enable us to deliver.

The minister will acknowledge that we seek not just a facility, but one that delivers quality—not just value for money, but an effective facility that adds value to the educational experience of the students who take up places in it.

I acknowledge the difficulties that the minister has had to grapple with and the contribution that many people have made in arriving at a solution. I hope that the solution will be sustainable and that it will work. I also hope that the aspirations of the people of south-west Scotland are met and that their wishes are fulfilled. Finally, I hope that what has been delivered will lead to the long-term delivery of education in that part of the world and that it will make a long-lasting and effective contribution to Scottish education.

I move amendment S3M-416.1, to insert at end:

“and calls for an assurance that this funding will be maintained and guaranteed and that this is not being provided to the detriment of funding for other institutions, and further asks for a guarantee that none of the institutions will be able to walk away from any aspects of this arrangement.”

15:15

**Derek Brownlee (South of Scotland) (Con):**

The issue of the future nature of the Crichton campus in Dumfries was bubbling away for a long time before it rose to the surface just before the election. It is good that this debate is taking place in happier circumstances than those surrounding previous debates on the issue in the Parliament.

It is right to recognise—as the Government’s motion does—and pay tribute to the nature of the Crichton campaign. It was a cross-party campaign, and it was all the better and certainly more effective for that. I cannot think of many occasions when there has been solidarity between the Conservatives, the Labour Party, the Scottish National Party and the Liberal Democrats. I suspect that such occasions have been few and far between—if there have been others—but there was a genuinely consensual campaign to save the Crichton.

What was happening earlier in the year was perhaps not the end of the world—the minister at the time said that it was not a crisis. That might have been true on the face of it, but symbolically and in respect of what it meant for the future of the Crichton campus it was a crisis and it was a significant issue in the south-west. Lessons can be learned in the rest of Scotland, particularly in rural areas, from what happened—and what is happening now—at the Crichton.

The campaign to save the Crichton achieved cross-party support in the Parliament, but it did more than that: it galvanised the local community in Dumfries and Galloway and it raised interest throughout the education community in Scotland. One of the main reasons for that is that the Crichton campus is in many ways groundbreaking. The cabinet secretary mentioned that the model might not be appropriate for every part of Scotland, but it might be appropriate in other areas and lessons can certainly be learned from it.

The campaign was not only a political campaign: the support of businesses, community representatives, current and former students, and the local media—including the *Dumfries & Galloway Standard*—played a vital part in keeping the issue at the forefront of the agenda before, during and after the elections in May. The outcome of the campaign was in no way certain. If we had asked the participants in the debate in February, or the many people from Dumfries and Galloway who turned up to watch our proceedings, what they expected to happen, I doubt whether many would have said that they genuinely expected a solution to be found. The complexities to which Hugh Henry referred were also referred to by the minister at the time. Undoubtedly the situation is very complex.

It is surprising that it seems that the beginnings of the fracturing of the political consensus came after the elections rather than before. There was almost more in-fighting between political parties after the election than there was beforehand, which must be rather rare.

The cabinet secretary referred to the potential that is offered by Dumfries and Galloway College. Like the cabinet secretary, I took the opportunity to visit the college during the summer. Some very exciting opportunities are coming there. Obviously, there are also many challenges—particularly in relation to transport links to the campus.

I am grateful to the cabinet secretary not only for realising the importance of a successful outcome to the Crichton campaign for Dumfries and Galloway but for working to achieve it and for the genuine efforts that she and the Government have made to involve all local representatives.

The Conservatives are happy to support the Government's motion. We warmly welcome the progress that has been made: it is good news for the Crichton and it is good news for Dumfries and Galloway. That is not to say that some of the fears Hugh Henry raised should be written off. There are genuine concerns and it would be concerning if the settlement merely tides the Crichton over and does not lead to a permanent solution.

The assurances on the maintenance of funding, on the protection of other assurances—something that has now been dealt with—and on the protection of the terms of the agreement sound innocuous. I understand why they would be attractive to anyone with an interest in preserving the Crichton, but it is fair to ask whether the previous Executive, in the light of its actions, would have made such assurances—assuming it had been able to find a solution.

In the debate last February, the then Deputy Minister for Enterprise and Lifelong Learning said that

“ministers cannot—and neither should they—direct or allocate funding to a particular institution.”—[*Official Report*, 15 February 2007; c 32261.]

It seems to me that the Labour amendment is taking us very close to such an approach—the party is taking a different path from the one it pursued when it was in government. If that is simply to tease out further information from the Government, that is one thing, but if it is a fundamental change in approach, members should know.

The cabinet secretary touched on the Crichton's importance to Dumfries and Galloway. The campus is crucial if we are to deal with the challenging demographics in that area—they are not unique, but they are probably some of the most challenging in Scotland.

For many people, the question will be, “Where do we go from here?” It would be easy to say that the campaign has been a success, that the problem has been solved and that we should move on, but it would be wrong to say those things. The campaign might have been about saving the Crichton—if we want to use that phrase—but there is much more to do to ensure that its potential is fully exploited.

Welcome though the measures that have been announced are, I do not think that anyone would say that they take the Crichton to its full potential. If we can get back to the successful cross-party and cross-community campaign, it should continue. We need to think innovatively about how the campus can develop, how it can attract students to Dumfries and Galloway, and how it can retain more of the local population. That is not just down to the academic institutions, although I

concede that it is mainly down to them. It is down to all of us—politicians, the Government and the wider community with an interest in the Crichton—to allow the campus's potential to be fulfilled. If the Crichton campus does not fulfil its potential, neither will Dumfries and Galloway.

15:22

**Hugh O'Donnell (Central Scotland) (LD):** I welcome the Cabinet Secretary for Education and Lifelong Learning's previous commitment to provide a funding package for the Crichton campus, although hearing it for the second time is a bit like living groundhog day.

The Liberal Democrats are fully committed to the widening of access to sustainable higher education. We are committed to lifelong learning and we are determined to press the new Scottish Government on secure funding for the sector. I look forward to hearing the Government's position on the matter as I can find no specific reference to it in the recently published programme for government. In that regard, Hugh Henry's amendment is right to call for an assurance that the Government intends to continue support for the Crichton in a way that is not detrimental to any other institution that is involved in the campus.

I will move on to the future of the campus and the history of how we came to be where we are but, first, like previous speakers, I pay tribute to the cross-party consensus and the people who were involved in the campaign, including the students and academic staff at the campus. Their efforts contributed in no small way to the recent announcement.

We would do well to remember that, important as the University of Glasgow is to the success of the project, it is not the sole participant. The newly created university of the west of Scotland—the child of the merger of Bell College in my region and the University of Paisley—has never been less than 100 per cent committed to the campus and is determined to make it much more than just an experimental venture. In addition, Dumfries and Galloway College, the various agencies and the Scottish Further and Higher Education Funding Council were clear from the outset that the campus was no mere outreach project. It is regrettable that some of the senior management, particularly the principal of the University of Glasgow, did not take that view and apparently looked only at the profit and loss account as a means of determining viability. Would that he paid such attention when he was responsible for matters here.

I acknowledge that, like us all, the University of Glasgow must live within its means, but its senior management must acknowledge that, like us all, it

has wider social responsibilities. In the case of education institutions, that is because we are the funders. It is the population of Scotland to which the institutions are answerable. Narrow self-interest is not the way for such an institution to proceed.

If the university is as pleased with the saving of the campus as it claims to be and if it is sure in its commitment to it, I for one look forward to seeing its long-term strategy for recruitment and marketing as an integrated part of the university's development plans, not just as an adjunct to them. I also look forward to learning what it sees as the break-even point. Critically, we and—more important in my view—the staff on the campus need to know whether the adoption of responsibilities for infrastructure by the other institutions will result in any job losses on the campus, where they might occur and when that might happen.

If Scotland is to compete effectively in the global economy, access to quality higher education opportunities cannot, and indeed must not, be restricted to people who live in or have ready transport links to urban or semi-urban centres of excellence or to people who have the financial wherewithal to move to such locations. Although the university of the Highlands and Islands offers an education gateway to the communities of the north-west, the opportunities for south-west Scotland, as represented by Crichton, had previously been thin on the ground. The fact that the people in those areas who seek an education gateway now have such an opportunity is to be welcomed.

We must also be clear about the value of the campus to the economic development of the area—which the cabinet secretary referred to—not only during the redevelopment phase but in the longer term. Even a cursory look at the constituencies that are close to the campus clearly shows the need for Crichton and the education opportunities it offers. According to the national health service constituency profiles in 2004, 39 per cent of adults in the Dumfries constituency have no qualifications. In Galloway and Upper Nithsdale, the figure is 31 per cent, while in Carrick, Cumnock and Doon Valley it is 40 per cent. According to those figures, every constituency in the area is performing worse than the Scottish average—although I fully acknowledge that constituency members may have more up-to-date and accurate figures. Crichton is a vital resource for the area.

I believe that the challenge for all involved is to confirm their long-term commitment to the campus, and I ask the cabinet secretary to extend her support for Crichton to the whole of the higher education sector by fully funding the £168 million

budget increase request from Universities Scotland.

15:28

**Alasdair Morgan (South of Scotland) (SNP):**

Of the three debates on the Crichton that we have had this year, this is by far the one that gives me the most pleasure to take part in.

I start by reiterating the importance of the Crichton to the economy of south-west Scotland. As we know, the dream went back to the original Crichton bequest in 1923, but it was not some idle amateur intervention in the professional world of education. The need for a university in the south-west was real then, and the statistics produced recently in the academic strategy show that it is no less necessary now.

We see, for example, that participation rates among people from the most deprived areas in Dumfries and Galloway are much lower than expected. We are then told that we should treat that figure with caution—I am afraid that it is the only available figure, so we will need to use it. Dumfries and Galloway has the lowest male participation rate for undergraduate students in Scotland. Undergraduate population rates as a whole in Dumfries and Galloway are lower than expected, and even the standardised participation rate is much lower than the national average.

However, the strategy also says that there is no high level of unmet demand for undergraduate places, so where do they go? The answer is that they go elsewhere in Scotland, predominantly to Edinburgh and Glasgow. Do they come back? Well, the problem is that a lot of them never come back. The fear is that those who go, and the more who would have gone had the crisis continued, are a valuable, skilled and young resource that is largely lost to the local economy for ever. That shows itself in our great difficulty in Dumfries and Galloway in recruiting professionals. Whether they are for doctors, dentists, social workers or teachers, vacancies down there exist longer. When there is a short leet for a promoted post, often only one person applies. That reduces the availability of professionals and the quality of public services and it hits the local economy. The local community knows those facts, which is one reason why the protest movement that members have described was so vociferous and effective. Rarely in my experience has any issue united so many strands of opinion in the south-west.

The minister talked about consensus but, fortunately, I have no obligation to do so. The pre-election period was deeply depressing. We had two debates on the Crichton campus. If Hugh Henry is worried about this debate wasting time, he should reflect on the fact that there would have

been no need for it if the 1.5 hours of debate earlier this year had been used more effectively. If he wants to discuss other issues, there will be Opposition time next week in which to do so.

At no time in our two debates earlier this year did the Government give any commitment about the University of Glasgow's continued presence at the Crichton. A commitment on the Crichton campus as a whole was given, but that was it, and that commitment was never in doubt in any quarter. With respect to the University of Glasgow's involvement, there was only a ministerial wringing of hands on a scale that would have made Uriah Heep proud. It seemed that the ministerial strategy was to kick the matter into the long grass, let the University of Glasgow drop a year's cohort of undergraduates and say that the Government was powerless to intervene anyway. The strategy seemed to be based on the thinking that, after the election, everything would be a fait accompli. That is why I am delighted to congratulate the minister, who has achieved exactly what people in the south-west of Scotland wanted. We have replaced doubt with certainty, despair with hope, and contraction with the prospect of growth.

Oppositions lodge amendments to motions because that is what Oppositions do, but should they bother if there is nothing sensible to say? The Opposition is playing politics. It is trying to distract attention from its own dismal record compared with what the Government has done. It is seeking a commitment that no other university in Scotland has. It said in two debates that it could not direct funding, but it now wants us to do precisely that.

There is a more serious issue. When students and staff are committing themselves to studying or working at the Crichton, they do not want doubts to be sown about the institution's future. After a one-year gap in enrolment, there may be a credibility issue for some people, but the minister's announcement should help to dispel that problem. We should all work towards that end. It would be unfortunate if posturing by the Opposition caused anyone to doubt that the Crichton's future is other than set fair. Even today, Hugh Henry raised the canard that the solution that has been reached will make it easier for institutions to walk away from the Crichton project.

The original Crichton bequest talked about having a university for the south of Scotland as an autonomous institution, although in reality we are talking about the south-west of Scotland—geography prevents anything else. Should having such a university be a long-term ambition? The proposal certainly has attractions in respect of the status that the institution would have, but the current arrangement brings the prestige of the various participants in the project. That is why the

presence of the University of Glasgow is vital. The arrangement possibly saves on administration costs and results in a wide variety of courses and possibilities of articulation. I do not rule out a university of the south of Scotland or university of the south-west of Scotland for ever, but I suggest that the medium-term and current priority is to build on the excellent foundation that exists. It is not the structure but what is delivered that is important. It is because the University of Glasgow's presence was an essential part of that delivery that its loss would have been such a blow. That is why retaining it is an achievement.

There is still much to do—we need to build up participation, particularly from the west of Galloway—but the minister has given us a good start.

15:34

**Elaine Murray (Dumfries) (Lab):** I could speak about the Crichton for two hours and five minutes, but I promise that I shall not.

Back in January 2000, my Westminster colleague, Russell Brown, and I were delighted to accompany Scotland's first First Minister, Donald Dewar, to the inauguration of the Crichton campus in Dumfries. In his speech, Donald Dewar highlighted the opportunities that there would be for higher and further education institutions to work together and the opportunities that there would be on the campus for business and higher education collaboration.

It was more than an official engagement for Donald Dewar. He was enthralled by the Crichton campus, as successive ministers have been on their arrival. He was intrigued by the liberal arts undergraduate courses that his alma mater, the University of Glasgow, was delivering there. I recall that his officials became increasingly anxious as they could not prise him away from the campus and feared that he might be late for subsequent engagements. As one of those was a Burns supper, it must have been something pretty special to keep him away from a meal—as all of us who knew Donald well will appreciate.

The success of the Crichton experiment took even those who were most closely associated with it by surprise. Even in the early days, there were concerns over the sustainability of its funding. I arranged a meeting between representatives of the University of Glasgow and the University of Paisley in November 2000 with the then Minister for Enterprise and Lifelong Learning, Wendy Alexander. She took us by surprise by announcing that she was allocating £500,000 to the campus, and the Scottish Higher Education Funding Council awarded the first 150 fully funded places



to the Crichton campus, split between Glasgow and Paisley universities.

As a man from Annan, Jim Wallace, who later became Minister for Enterprise and Lifelong Learning, also understood the importance for Dumfries and Galloway of having higher and further education opportunities available locally. Several members, including Alasdair Morgan, Alex Fergusson and me, met him to highlight the funding issues that were concerning us all at that time, and Jim Wallace issued a letter of guidance to the funding council—I think in 2004—specifically highlighting the Crichton as an example of good practice. Since the beginning, there has been cross-party unanimity in support of the Crichton.

I have just mentioned our meetings with Jim Wallace. Michael Russell might recall that he and I had a meeting about the issues that had been highlighted to us with Roger McClure way back in the first session. As other members have said, the degree of cross-party support for the campus has been exceptional. I should also mention Chris Ballance of the Scottish Green Party and Rosemary Byrne of Solidarity, who were vocal in their support for the campus in session 2.

**Michael Russell:** I would like to add the name of Murray Tosh who, both as a Conservative candidate and as an MSP, worked hard with Elaine Murray, me and many others.

**Elaine Murray:** I am of course happy to endorse those comments. Most of all, however, it was the students who would not let the issue go once they discovered that the University of Glasgow might pull out of the Crichton campus. They demonstrated and petitioned; they undertook letter-writing campaigns; they e-mailed everybody they could think of; they visited the university senate; they went to the court; they went to the funding council; they came to attend the debate at the Parliament on 15 February this year; they marched in the summer from Dumfries to Gilmorehill to impress on Sir Muir Russell the importance of the institution to them. This is their victory more than that of anybody else. For myself, I just felt honoured to play my part.

I always believed that a creative solution could be found to keep Glasgow's undergraduate courses in Dumfries. I felt that the university was being premature in withdrawing this year's allocation and that it was not giving the time to create a solution. When the university asked for the sum of £800,000, the Scottish Further and Higher Education Funding Council did not actually say no—although it did not say yes either. It suggested the development of an academic strategy. The first draft of that strategy was disappointing, but the partners managed to get back round the table and, with the help of the

Scottish ministers, an innovative solution was found.

I have no hesitation in congratulating the cabinet secretary on her work to achieve that. I thank her for her support in the previous session, including during my members' business debate in February. Saying that does not mean that I have changed my view about how Scotland benefits from being in the union, and I still do not see the need for some interminable conversation about the powers of the Parliament, but I will be happy to congratulate ministers when they use the powers of this Parliament to good effect, and I believe that the minister has done so on this occasion.

The Labour amendment takes up some residual concerns of staff and students and seeks reassurance. I have read it differently from how the minister has read it. I know that the Government cannot direct the funding council—I was told that often enough earlier this year—but I wanted the Parliament to ask the University of Glasgow to commit for the long term. We have all worked hard for Crichton, so I would like to hear Sir Muir Russell publicly saying on behalf of the university, "Yes, we are staying at the Crichton campus for the long term." We would all like to hear that, as none of us wants to be back here to go through another debate on the matter in three years' time. That is my interpretation of the Labour amendment.

The retention of the University of Glasgow was not for me about its being a prestigious and ancient university, but some snobbery has crept in at times, which has rather denigrated the contribution of the University of Paisley and Bell College. I commend Paisley and Bell for their commitment to the Crichton campus. Much of the good news about the amalgamation of those two establishments and their commitment to the four sites at which they are based was overshadowed by the bad news about the University of Glasgow. Perhaps I should declare an interest, as my youngest son is about to become a student at the university of the west of Scotland at Crichton.

David Mundell's comments about miracles were mentioned yesterday. It is perhaps not the first time that the shadow Secretary of State for Scotland has made remarks that he later regretted.

The funding council and the University of Glasgow underestimated the people of Dumfries and Galloway and our pride in our flagship university campus. We would not roll over and allow it to be diminished. The prospect of reducing the campus created a firestorm that few outside Dumfries and Galloway would have expected. The new academic strategy is a victory for the people and most of all for the staff and students who campaigned tirelessly for the solution. As I said,

we should make it clear to everybody in Dumfries and Galloway that they will not have to go through such a situation in the near future, that the academic institutions are here to stay in Dumfries and that they will expand what they are doing there.

15:41

**Christopher Harvie (Mid Scotland and Fife) (SNP):** I congratulate the Government and the Cabinet Secretary for Education and Lifelong Learning on their response to the threat to the Crichton campus. They have turned a problem into an opportunity. In my short speech, I will suggest ways in which they and we can turn the opportunity into a renaissance.

We have heard much about exploiting Scotland's energy endowment—sun, wind and wave—but we must remember the endowment of the mind. In summing up his tumultuous mental life, our greatest modern poet and founder of the Scottish renaissance, Hugh MacDiarmid, quoted William Blake: "Energy is Eternal Delight". We, too, can exploit cultural energy and the heritage that it leaves. Rescuing and expanding Crichton is the right challenge at the right time, for the following reasons.

We can draw a circle with a 50-mile radius that has its centre in Crichton. MacDiarmid was from Langholm. His 19<sup>th</sup> century counterpart Thomas Carlyle—coiner of the "cash nexus" and "the condition of England"—wrote his greatest work in the hill country to the north of Dumfries. From Weimar in 1828, the great Goethe congratulated Carlyle on his Scottishness and remarked how national difference energised culture and its communication.

Crichton lies at the centre of one of the half-dozen great cultural landscapes of Europe—regions in which the blending of nature, tradition and intellect has had extraordinary effects. The Solway region is traditionally the debatable land, but it is truly comparable to the Tuscany of Dante and Michelangelo, the Weimar of Goethe and Schiller or the Geneva of Voltaire and Rousseau. This is the country of Scott, Burns and Hogg, and south of the Solway is the country of Wordsworth, Coleridge and Ruskin. This is the country of "Redgauntlet" and the literary ballads; of the great ballad tradition that can be measured against the Greek epics or the Hollywood westerns; and of tides of ideas. From the ideas of the Solway region set out the rechristianising of Europe after the dark ages and the reordering of a broken world in 1918—from Ninian's Candida Casa to Woodrow Wilson's Covenant of the League of Nations.

That is the inheritance. We must teach it, for our civilisation is in a tight place that requires intellect

and not emotion—in Carlyle's terms, a "seriousness amounting to despair". That reminds us of the thriller, "The Thirty-nine Steps", and of old Peter Pienaar—Buchan's invention—who always said, "We must make a plan."

We should forget about the bean-counting that brought about the threat and think instead about higher education as a birthright. Scots such as John Anderson, Lord Brougham and James Stuart pioneered mass higher education. Forty years ago, in the Open University—in which I was a tiny cog—Scots such as Jennie Lee and Walter Perry married that to new educational methods and communications technology. Such methods are changing yet again with the web and e-mail, which enable the facilitation of niche markets, regional studies and cultural tourism. As costs fall, the potentialities for local communities such as the Scottish south-west increase.

The Crichton's and Scotland's future lies with summer schools, compact seminars and cultural projects that are aimed at the new kind of tourists, who come from educated backgrounds and want to contribute to second homes to which they feel they belong. We have seen how much the Celtic renaissance in Ireland depended on its culture as much as on pharmaceuticals or software.

This is an age in which higher education has gone walkabout. The innovations that I have mentioned do not cost much, but they take tact, co-operation, and a stimulating environment, and they are all actually or potentially present at the Crichton and on both sides of the border in the partnership that they foresee, which is one of good neighbours, not one of strictly laid down laws of sovereignty and the like.

This is our chance for a new type of Britain, or a new type of union between equals and neighbours. I hope that we take that chance.

15:46

**Murdo Fraser (Mid Scotland and Fife) (Con):** I speak in support of the Executive's motion. My colleague Derek Brownlee has already paid tribute to the cross-party campaign that led to the saving of higher education at the Crichton campus, and I endorse his remarks.

I have to oppose the rather mean-spirited Labour amendment. I gently point out to my friends in the Labour Party—and to their Liberal Democrat colleagues—that they had their chance to deal with the issue while they were in government and they failed to deliver. Frankly, it is a bit like carping for them to be criticising what is happening now.

In the short time available, I seek to address a couple of wider issues that arise from the situation

at the Crichton, the first of which is covered by the final part of the Executive's motion, where it refers to recognising

"the importance of the ability of students in rural and island communities to access higher and further education".

What happened at the Crichton campus highlights a wider issue. There is no doubt that delivering education in this way rather than on the traditional model of having a centre of learning on a campus comes at a cost. It costs more to have decentralised education. I hope that we would all come at the argument from the starting point of agreeing that decentralised education is a good thing. It gives people the opportunity to study closer to home. In particular, it gives mature students or those who have family commitments and cannot go down the traditional route of leaving their home town to study in a city or traditional seat of learning for terms at a time the opportunity to gain qualifications nearer to where they live.

Of course, to an extent, the Open University fulfils that role, but not everyone necessarily wants to follow the distance-learning route. People might prefer to study through a more traditional method. That is the sort of gap that the Crichton campus has filled successfully so far and will fill in the future.

This issue is not just one for the south-west of Scotland but is also particular to the Highlands and Islands. I followed for years and with great interest the campaign to establish the university of the Highlands and Islands to see where it progressed. I was brought up in the Highlands and, like many of my generation, when I reached the age of 18, I had to leave to study elsewhere. Far too few of my peer group returned to the area, and that happened in the Highlands for decades, if not for more than a century. Talent and people were leached away from the Highlands and Islands and that has had a negative impact. Alasdair Morgan made some similar comments.

The university of the Highlands and Islands is not restricted to the Highlands and Islands. The region that I represent has Perth College, which is part of the UHI network. It is doing a lot of excellent work in Perth and in outreach centres that bring people in from throughout Perthshire. Again, I am talking about mature or adult students who might not have had access to the traditional path of higher education.

The huge advantages to a town of having a university—the vibrancy that is created by the existence of a student quarter, the buzz, the energy and the spin-off from new ideas—are well documented, which is why it would be tremendous if university colleges were established in Inverness and Perth. Universities bring clear economic advantages. That is why the UHI project is so

exciting, for Perth as well as for the Highlands and Islands.

However, funding is an issue. When the cabinet secretary winds up the debate, I would like to hear her say that the Scottish Government recognises that such a model of higher education delivery will ultimately be more expensive than the traditional, campus-based model. I would like the Executive to acknowledge the importance of such a model and say that it is prepared to bear the cost.

I will briefly address higher education funding as a whole. The cabinet secretary is well aware that university principals are concerned about a potential funding gap between Scottish institutions and those south of the border. Scottish institutions have been well funded historically, but the introduction of top-up fees down south has led to a situation in which English institutions are becoming better funded and—perhaps more serious—have a borrowing capacity to invest in infrastructure that exceeds that of Scottish institutions. The situation will be exacerbated if the cap on top-up fees in England is lifted after 2009, as it may well be.

The funding gap is potentially serious. We cannot afford to have the status of Scottish universities reduced as they lose qualified and talented academics to the south, where there are opportunities for higher salaries and better facilities. That is why we have called for an independent review, to consider the future of higher education funding in Scotland.

**Jeremy Purvis:** I acknowledge the member's call for an independent review. However, the outcome of the spending review is about to be reported to the Parliament. Will he support Liberal Democrat calls to fully fund Universities Scotland's bid for a £168 million increase in funding in the spending review, to ensure that the long-term situation that he forecasts does not come about?

**Murdo Fraser:** I must defer to my party's finance spokesman on the details of the budget. Mr Purvis is right to identify the medium-term issue during the next three years, but the independent review that we are calling for would look further ahead. If the review were established, it would not consider the next three years, because it would probably take two or more years to report; it would consider the situation in the longer term after 2009.

No party in the Parliament supports the introduction of top-up fees in Scotland. However, if we are not going to introduce top-up fees, we must all address a serious situation and try to find another way to fill the funding gap. We must consider all the options.

I have addressed wider issues, but I reiterate my party's support for the motion and for the work that

has been done by the cabinet secretary and the Executive in helping to secure the future of higher education at the Crichton.

15:53

**Jim Hume (South of Scotland) (LD):** I ask members to forgive my croaky voice. I thank the cabinet secretary for bringing the debate and for meeting me, the Presiding Officer, Elaine Murray and Alasdair Morgan at the Crichton last week.

I will add to the list of great academic names of Dumfriesshire James Clerk Maxwell, the father of physics, who came up with a theory of relativity long before Einstein. I might take away John Buchan and James Hogg, who were Borderers and would have had no great link with Dumfriesshire—James Hogg was my old neighbour.

The Crichton campus in Dumfries has been the subject of one of the finest campaigns ever undertaken by dedicated students and staff. The Parliament should acknowledge their efforts. Very few campaigns in Scotland have gained support from all the major parties. The campaign grabbed the attention of the south of Scotland as a result of the campaigners' dedication, which was so great that they spent five and a half days walking in dignified fashion from the campus in Dumfries to the University of Glasgow—Elaine Murray mentioned that.

I am sure that the campaign will continue, because continue it has to—the eye cannot be taken off the ball. The Crichton campus is a wonderful example of how dedication and co-operation can overcome obstacles to the provision of liberal arts and other university courses in an area that, until recently, was devoid of such a valuable asset.

The Crichton has succeeded in attracting young people into university education from families where that has not been the norm. Importantly, it has overwhelmingly surpassed expectations in encouraging age and gender groups back into education, where others have struggled to do that. Praise has indeed to go to the Crichton for being Scotland's first multi-institutional campus.

With any co-operative project, buy-in from stakeholders is important. On this occasion, the stakeholders are many and varied. As other members have said, they are the University of Paisley, Bell College and, of course and importantly, the University of Glasgow. In addition, the stakeholders include the local enterprise company, the Crichton Development Company and—most importantly—the staff and students, not only those from the south-west of Scotland whom the campaign directly affects but those who come from all over to study at the campus.

The Crichton offers a great environment in which to work. To those members who have not visited the campus, I say that it is probably one of the most beautiful educational sites in the United Kingdom. It is therefore highly appropriate that new investment is being made in a carbon centre at the campus, given the south-west of Scotland's expertise in the forestry industry, which is aided by Scottish Enterprise Dumfries and Galloway. An example of such innovation and past Executive support can be seen nearby at the E.ON UK biomass plant at Lockerbie, which promises to create 300 jobs in the area and to use an estimated 220,000 tonnes of renewable wood products per year to produce electricity. Of course, that was kick-started by the Liberal Democrats in coalition.

I am sure that most members and the wider public will agree with me about the welcome nature of the cabinet secretary's announcement of the extra £1.5 million. Let us hope that the Administration is not just handing out a token sweetie—although I could do with a sweetie this afternoon. The announcement may be welcome, but an assurance that no other education projects or institutions will suffer as a result of that movement of funds would also have been welcome. The cabinet secretary has addressed the issue to some extent, but I am sure that we all agree on the usefulness of seeing the exact details and conditions.

Marketing the campus is essential. I am sure that damage was done in the past as a result of uncertainty about whether the University of Glasgow would stay involved in the project. We heard Hugh Henry and Jeremy Purvis express their concerns about the level of future demand from students. I urge stakeholders, including the cabinet secretary's department, to come up with a detailed marketing plan for the campus and its courses in order to ensure continued long-term demand. Staff also need to receive assurances that no redundancies are in the offing.

We Liberal Democrats, students—past and present—and, of course, staff need to see the Government make a long-term commitment to the campus. We also need to see engagement from all the stakeholders, including the University of Glasgow.

The Liberal Democrats will not take our eye off the future of the Crichton campus and its long-term sustainability. The focus will not go away from the Crichton—ask any of the campaigners or the media. The Crichton campus is a jewel in the crown not only of Dumfries and Galloway but of Scotland.

15:58

**Aileen Campbell (South of Scotland) (SNP):**

As a South of Scotland MSP, I am delighted that the new SNP Government managed to save and develop access to university education at the Crichton campus in Dumfries. I hope that the local community will continue to be involved in helping to develop the campus in a sustainable way.

Until I became elected to represent the South of Scotland in the Parliament, my only real contact with Crichton was when, as a student at the University of Glasgow, I tried to borrow books from the library and discovered that the only available ones were down in Dumfries. I am pleased that the link with the University of Glasgow has been preserved and that the educational opportunities that are available at the campus have been expanded. The First Minister and cabinet secretary should be congratulated on their efforts to ensure that this level of education is available in the south-west of the country. The decision was the correct one. It is in keeping with the kind of Scotland that the Government wants to create—a smarter Scotland.

Others who should be congratulated are the stakeholders at the campus, including the University of Paisley, and the local MSPs who remained committed to Crichton, notably Elaine Murray, Alasdair Morgan, Michael Russell, Alex Fergusson and others whose names were mentioned in the debate. When some questioned how Crichton could be saved without amending the Further and Higher Education (Scotland) Act 1992, and others suggested that only a miracle could save it, the new Government stepped in and took full, considered and direct action to ensure its future. That action is a good example of Government working as it should. There was no humming and hawing; positive action was taken. That contrasts with the previous Executive, which failed to deal satisfactorily with the precarious situation that the Crichton faced for more than a year.

Although the new Government can take some of the credit, it should not take it all. In addition to all those whom Derek Brownlee cited, quite correctly, as having been involved with the campaign, I note that the Crichton university campus students association ran an excellent campaign with the assistance of students and staff, which attracted attention and captured the imagination. As Elaine Murray mentioned, the students' passion for their place of learning was shown by walking 100 miles to the University of Glasgow, by producing a book of essays on how important the campus is for them, and by holding demonstrations and organising a letter-writing campaign. That tenacity and dedication should not go unnoticed by the

Parliament, so I am pleased that the campaigners are given due credit in the motion.

We are an open Parliament and we are accountable to the people. We need to respond to the people's wants and needs, and to do so for the greater good of the country. I can only imagine how delighted the students must be with the success of their campaign. I say that I can only imagine because, although I marched as a student along with thousands of others, our calls for free education fell on deaf ears.

Support for the campus has come not just from Dumfries and Galloway but from across the world, which demonstrates the wonderful international reputation of the Crichton campus. The issue grabbed the attention and united staff, students and politicians in such a profound way because the campus has proven to be such a huge success. It has provided a useful seat of learning to those who would not normally have access to higher education. The fact that 56 per cent of the student intake comprises students who are the first in their family to attend university is hugely significant. It is also significant that students from more than 20 countries around the world choose Dumfries as their place of study.

The campus has also proven to be vital to the vibrancy and long-term sustainability of the rural south-west of Scotland. Providing access to further education and university education is essential if rural areas are to keep young and ambitious folk. As Alasdair Morgan and Murdo Fraser correctly pointed out, if that is not offered, young people will simply leave. With the announcement of new opportunities at undergraduate and postgraduate level and improved education, infrastructure and health provision, the campus has the opportunity to develop in an exciting way—as Chris Harvie mentioned earlier—that will assist the whole of the south of Scotland to flourish.

When the Crichton was opened, the previous Executive was rightly proud of the innovative nature of the project. The new Government is carrying on that work and helping to develop that vision further. If we want a smarter Scotland, we need to ensure that education is accessible to everyone, not just those who live near a city. When we find something that works, such as the Crichton campus, it is down to us to protect it.

16:03

**David Stewart (Highlands and Islands) (Lab):**

I welcome the opportunity to contribute to the debate. Like others, I recognise and am grateful for the cross-party way in which the campaign has been run by students, staff and MSPs of all parties and—in some cases—of none. In particular, I

acknowledge the work of Elaine Murray, who spoke earlier.

I should perhaps register an interest of sorts in that, many years ago, I used to live and work in Dumfries. At one stage—hard though it may be to think this now—I was a fresh-faced councillor on the former Nithsdale District Council. Although I am not a representative of the area today, I believe that the debate raises common themes about the impact of delivering higher education in rural Scotland.

The motion's final clause acknowledges

"the importance of the ability of students in rural and island communities to access higher and further education."

Of course, that has been a challenge in the Highlands and Islands for many years. In the context of today's debate, it is worth noting the strong collaboration that has existed between the Crichton campus and UHI Millennium Institute through their working together on the dental action plan. That is a good link to consider.

It would be churlish not to recognise the work of the new Scottish Government in putting extra funding into the project—I certainly acknowledge it—but we also need to acknowledge the other long-term issues in further and higher education. In the time available, I will discuss some of those issues and will compare and contrast the Crichton project and UHI, with which, as a Highlands and Islands MSP, I am highly familiar.

Like UHI, Crichton delivers higher education provision in areas that have been underserved from the point of view of local access. Both institutions need to be allowed to recruit more students and to grow to a viable size—size is a crucial issue in higher education. That can happen only if the Scottish Government allocates funding to the Scottish funding council for additional student places. For example, although UHI caters for just under 3 per cent of the HE students in Scotland, more than 8 per cent of the unfunded, fees-only students in Scotland attend the institution. It is clear that that is a disproportionate burden for a new and developing institution to carry.

In addition, further education colleges receive a funding premium that is based on island and rural remoteness, which, as many members have identified, recognises the higher costs in such areas and the relative inability of institutions located there to take advantage of economies of scale. At present, the same funding premium is not available through the higher education stream, so Crichton and UHI face similar challenges in delivering HE to island and rural populations.

Another point that has already been made, but which is worth stressing, is that although higher

education for young people in rural areas is vital, we must not forget the lifelong learning agenda, which is about adults of all ages. It is extremely important that they have access to the whole skills agenda, which often requires local access to part-time provision to tie in with their employment and personal commitments. Crichton and, to an even greater extent, UHI offer innovative examples of how that can work in the long term.

Given that young people in the south and south-west of Scotland and the Highlands and Islands have left their communities in search of further and higher education, local provision is vital. A key point that is worth stressing is that universities exist not simply because they are nice places, but because they are crucial for the development of our economy, in that they carry out research and development and provide continuing professional development. Another element is the cross-fertilisation that is facilitated through connections with international academic institutions. Cross-fertilisation is extremely important and it would not happen if we did not have universities in the south-west or in the Highlands and Islands.

There are another three issues that I want to stress. First, sponsoring universities have a key role to play in further development. UHI has the University of Aberdeen, the University of Edinburgh and the University of Strathclyde. As has been mentioned, Crichton has the University of Glasgow and the University of Paisley—in which context Bell College deserves a mention in dispatches—as partners. Sponsoring ensures high standards in teaching and enables the building of strength in research, which is key for the future.

Secondly, we should never forget the crucial role that regional development plays. A knowledge-based economy requires strong universities at its core. Just as the south-west needs the Crichton campus, the Highlands and Islands needs UHI to reach the next stage of economic development.

Thirdly, we must examine quality. The University of St Andrews has proposed merging its world-class Gatty marine laboratory with UHI's Scottish Association for Marine Science to form the Scottish oceans institute. Such initiatives can be replicated at Crichton in the future.

The Crichton university campus and UHI are excellent examples of slightly different models of further and higher education provision for rural and island communities in the south-west and the north of Scotland and its islands. As I have said, I welcome the Government's package for Crichton, but flag up the fact that there remain long-term issues that must be examined. UHI needs to move to the next stage, which is the attainment of full university status. I will meet the cabinet secretary in a few weeks to discuss that further.

Living in rural and island communities should not be a barrier to education and training. We must keep young people in the communities in which they are born and brought up to ensure the future development of those communities. We should never forget the need to provide lifelong learning opportunities for adults of all ages so that they can maximise their potential. Education is the greatest agent of economic development. Long-term, sustainable solutions are necessary if we are to revitalise our rural and island communities.

16:09

**Ian McKee (Lothians) (SNP):** Other members have already adequately expressed their pleasure—shared, I am sure, by the whole chamber—at the news that Glasgow's Crichton campus has been saved. With due respect to Elaine Murray, and despite the wave of self-congratulation sweeping the chamber, I do not think that David Mundell alone thought, in February, that a miracle would be needed to produce this result. Truly, a miracle has occurred and we should be grateful for it.

As a former medical practitioner, I have long been intrigued by the links between education and medicine at the campus. As Alasdair Morgan pointed out, Mrs Elizabeth Crichton originally intended to use her late husband's huge fortune—which, like the general practitioners of today, he had earned in medical practice—to endow the university of Dumfries on the site. However, that turned out to be impractical. Instead, she used the money to found a modern psychiatric hospital, which opened in 1839 under the unfortunate name of the Crichton Institute for Lunatics.

To understand fully the significance of this institution, we need to understand something of the ways in which mental illness was commonly treated in those days. Only a few years earlier, people paid to tease and laugh at the inmates of London's large mental institution, the Bethlehem royal hospital—or Bedlam. The mentally ill were treated with regular beatings and freezing cold baths and were often made to stay in bed every Sunday to give their carers some time off. Apart from the latter stipulation, it sounds a bit like the boarding school I attended many years ago.

Mrs Crichton had other ideas. She commissioned Sydney Mitchell to design a true asylum, with elegant pavilions set in idyllic parkland. Rich patients could have their own servants and gourmet food, while the poorest patients lived in dormitories and were fed gruel. However, all benefited from the beauty of the surrounding countryside.

The first medical superintendent, Dr WAF Browne from Stirling, also had modern ideas about

treatment. Patients had a task for every hour, they had their own magazine and they took part in plays such as Shakespeare's "Twelfth Night". Activities included singing, playing musical instruments and studying languages such as Latin, Greek, Hebrew and Arabic. The link with education was maintained even then, although the treatment, alas, turned out not to be very successful.

Although Dr Browne worked in Dumfries, he very sensibly took his Edinburgh-born wife back to that city when the time came to be delivered of her first baby. As far as I can gather, the delivery took place in a house not far from here on Holyrood Road, approximately on the site of the multistorey car park opposite the old Salvation Army hostel.

Mrs Crichton consented to be godmother to baby James, who was given the surname Crichton-Browne to mark the honour. Later, he became a medical student in Edinburgh and a president of the Royal Society of Medicine which, at the time, was based in a tenement on George IV Bridge. It was there that he gave his first dissertation—as I did, 100 years later. The building was subsequently demolished to allow the erection of the monstrosity that became familiar to many members as the temporary office block for the Scottish Parliament. James Crichton-Browne, too, became interested in education, specialising in the dangers of overeducating young women and earning a knighthood for his work.

However, I digress. Mrs Crichton would no doubt have been overjoyed to find that, 156 years after her hospital opened, it would be the home of the university campus that she had originally desired. By strange coincidence, at the same time, another of Sydney Mitchell's mental asylums, Craighouse in Edinburgh, was converted into the headquarters of Napier University.

Elizabeth Crichton had the foresight to appreciate the fact that the local provision of high-quality university education helps to keep talented young people in an area instead of forcing them to cities, whence many never return. The brain drain is certainly not a new phenomenon. That truth is even more evident today. The loss of the Crichton campus, or even a substantial part of it, would have been a disaster not only for the Dumfries area but for the whole of south-west Scotland. This £1.5 million is a fantastic investment in our young people's future, and shows that this SNP Government is for all of Scotland, not just the urban central belt.

I appreciate Hugh Henry's concern that one day the universities involved in the Crichton campus may pull out, even after £1.5 million of Government money has been invested—after all, he has had his fingers burned. He supported a Government that invested £50.75 million in

regional selective assistance for the Motorola factory in Bathgate, of which only £16.5 million was clawed back when it closed in 2001, with the loss of 3,100 jobs. His Government also invested £13.1 million in NEC Livingstone, of which only £2.5 million was recovered when it closed in 2002, with the loss of 1,260 jobs. I say to Mr Henry that no one can guarantee the future, but nothing ventured, nothing gained—and Crichton is a fantastically good investment.

My party has kept its electoral promise and I am proud to be associated with it.

**The Deputy Presiding Officer (Trish Godman):** We move to wind-up speeches. I call Jeremy Purvis.

16:15

**Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):** I, too, on behalf of the Liberal Democrats, commend all those involved in the campaign for the Crichton campus and all those who spoke with passion and determination about learning in south-west Scotland.

The debate has been interesting. I thank Mr Harvie and Dr McKee for providing a history lesson. Two historical figures from my constituency in the Borders were borrowed to demonstrate the history of learning in Dumfries and Galloway. I make no comment about the mental health heritage of the area.

It is worth putting into an overall context the environment in which we are having this full debate on this one campus. The Scottish funding council published its report on Scotland's colleges' performance last week, from which it is worth highlighting some figures. Almost all students from Scotland's colleges—95 per cent—progressed beyond the first quarter of their courses and 86 per cent completed their programme. Of those students, around 80 per cent gained their awards or went on to the next year of study. Twenty-six per cent of students came from the most deprived postcode areas, in which 20 per cent of the population live. In the 2005 survey of students' experiences, 92 per cent said that they were satisfied with the quality of learning that they experienced. However, as Hugh O'Donnell pointed out, there is a need for further progress in the wider area that we are debating this afternoon.

The new Administration has inherited not only a higher education sector of quality, but a strong, combined further and higher education sector. Of course, the Administration also inherited the difficult situation affecting the Crichton campus in Dumfries. In 1999, the campus was a pioneer that had the laudable intention of bringing together providers of higher education and further education to ensure that learning opportunities in

higher education were available in south-west Scotland. Inevitably, a pioneer experiences practical difficulties from which others learn. There are often difficulties around basic issues, such as bricks and mortar, shared responsibilities, maintenance and ownership. However, there are also difficulties around educational aspects concerning demand, provision and delivery. A leader and pioneer in its field must often overcome difficulties.

In my constituency, which has the exciting co-location of Borders College and Heriot-Watt University at the Borders campus, there was close scrutiny of the issues surrounding Crichton. As was the case with the example in my constituency, the package of support that we are debating today comes alongside an academic strategy—rightly so. Any investment from Government that is given to the funding council and passed on to institutions must be anchored in an accountable learning strategy.

One role of this Parliament is to set the overarching aims, and I know that there is considerable agreement across the chamber on that principle. It is right and proper, therefore, that the Crichton campus has an academic base for its future. It is also right and proper that the group that developed the strategy has 14 stakeholders and partners, with the University of Paisley, the University of Glasgow and Bell College inevitably being in the lead. Those partners are outlined in annex A of the academic strategy, which also includes a critical rider—a crucial caveat—that may cause some concern, but which allows us the ability to scrutinise. It states:

“Many of the details of implementation of the strategy cannot be described at this early stage. Some of the actions will require more work to establish their feasibility and exactly how they would be implemented. But the strategy contains nothing that we do not think we can deliver together.”

Crucially, such a partnership will provide for the future success of the Crichton campus and other proposed models for joint education provision by the further and higher education sectors.

The funding and the strategy are welcome, but one of the minister's comments requires close scrutiny. The funded places will be for the campus, but there is no guarantee about long-term sustainability, because if the University of Glasgow does not fill all its places, it may continue to demonstrate a lack of financial sustainability and might not break even.

**Fiona Hyslop:** It is important that we, collectively, provide leadership to those in the south-west of Scotland and assert to them the long-term nature of the commitments that I have received from the institutions concerned. An institution does not embark on a four-year initial



teacher training programme unless it is in there for the long haul.

**Jeremy Purvis:** I agree absolutely with the cabinet secretary. We should perhaps cast an eye to the Scottish Borders campus, where Heriot-Watt University, one of the principal players, is locked into an agreement that provides sustainability for 13 years. I wonder whether that was considered as part of the cabinet secretary's work.

The academic strategy sets out a valid rider, which I quoted earlier and will quote again:

"However committed the partners are, the provision described in this strategy will not continue unless there is sufficient demand from students, most importantly in Dumfries and Galloway but also beyond."

That is not defeatist and nor is it appropriate to say that parties that highlight it are in some way skulking. We are realistic: it is our duty as members of the Scottish Parliament to scrutinise the work of the Administration and of institutions that receive public funds.

Rural areas are often characterised by greater fluidity in student movements. We have seen a change in culture from the previous preconceived ideas about the type of provision that is needed in rural areas, some of which were held in the university sector. In my constituency, it was proposed to move the school of textiles and design from the Borders to Edinburgh, which would have had a considerable impact. Discussions with the Heriot-Watt University leadership at the time were interesting and alarming, with regard to how they viewed provision in rural areas as opposed to what they saw as a better market in urban areas. However, I am delighted that the university and its new principal Anton Muscatelli and his team support the Borders campus. I hope that the principal of the University of Glasgow and his team will replicate that and provide equal support in Dumfries and Galloway.

I am a passionate advocate of rural provision, so I am excited about the Crichton model and the Borders campus and other developments that may follow. We are not developing a university of the south of Scotland, but I hope very much that we will have a university of the south-west and a university college campus in the Borders.

It is regrettable that some SNP members have suggested that the developments are new and occurred post-election when, of course, they are not. I support absolutely the work of the new Administration in taking on the work of the previous one and the work of the south of Scotland learning strategy and the south of Scotland competitiveness strategy, which the Minister for Environment knows well. I trust that the new Government is as committed as the

previous one to delivering those two strategies in the area.

Just because we are all committed to widening access to rural further and higher education does not mean that we should not scrutinise—as I said, that is our job as MSPs. The cabinet secretary said that where she wanted to bring consensus, the previous Administration had sought conflict. I am disappointed that she said that on the record, although I am not entirely sure that she believes it.

The co-location of Dumfries and Galloway College will cost £21.7 million and the Borders campus development that is under way will total £32 million, which means that more than £50 million is committed to those institutions in the South of Scotland region. All the parties, as well as the 14 partners, the public, learners and those who wish to take part in the exciting developments will be part of their future success. We cannot simply say that nothing happened previously, although we can be positive about what should happen in the future.

16:24

**Elizabeth Smith (Mid Scotland and Fife) (Con):** By this stage in the debate, it has become abundantly clear that the Scottish Conservatives warmly welcome the new Scottish Executive's—or Government's—announcement of additional funding for the Crichton campus, and that we welcome the emergence of the academic strategy. We continue to support strongly the excellent work that is done at Crichton, and we praise the spirit that has been shown by staff and students in their campaign to protect their institution.

Many people have praised MSP colleagues in the south-west who have done so much to make the case for resolving the impasse in favour of the University of Glasgow's retaining its status at the campus. If I may borrow a phrase that is usually associated with other political parties, and "speak up for those who have been denied a voice", I too pay great tribute to those efforts.

In the introduction to the prospectus for the University of Glasgow at the Crichton campus, Professor Ted Cowan, its director, says:

"As long as humankind has been resident on this planet, individuals have wondered about the meaning of existence, asked questions about the plight of humanity ... and have speculated on whether there might be a better way of doing things."

In six minutes it would obviously be totally impossible to explain the meaning of existence, but it is right today to ask questions about the plight of people who live in rural areas and who may wish to take up the challenging questions that are encountered in higher and further education. On this side of the chamber, we will not hold back

from suggesting that there is perhaps a better way of doing things. Wider lessons can be learnt from Crichton, including lessons on university funding.

I want to refer to the specific events that have given rise to this debate. At the time, we made plain our concerns over inaction that would have resulted in the withdrawal of the University of Glasgow from the campus, which would in turn have burdened the local area with further social and economic difficulties. The loss of young people to the cities has been a major contributor to those difficulties. Between 2001 and 2005, there was a fall of 6.3 per cent in the population of people below working age in Dumfries and Galloway. That figure is disproportionately high for Scotland as a whole, but it reflects a picture that is common in rural areas. It is imperative that depopulation be not allowed to continue unchecked; if it were, that would store up serious employment difficulties for the future.

Many of the young people who leave are intelligent and hard-working. They leave to go to university but never return, and although school leavers from Dumfries and Galloway are actually slightly more likely to enter full-time further education than those from other regions, only 12.7 per cent of those undergraduates stay to study at the Crichton. I presume that the rest study outwith the area. The problem is much worse for postgraduates, almost all of whom, although they are registered as living in Dumfries and Galloway, currently attend institutions outwith the area.

As the introduction from Professor Cowan that I quoted implies, the Crichton campus was founded on noble ideals. Giving rural areas higher education provision is not least among those. If both undergraduates and postgraduates are given opportunities to access higher education in their local area, it is much more likely that young people will stay put, for reasons of convenience and cost. Equally, some young people—who might otherwise have been put off entirely—may decide to attend university for those same reasons. If a rural campus is very good, it may even attract a significant number of students from further afield, although that is more of a long-term goal for the Crichton.

It should also be noted that campuses such as the Crichton are often the only means of providing access to tertiary education to many mature students, who generally have families and jobs and hence find it difficult to relocate.

**Fiona Hyslop:** The member makes a very important point: the demographic challenges of the south-west are considerable. Does she acknowledge that we have to provide access for mature students so that they can provide the professional services that will be needed in the area, and does she also acknowledge that the

staff that will be needed in the campus, and the students that will be attracted to it, can help to provide a lifeline so that the demographic challenge in the south-west can be met?

**Elizabeth Smith:** The cabinet secretary makes a perfectly valid point. The security that goes along with resource provision will be extremely important.

There will also be benefits to the local economy in retaining bright young people in the area through their university years and beyond, in upskilling the existing local workforce, and in presenting local employers with easy access to a pool of very good-quality graduate labour, and to the technical expertise and facilities of a university.

More widely, we must add that the uncertainty that has been experienced over the future of the campus, however unfortunate that was, has bolstered the case for a wide-ranging review of the way in which all higher and further education is funded in Scotland. Sufficient funding must be provided and—as my colleague Murdo Fraser has said this afternoon—the provision of funding on a decentralised basis will be a major issue in the future.

Funding must be sustainable on a long-term basis—not just for a few years, but for a long time in the future. If we recognise that outreach campuses that offer a large number of courses to a small number of students in rural areas are desirable, we must also recognise that there is a need for different and much more generous funding. As well as supporting the cabinet secretary's motion, I urge her to turn her attention to the generous funding arrangements that must be put in place for all university campuses and all further developments in higher and further education.

16:30

**Ken Macintosh (Eastwood) (Lab):** Like all members who have spoken, I warmly welcome this funding solution, which we all hope will secure the future of Crichton campus.

The debate began with some rather ungenerous remarks, not just from the cabinet secretary but from all sides of the chamber. It is worth my repeating that the Labour Party accepts the terms of the motion but has sought to add an amendment to ensure that the campus is genuinely sustainable in the future. It is not a critical or, as Murdo Fraser put it, a “mean-spirited” amendment; rather, we hoped that it would be helpful.

Derek Brownlee pointed out that the campaign to secure the Crichton campus was and is a cross-party campaign. It is clear from today's debate that

members from all parties are pleased by and relieved at the outcome. It is worth my pointing out that the Labour Party and the Liberal Democrats have a positive record on Crichton. This debate is about not just the £1.5 million that the new Administration is investing, but the £30 million or more that the previous Executive invested over the past eight years.

Elaine Murray reminded us of Donald Dewar's delight and pleasure at the opening of the Crichton campus, of subsequent funding decisions by Wendy Alexander and Jim Wallace, and of the support that MSPs, including the Presiding Officer, Alex Fergusson, and many others who are in the chamber today have given to the campus. In particular, she reminded us of the campaign by students and staff to maintain Glasgow university's involvement in the campus and to secure its future. Before patting ourselves on the back, we should thank them. As Alasdair Morgan pointed out, the Crichton is now an essential element in the economy of the south-west of Scotland. The commitment of staff and students keeps it that way.

Aileen Campbell, Christopher Harvie and David Stewart highlighted not just the importance of the decision that ministers have taken, but the need to move to the next stage in developing the further and higher education institutions in the south-west of Scotland and the Highlands. I am sure that the cabinet secretary will have noted the cross-party support for such development and the benefits that those institutions have brought to their respective communities.

I will echo another point that members have made today. Although the funding decision is welcome, it is to be contrasted with the lack of certainty that surrounds the funding of higher education generally. Hugh Henry began by highlighting substantive issues such as the future of probationers, the schools estate and class sizes, which are crying out to be debated by Parliament. In particular, a question hangs over financing of our university sector. Murdo Fraser, Liz Smith and Hugh O'Donnell made the point that the new fees regime in England and Wales has created a great deal of anxiety in all universities. Will we lose staff and students to institutions south of the border? We really need to debate such issues and to hear the new Administration's views on them.

Despite today's debate and the welcome financial support that has been provided, there are still underlying anxieties about Crichton's future. I ask Mr Russell to expand on the cabinet secretary's opening remarks about the long-term commitment to Crichton's future of Glasgow university and other funding partners. However, given the cabinet secretary's assurances that

funding will be maintained and has not been provided to the detriment of other institutions, we are not minded to press our amendment. We will seek the chamber's permission to withdraw it.

16:34

**The Minister for Environment (Michael Russell):** I thank Mr Macintosh for indicating that the amendment will not be pressed—I am certain that that is the appropriate step. It reflects the spirit of the debate today, which has been overwhelmingly positive, and it reflects the assurances that the cabinet secretary has given, not only in the chamber but throughout the process.

I pay tribute to the overwhelmingly positive nature of the debate. The only negative contribution came at the beginning from Mr Henry. Mr Henry exemplified in my mind P G Wodehouse's memorable remark that

"it is never difficult to tell the difference between a Scotsman with a grievance and a ray of sunshine."

Mr Henry's approach was out of keeping with the nature of the debate, so I am glad that sense eventually prevailed with the charm of Mr Macintosh being applied to the problem.

On a serious note, I declare a number of interests in the matter. The earliest of them is that I visited the Crichton site more than 40 years ago to visit a relative who was an in-patient at the Crichton when it treated people with depression and other nervous illnesses. That was an upsetting experience for a child, and I remember it very well. The air of hope and the positive nature of the work that is now being done at the Crichton and the way in which it draws people in never fails to excite me every time I go there, because it contrasts so strongly with that childhood memory. Another interest that I wish to declare is that I gave the first public lecture at the University of Glasgow's site at the Crichton in 1999. Finally, I am proud of the fact that—although perhaps he is not—Ted Cowan, the current principal, was my tutor in my first year at the University of Edinburgh.

The Crichton is a place of amazing potential, which will be fulfilled not only as a result of the actions that have been taken by my friend the cabinet secretary but because of the tremendous abilities and enthusiasm of all those who are associated with it. We should pay tribute to everyone who has campaigned with vigour in recent months to ensure that that potential is not diminished in any way.

I am happy to pay tribute to Elaine Murray. She and I have had a strong and positive relationship on this and on other matters. I am glad that we have been able to work so constructively together with a wide range of people: Alex Fergusson,

Alasdair Morgan, members who have spoken in the debate such as Mr Brownlee, Mr Hume and Mr Hume's wife, Lynne Hume—who was a candidate in Dumfries during the recent election—and a range of other people.

The real impetus to the campaign has come from the people of Dumfries. The local newspaper, the *Dumfries & Galloway Standard*, took up the matter as its campaigning issue and has followed it through tremendously enthusiastically up to the present day. The students walked from Dumfries to Glasgow and did much else, including buttonholing every politician they could find not only in Dumfries, but throughout Scotland. Of course, the participation of the people of the town is always very important. I am struck in Dumfries by the fact that it sometimes feels that Dumfries does not matter in the councils of Scotland—a matter that I have to say is not helped by the imprecation towards the start of the debate that the issue was not important enough to detain the chamber for two hours. The people of Dumfries matter. In November 1706, the largest demonstration against the Act of Union took place in Dumfries.

**Members:** Hear, hear.

**Michael Russell:** Absolutely. I am happy that it may happen again.

Dumfries was invaded by a group of men on horseback who fenced the market cross, burned the articles of union and told the provost of Dumfries, who was a delegate to the Parliament, that on no account should he support the Act of Union. That action made Dumfries matter in the debate that took place during the winter of 1706. One of the things that this Government has to do is to make not only Dumfries matter—although that is important—but to make every part of rural Scotland matter to this Parliament. This debate and this issue should tell the people of Dumfries and the south-west of Scotland that they matter, that their concerns matter and that this Government will ensure that that is always borne in mind.

The investment that is being made today is not small by any means, but Mr Fraser in particular raised the issue of funding for rural delivery. My colleague the cabinet secretary informs me that the Scottish Funding Council is reviewing the costs of delivery, including the costs of rural delivery and delivery in areas of deprivation, as part of its funding methodology review. The cabinet secretary will, apparently, write soon to the chair of the council to reinforce the messages that require to be reinforced.

Jeremy Purvis and Elizabeth Smith raised the question of demand. It is important to acknowledge that the number of places that the

package allocates for primary teacher education is a conservative estimate of continuing local demand. There is a larger demand that is currently met outside—with an associated loss to—the area. Given that demand, I am certain that the places will be taken up. Regarding demand for the liberal arts, there are currently more students than funded places, which was one of the problems that already existed.

The Government aims to—and does—work competently, quickly and with vision. There are three aspects to the Government's approach to the Crichton campus. First, we worked with all partners to deliver an effective, value-for-money solution. Secondly, we acted quickly and ensured that others did the same. Thirdly, we considered the issues from fresh perspectives to identify a creative solution. It might, as David Mundell MP has asserted, have required a miracle, but the miracle was the ability to consider things in a different way. That is precisely what the cabinet secretary and her colleagues have done.

**Jeremy Purvis:** On a factual point, the minister said that the Government acted quickly to rectify the situation. Will he tell Parliament when work started on the draft academic strategy?

**Michael Russell:** Mr Purvis has to take on board that the question is not when the work started but when it was completed. On 8 March, I spoke at a public meeting in Annan with the First Minister—of course, he was not First Minister then. He made a clear, high-level commitment that a new SNP Government would ensure that the issue was resolved. If my memory serves me correctly, he became First Minister on 16 May. The Cabinet Secretary for Education and Lifelong Learning took office a day later, so she had one day less to work on the matter. The solution was announced on 20 August. Time was of the essence and the solution was delivered such that there was no delay whatever.

We have to consider the detail of what the Government has done as well as the broad sweep. We did not respond to the University of Glasgow's calls for additional funding simply by handing money over—that would have been a bad move. From the outset, the cabinet secretary, her colleagues and those who support her looked for an approach that would protect existing delivery in a way that would maintain momentum on the development of the campus and its future potential within the region and within the ecosystem of Scottish higher education. The development of initial teacher education for those who wish to study and then work in the region does just that—it opens up new options to respond to the needs of the region and the nation. The development of the campus infrastructure does the same. It will be led by the University of Paisley as part of its ambitious

and innovative multicampus strategy. Again, it will make a contribution to the area and the nation.

In the minute or two that remain to me, I will concentrate on an issue that is particularly important to me, given my responsibilities as Minister for Environment. The development of the new and unique carbon centre will bring to the region additional postgraduate and research opportunities in a field that is of national and international significance and which has clear economic potential. One cannot live or work in the south-west of Scotland without knowing that the impact of climate change is already upon us. The temperature has been rising and rainfall has been increasing. One has only to walk down the Whitesands from time to time—as I know Elaine Murray does—to know that the rate of flooding of the river is increasing year on year.

The issues of climate change will face us all for a long time to come and some of the solutions will come from the carbon centre at the Crichton campus. I pay tribute to those who are involved: Mary-Ann Smyth and Vimal and Gillian Khosla are key figures in promoting the carbon centre, which will help to address the needs of the energy sector in the region and be of national significance. It will drive the local aspiration to become the first carbon-neutral region in these islands. It will provide opportunities to commercialise the activities of the higher and further education sectors—again, good news for both the region and the nation.

That development is an example of innovative thinking. It shows where we can look to utilise natural resources and enable communities to benefit economically and environmentally from renewable energy. That demonstrates that rural communities can benefit from cutting-edge industrial development in 21<sup>st</sup> century Scotland. Certainly under this Government they can, because they are responding to need and we are happy to support that.

The Crichton carbon centre will work collaboratively with a range of Scottish universities, offering academic expertise in return for access to research facilities. It is a great example of Scotland—and Dumfries—capturing benefits to create a wealthier, smarter and greener nation.

The Government's expectations for the Crichton campus are high. We would not have been involved, nor would we have intervened as we have if we did not have the highest expectations and strongest aspirations for it. We look forward to working with the people who work at Crichton and with all the people of the south-west so that it can become an exemplar in innovative delivery of higher education in rural communities. It is now important that the people who are involved—those

who have been most affected and who have campaigned—can move forward with confidence. That is why I am glad that the negative amendment will be withdrawn.

Parliament can send a completely united message: Crichton can move forward, and we support it. The academic strategy and the Government's additional support will help the region to seize the opportunities that are offered. A strong foundation has been put in place, not only to preserve what already exists but to move in new directions that will meet the needs and expectations of the people of Dumfries, the south-west and the whole of Scotland. I therefore commend the motion to the Parliament.

**The Deputy Presiding Officer (Trish Godman):** As we have reached the end of the debate before the time that is set out in the business programme for the next item of business, under rule 7.4.1(d) I now suspend the meeting until 4.59 pm.

16:46

*Meeting suspended.*

17:00

*On resuming—*

## Parliamentary Bureau Motions

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of two Parliamentary Bureau motions.

*Motions moved,*

That the Parliament agrees that Shirley-Anne Somerville be appointed to replace Stefan Tymkewycz on the Transport, Infrastructure and Climate Change Committee.

That the Parliament agrees that Shirley-Anne Somerville be appointed to replace Stefan Tymkewycz as the Scottish National Party substitute on the Education, Lifelong Learning and Culture Committee.—[*Bruce Crawford.*]

**The Presiding Officer:** The questions on those motions will be put at decision time.

## Decision Time

17:00

**The Presiding Officer (Alex Fergusson):** There are five questions to be put as a result of today's business. The first question is, that amendment S3M-415.1, in the name of Margaret Smith, which seeks to amend motion S3M-415, in the name of Kenny MacAskill, on tackling drugs misuse, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Matheson, Michael (Falkirk West) (SNP)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)

Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 61, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that motion S3M-415, in the name of Kenny MacAskill, on tackling drugs misuse, be agreed to.

*Motion agreed to.*

That the Parliament recognises that tackling drugs misuse is one of the great social challenges of our time, requiring determined and sustained action; welcomes the Scottish Government's commitment to build consensus around a new strategy for tackling drugs misuse; welcomes the recent publication of reports, commissioned by the previous administration, on key aspects of drugs services; supports the Government's determination to improve services to promote recovery from drug addiction, to ensure that children are protected from the drug addictions of their parents, to improve drugs education, to offer young people more opportunities to do something positive and constructive with their lives, to strengthen enforcement and to provide courts with more effective ways of dealing with those whose crimes are driven by addiction, and recognises that there will be resource implications in meeting this challenge.

**The Presiding Officer:** On the third question, Ken Macintosh said in his closing speech that the amendment in Hugh Henry's name would not be pressed. Does Hugh Henry seek to withdraw the amendment?

**Hugh Henry (Paisley South) (Lab):** I seek to withdraw the amendment.

**The Presiding Officer:** Do we agree that amendment S3M-416.1, in the name of Hugh Henry, be withdrawn?

*Amendment, by agreement, withdrawn.*

**The Presiding Officer:** The fourth question is, that motion S3M-416, in the name of Fiona Hyslop, on a sustainable future for the Crichton university campus, be agreed to.

*Motion agreed to.*

That the Parliament congratulates local campaigners, including MSPs from all parties, on effectively highlighting the issues surrounding the future of Crichton University Campus in Dumfries, leading to a successful outcome; commends the work of the local stakeholders, academic partners and the Scottish Funding Council in developing an academic strategy for the campus; welcomes the allocation of additional resources by the Scottish Government to protect existing provision, help deliver the strategy and widen the range of higher education opportunities delivered in the south west of Scotland on a long-term sustainable basis, and recognises the importance of the ability of students in rural and island communities to access higher and further education.

**The Presiding Officer:** I propose to put a single question on motions S3M-422 and S3M-423, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on membership of and substitution on committees. If any member objects to a single question being put, they should say so now.

The next question is, that motions S3M-422 and S3M-423, in the name of Bruce Crawford, on

behalf of the Parliamentary Bureau, on membership of and substitution on committees, be agreed to.

*Motions agreed to.*

That the Parliament agrees that Shirley-Anne Somerville be appointed to replace Stefan Tymkewycz on the Transport, Infrastructure and Climate Change Committee.

That the Parliament agrees that Shirley-Anne Somerville be appointed to replace Stefan Tymkewycz as the Scottish National Party substitute on the Education, Lifelong Learning and Culture Committee.

## Common Land (Housing Estates)

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business is a members' business debate on motion S3M-347, in the name of Trish Godman, on the maintenance of common land on Scottish housing estates. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament is concerned about the many complaints voiced by people throughout Scotland over the neglect of common land on their housing estates, such as Gryffe Castle in Bridge of Weir and Inch Meadows/Roseland Brae in Erskine, even although some residents pay upwards of £400 per annum for the maintenance of such areas of land adjacent to their homes; notes that many of these complainers accuse the Greenbelt Group, in particular, of failing to honour its obligations to householders in relation to the company's maintenance of local common land; is of the view that this company and others engaged in this service should aim for the very best standards of performance, which is a legitimate demand made by householders, and, in addition to the enhancement of these maintenance standards, firmly believes in the examination of alternative management procedures and practices, such as the common hold system, which would enable the community of householders to be given more control of the common land surrounding or adjacent to their homes.

17:04

**Trish Godman (West Renfrewshire) (Lab):** Sometimes I ask myself why I do this job—there is nothing but criticism, and everyone can do the job better than me. That is probably fair enough. However, once in a while, we have the opportunity to bring to public notice a problem that many experience and which can be fixed. In another place, Jim Devine MP has taken up the cudgels of the problem that I will describe and I am pleased to see him here this evening. He instigated a good debate in the House of Commons.

I will take a minute to explain the planning process and how the situation has developed. Developers must provide open spaces around new housing estates, which is quite right. They must also show that they have put in place arrangements for maintenance. Most transfer the maintenance to the local authority, which is a good idea because it gives public accountability. Sometimes responsibility for maintenance goes to the home owners, which is also a good idea because if the factor fails then the home owners still have control. However, recently some developers have been using only one provider to maintain the open spaces—the Greenbelt Group. Exclusive rights for all time belong to that group. There is no way that the householders can get rid of that group if it is not doing the work and—believe me—in many cases it is not doing the work.



I have a significant caseload of complaints about the Greenbelt Group. The company makes promises and then does a wee bit here and there to keep people quiet. Paula Hoogerbrugge—I am sure that other members will speak about her this evening—has set up a website that has led to a campaign to unite the 43 estates that are having problems. Patricia Ferguson, the member for Maryhill, who apologises because she cannot be here tonight, has already had problems getting the Greenbelt Group to maintain landscaping. I have had many e-mails, from people who are here tonight and from others who could not make it, all saying the same things.

What can be done? If someone incurs extra charges and is late in paying them, they will be in trouble. There is no argument if a resident is late in paying; they get a letter immediately. The work costs up to £300 per householder per year. However, I have to be careful here because I have received an e-mail from one of the directors of the Greenbelt Group stating that my motion is incorrect. He tells me that only 0.7 per cent of residents contribute more than £300 per year and that the average is £102 per year plus VAT. The e-mail also stated that the company has been listening to residents:

“Communications could improve from being quite officious to perhaps being more consumer friendly.”

It also says that the group will have more regular meetings with residents.

If a resident holds back payment in protest, the Greenbelt Group threatens to send their details to a credit reference agency. If someone really takes the company to task, they might get a lawyer's letter. That does not sound like good customer relations.

Who is the Greenbelt Group? It was set up in 1992 as a not-for-profit organisation to take care of the land around housing estates that is not fit for development. However, that land does not belong to the householders, so why are they paying for work to be done on land that they do not own when they cannot change the maintenance contract if that work is not done? It makes no sense to me, but it is written into residents' title deeds.

According to the Greenbelt Group's website, the company manages 600 sites and has 36,000 customers. It has three directors, one of whom is Tony Burton OBE. When I was at school, that meant “order of the British empire”; it certainly does not mean “obligated to a better environment”. Mr Burton is also a director of “Which?”, the consumer rights organisation. That sounds odd to me. It is interesting to check the company on the internet because it shows a web of interconnected companies that share directors.

The householders' title deeds contain a detailed set of standards that the Greenbelt Group should be delivering. I have an example from the Gryffe Castle estate at Bridge of Weir, which has a woodland management plan. An article appeared in a national newspaper with a photograph of one of my constituents standing behind rows of very tall willowherb, which is a weed. The land had been like that for several years—the residents had complained but nothing had been done. Lo and behold, the week following the newspaper article, the Greenbelt Group came and chopped all the weeds down, doing a wee bit here and there to keep the residents quiet.

As soon as my constituents arrange a meeting with the local trading standards office or a hold a residents' meeting, up pops the Greenbelt Group to do a little bit of work. For those householders who decide not to pay for partial or non-delivery of services, there can be serious consequences. The company might take individuals to court to recover payments, it can claim outstanding money when the house is sold and, as I have said, it can refer people's details to a credit reference agency.

The principal concern is that the householders do not have the right to change their land management contractors. The Greenbelt Group is a good example of how such a lack of rights can be abused. It is clear that the law needs to be changed. There should at least be a medium-term solution whereby a regulatory framework for the industry is introduced. There should be immediate intervention to prevent homeowners from signing title deeds that contain seemingly illegal monopoly land-management clauses, and a specific solution to help people whose title deeds contain such clauses.

Greenbelt has only itself to blame. If it was doing the work, we would not be complaining. If the company is having trouble with subcontractors—it has made that excuse—householders would understand. However, the company's approach is to fail to communicate, threaten legal action, write—in Jim Devine's case—to the Speaker of the House of Commons, and write letters to people's places of work. That is no way to conduct business and it is no way to treat people.

We need a review of householders' title deeds. Why should someone be responsible for ground that they do not own? Is that fair? If work is subcontracted, proper checks are needed and the contract should be no different from other service contracts. The Unfair Terms in Consumer Contracts Regulations 1999 redress the balance in cases in which a product is faulty. We should ascertain whether the regulations can be used in the cases that I have described. Something needs to be done. We are the legislators, so let us do something.

17:11

**Angela Constance (Livingston) (SNP):** I congratulate Mrs Godman on securing the debate. My postbag, like those of other members, has been burgeoning with complaints about the land-maintenance company the Greenbelt Group.

There are 11 private housing estates in Livingston, and 47 throughout the United Kingdom, whose residents are, in accordance with their title deeds, legally obliged to pay several hundred pounds per annum to Greenbelt for the upkeep of communal ground. My constituents' title deeds lock them into a monopoly, and no account is taken of consumer choice and customer satisfaction—or dissatisfaction, in the case of Greenbelt customers. Like it or lump it, Greenbelt owns and maintains—for a fee—communal land in perpetuity. The problem will not go away—quite the reverse. West Lothian has the second fastest growing population in the UK, and the proportion of home owners in Scotland is more than 60 per cent and rising.

The issue is surprisingly complex and involves legal, planning, environmental, trading standards, advertising, house building and consumer issues. It cuts across all levels of Government, although it is primarily a devolved issue. As with an onion, the more layers we peel away, the more we find—and the stronger the stink, according to some of my constituents. My constituents, people the length and breadth of Scotland and the Minister for Community Safety are well aware of the nature and degree of the problem. We need to find the best way forward and we need a solution. In short, we need action.

The minister is actively considering an accreditation scheme for property managers, and it is anticipated that Scottish planning policy 2, which will be published later this year, will strengthen the message that proper, detailed consideration must be given to the management and maintenance of communal land and property.

Mrs Godman's motion suggests that the common-hold system, which operates in England and Wales, is a potential solution. I make additional suggestions. In some factoring arrangements, residents' title deeds contain a clause that allows them to form a residents association and, by majority, appoint or change the factor whom they pay to maintain common ground. My constituents and others have no such choice; they are subject to an enforced monopoly. Not one resident disputes their responsibility to pay for the upkeep of land; they are in dispute simply about the level of service that they receive and to whom they must pay their money. Legal opinion has been sought and it may be that, under the Title Conditions (Scotland) Act 2003, a monopoly in such circumstances is illegal.

Across Scotland, residents are calling for regulation. I support the introduction of regulation that is on a par with that which is proposed in Ireland. I know that the minister is considering a national accreditation scheme for property managers, which I will support if land-maintenance providers are included and grave consideration is given to the necessity of having a compulsory scheme.

17:15

**Mary Scanlon (Highlands and Islands) (Con):** I also thank Trish Godman for bringing the debate to the chamber and add my thanks to Jim Devine for the work that he has done on the issue.

Twelve years ago, I bought a new-build home in Inshes Park in Inverness. Today, the residents still face problems with the ground-maintenance contract. I set up a residents association and a community council in Inverness south to try to resolve the issues.

As Trish Godman said, in the past, the local authority would adopt new roads and open spaces and maintain them for ever. When we bought our homes, the residents, including me, thought that that was what would happen. Over the years, we have asked the local council for help. In its latest response, the council said that it would take on the land for a fee that was 18 times our current annual ground-maintenance charge. That was a non-starter.

Many residents, again including me, were not told by their lawyers that we would have to pay an annual ground-maintenance charge. Indeed, the clause in the deed of conditions is so vague that many lawyers either did not pick it up or did not interpret it as an annual payment. In our case, many residents are refusing to pay. The situation has become so bad that, three months ago, the residents association newsletter named and shamed the non-payers, which was not exactly good for neighbour relations. If those residents continue to refuse to pay, the association will be faced with using residents' payments to pursue debt recovery and sheriff officer interventions.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Will the member give way?

**Mary Scanlon:** I am sorry, but I am very short of time.

I am pleased to say that we now have an excellent factor and contractor. However, my neighbours from Milton of Leys, who I am pleased to see in the gallery tonight, have had no such resolution. Many people have travelled from Inverness to the Parliament for the debate, and I know that the Minister for Community Safety,

Fergus Ewing, is familiar with the issue in Inverness.

The members of the Milton of Leys residents association were the first property owners in the United Kingdom to instigate proceedings under trading standards legislation against the Greenbelt Group for its failure to undertake its legal obligations to provide land-maintenance services. Residents are locked into paying for such services as a result of unfair contracts of sale from building developers, who have shown no interest in the matter. The owners of more than 500 properties at Milton of Leys are locked into dealing with the Greenbelt Group—they have no escape route. The problem is further complicated because developers have passed ownership of the land concerned to Greenbelt. Residents face the added worry that that land could be developed in future.

At Milton of Leys, there are yet further complications. The housing there has been built by Tulloch, Barratt Homes, Scotia Homes and Cameron and Paterson Homes. Each developer has a separate agreement with individual house purchasers and with Greenbelt. The Inverness trading standards officer—Mr MacKenzie, I believe—has been very helpful, but even he has stated that he is hampered by inadequate consumer protection legislation.

Since Barrie Haycock and the Milton of Leys residents commenced their action against Greenbelt, similar problems with the company have been identified at more than 40 other sites in Scotland, England and Northern Ireland, all involving major builders. The residents are looking for action from this and other Governments. The whole business is a complete mess. Current planning law stipulates only the putting in place of a maintenance agreement; it does not stipulate that the contracted company must be fit for purpose or competent to undertake its obligations.

We need to protect consumers from such unfair contracts of sale, enable consumers to change to an alternative provider, and force maintenance providers to comply with the terms and conditions of their agreements with individual property owners.

17:20

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Trish Godman whole-heartedly on securing this evening's debate.

As with other members, the issue has a direct impact on my constituency. The concerns that have been brought to me, to local councillors and to the local member of Parliament relate primarily to the developer of the 114 houses on the Noddsdale Meadow estate in Largs—Mactaggart and Mickel Limited—which is in negotiation to

transfer the estate to the Greenbelt Group without even a modicum of community consultation. The residents wish to put on hold the current negotiations between those two bodies for that land transaction. Why do they wish to do that? Why is there is such hostility to Greenbelt?

As other members have explained in some detail, Greenbelt quite simply has a history of charging home owners whose estates it manages an excessive amount for carrying out its duties. Indeed, my constituents allege that those duties are not always carried out to the proper standard. The accusations that my constituents have made against Greenbelt include: that it refuses to reply to communications by telephone or letter; that it is quick to invoice for work that has either not been done or has not been carried out to a suitable standard; that open spaces have been left in a shocking state; and that fences and woodland have been left in a state of disrepair.

Companies such as Greenbelt can end up with an almost feudal grip on estates. Home owners are locked into open-space maintenance contracts with no opportunity to revisit the management of their property and no legal recourse under their title deeds if they are unhappy with either the services with which they are provided or the fees that they are charged.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Would not the solution be for the Government to make it illegal for a developer of residential homes to transfer the communal land to a third party? Making that illegal would bring the matter into the remit of the law so that people could get rid of their current factor and employ another one. That would be a simple and straightforward solution.

**Kenneth Gibson:** I have considerable sympathy with that view, but in the first instance we should perhaps require that people be given an opportunity to be consulted on who their factor should be. If a third party is to be brought in as factor, surely the residents of an estate should be given the opportunity to discuss that.

The allegation has been made to me that 55 per cent of the bill that Greenbelt submits is merely for Greenbelt being the factor. Allegedly, only 45 per cent is allocated to cover work that has actually been done. In the estate in the constituency that I represent, people are concerned that the developers have still not done a considerable amount of work that needs to be done prior to the proposed transfer. Householders are extremely nervous that they will be hit with very high bills as a result. There is no control over such charges. When people work hard and save to buy a home, they do not want to have such concerns hanging over them.

Members of the Noddsdale Meadow residents association fully understand that they have agreed to pay for a factoring arrangement to maintain common land. That is not the issue; the issue is that the factor that has been chosen without their consultation is causing immense concern. As has been mentioned, the issue has been brought to the attention of members of both the House of Commons and the Scottish Parliament.

There is collective frustration in estates throughout Scotland, so I urge the minister to consider solutions that will ameliorate the situation so that, both now and in the future, residents of estates will no longer have to go through the heartache that many of our constituents are currently going through.

17:24

**Jim Tolson (Dunfermline West) (LD):** I asked to speak in this evening's debate not just because one or two constituents have contacted me with concerns since I was elected to the Parliament but because I received many such complaints in my preceding 15 years as a councillor in Dunfermline.

When a new estate was built in part of my council ward in the mid-1990s, the developer decided to appoint a factoring company to maintain the public areas that were jointly owned by the home owners on the estate. There was a public outcry when people started to receive bills from the factoring company without any prior knowledge that that would happen.

I remember being virtually summoned to a public meeting by residents to face accusations about the failure of the council to maintain their land. After I explained to them what had happened, their anger was aimed less at me or the council and more at the developer, who had omitted to mention the arrangement to them when they bought their new houses. It was in the small print of the title deeds, but what person excited about a new house for their family would look at that? Anger was also directed at their lawyers for not bringing the matter to their attention—no doubt the lawyers did not want to lose their fees, which would have happened if their clients had withdrawn from sales—and at the factors, who, it seemed, had the right to charge whatever sum they liked. The quality of the maintenance was often extremely poor, to boot.

Since then, it seems that the builders of every new development in Dunfermline—of which there have been plenty, including those at Admiral Heights, Caley Muir and Masterton Hall in my constituency—and of developments throughout Scotland have jumped on the bandwagon of undercutting their competitors by avoiding the up-front payment to councils of the adoption fee and

passing the issue over to factors instead. That may not be illegal, but it is certainly underhand.

Now, more than a decade later, the factoring of land in new housing estates has become the norm, with the result that no developer has any significant edge over their competitors and none of them wants to pay the adoption fee to the council, as to do so would put them at a disadvantage with their competitors. However, a growing army of angry house owners is demanding action.

There is light at the end of the tunnel—there is a solution to the problem for a growing number of our constituents throughout Scotland. It lies with the Parliament, the 32 local authorities in Scotland and, perhaps, the factoring companies. If we were to pass legislation that required a planning condition that made it compulsory for public open spaces in new developments to be maintained in perpetuity by the local authority or a factoring company, a great deal of public anguish could be avoided. As a condition of gaining planning permission, developers would be required to conclude a legal agreement that would result in the public open spaces in our estates being maintained to a reasonable standard all year round, every year. However, I recognise that it would be simply unfair to put that burden on local authorities or factoring companies without giving them some protection.

**The Deputy Presiding Officer:** One minute.

**Mary Scanlon:** Will the member give way?

**Jim Tolson:** No, I do not have enough time.

I suggest that the charges associated with the maintenance of the public open spaces in new housing estates should be paid by the developers. After all, they would just pass the financial burden on to the purchasers, just as they did before they started to undercut one another in the mid-1990s. I recognise that that would mean a small increase in the cost of each house, but if we asked the customers of Greenbelt—many of whom are in the public gallery this evening—or of any of the other factoring companies whether they would have preferred that small burden over the life of their mortgages rather than suffer the great anguish and anger that they have experienced as a result of the present situation, I am sure that my suggestion would receive overwhelming approval.

17:27

**Mary Mulligan (Linlithgow) (Lab):** I congratulate Trish Godman on securing the debate and apologise to the Presiding Officer and other members, as I may need to leave before the end of the debate because of a prior engagement.

Concerns about the maintenance of common land on new estates were first raised with me by

residents in the Balmuir Road area of Bathgate. Over a number of years, the maintenance of the estate improved and deteriorated with depressing regularity. Matters came to a head when I was contacted by Barry Robertson from Armadale, whom I welcome to the public gallery. He told me that his estate, where houses had been built by a number of house builders—I will return to that issue—was not being maintained adequately. More worrying, a children's play park was being neglected, to the extent that it could be dangerous. Even more worrying, a sustainable urban drainage systems pond that had been created was not up to standard.

I arranged for Alex Middleton, the managing director of Greenbelt, to meet Barry Robertson and me on site to address the concerns. To his credit, we spent a number of hours walking the estate, looking at the problems, discussing solutions and speaking to residents. Following a public meeting, I hope that we are now on track to resolve the problems and that progress will continue and will not slip away once Greenbelt thinks the fuss has died down.

**Jeremy Purvis:** Will the member give way?

**Mary Mulligan:** I am sorry, but we do not have much time in members' business debates. I might give way later.

Many of the points that I have made might already have been made by Trish Godman and others, but I want to widen the debate a little. We might not solve all the problems just by removing Greenbelt.

When house builders get planning permission, what conditions are they given with regard to the state that the site should be left in? The SUDS pond in Armadale was in no condition to do its job and was clearly unsafe. Greenbelt refused to take it over and, while it and the house builders argued over the issue, my constituents were left with a very dangerous area of water close to their homes and easily accessible to children. We should remove the possibility of such disputes arising by letting planners stipulate the standards under which house builders and other maintenance contractors should operate.

I also believe that house builders have a responsibility to the people to whom they sell houses. None of the glossy promotion brochures that I have seen has outlined how the common areas will be maintained. Indeed, many people are surprised to find that they are required to pay for such services. Maybe house builders should be honest about the costs that people will be required to meet.

As others have mentioned, we should also examine the role of solicitors in the house-buying process. I cannot remember anyone ever telling

me that they were informed about this burden at any point of the purchasing process.

In no way do I excuse Greenbelt and others who took the money but did not do the work. That was not right and I hope that Greenbelt has learned that such a situation cannot continue, but someone has to maintain the common areas, and maintenance has to be paid for. I want a transparent system in which home owners know what they have to pay; what they can expect for their money; and that, if the work is not delivered, they can replace the contractor with someone else. There is no point in believing that the problem will be solved simply by throwing out one contractor. As we have seen elsewhere, others have taken on the responsibility of maintenance, but have never met it. We certainly need someone to take on that role, but we also need a clearer system for overseeing the process. Only through such an approach will my constituents and the very many other people about whom we have heard this evening live happily in their new homes and environments.

17:32

**Dave Thompson (Highlands and Islands) (SNP):** I commend Trish Godman for raising this issue.

The issue of maintaining common land affects about 50,000 home buyers in Scotland, and the average payment for the privilege can run from £100 at the very least to, in some cases, more than £300. The fact that people are in binding contracts leaves them at a disadvantage; because of the pressure caused by the high demand for housing, they find themselves in a very poor negotiating position with house builders. That, coupled with the lack of legislation in this area, leaves them very vulnerable indeed.

I find it absolutely absurd that, at the moment, a consumer who buys a loaf of bread or a kettle has more rights than a home buyer. The situation is neither just nor responsible, and there must be a change in the law.

I was in trading standards for 34 years, and was the director of trading standards in Highland region. The problem for trading standards officers is that if they do not have the tools they cannot do the job. Accordingly, if criminal or civil laws do not exist, trading standards officers cannot enforce them. We need to address that.

I was also in charge of grounds maintenance in Highland for a number of years. We regularly received adoption fees from developers of 18 times the annual cost of maintenance, but it appears that developers have found a nice way of boosting their profits by avoiding such fees.

I want to widen the debate to consider the general issue of house buyers' rights. In that respect, I am very happy to offer my full support to the Scottish Consumer Council's call to the United Kingdom Government to bring sales of new houses by builders within the scope of the Sale of Goods Act 1979 or to introduce similar legislation. Such a proposal would offer home buyers true value for money and apply the appropriate level of duty of care on builders that at the moment is all too sadly lacking.

We are all too aware of the housing shortages that are sweeping the country. The pressure on buyers means that they are in no position to defend themselves against unscrupulous builders. It is disturbing to find that some builders are reducing snagging periods on new houses to a matter of months. We must address the inherent lack of rights for home buyers and redress the balance to ensure that their needs are properly considered. Of course, that will include dealing with common land maintenance contracts.

It is unfortunate that value-for-money and duty-of-care provisions have not been incorporated in mandatory maintenance contracts, despite repeated assurances on that point—apparently—by the building industry's trade body, Homes for Scotland. Unfortunately, consumer complaints continue to flood in.

The notion that, at a time of housing shortages, home owners should be held to ransom for what appears to be nothing less than money-grabbing opportunism is just not acceptable. It is not as if house builders are suffering falling profits.

Although housing and justice are devolved matters, consumer protection is a reserved matter. We must therefore co-operate with the UK Parliament to try to provide the best protection for home buyers. Whether that results in Westminster legislation or in a further devolution of power is immaterial; what is important is that the matter be dealt with urgently.

17:35

**Tricia Marwick (Central Fife) (SNP):** I, too, thank Trish Godman for bringing this matter to members' attention for this debate.

In 2002, I met in my office a deputation of people from Brunton Gardens in Markinch. About a year after they bought their homes, they got through their letterboxes a demand from the Greenbelt Group to pay up for maintenance. They were incensed because until that point they had not realised that there was such a maintenance contract in their title deeds. The developer never told them of it when they bought their houses and their lawyers never advised them of it. There continues to be a problem in that direction.

I met Alex Middleton, the managing director of Greenbelt, along with the residents of Brunton Gardens. I can remember to this day his mantra. He told me that his company was an honest, decent company and he used a particular phrase over and over again: his company was a

"private sector company with a public sector ethos",

and it cared. The evidence shows that Greenbelt has not cared. In fact, one of the residents of Brunton Gardens suggested to me that what was happening to them was nothing less than extortion.

I raised the matter with the then Minister for Justice, Jim Wallace, during consideration of the Title Conditions (Scotland) Bill. I asked him whether there was any way in which that bill could be amended to help people in the situation that I have described. Unfortunately, we got no result from that, but what has happened in the past few years shows that Markinch was not an isolated incident and that it is, in fact, happening all over Scotland. Frankly, house owners are being held to ransom by companies that are simply not carrying out the work that they should be doing.

I ask the minister to look at all the law in this area, whether it is consumer law, planning law or whatever. I hope that he can come back to the members who are in the chamber to scope a way forward for this Parliament, in conjunction with the UK Parliament or local authorities—I really do not care. We need to scope some way forward to ensure, for example, that legislation will be tightened up if that is necessary. We must ensure that current and future home owners in new developments have their rights protected. We must also ensure that, if they are obliged to pay for maintenance work, it is for work that is done, and not just to support a company—regardless of what kind of ethos it claims it has.

17:38

**The Minister for Community Safety (Fergus Ewing):** I am extremely grateful to Trish Godman for raising this issue. The fact that so many members representing constituencies from around Scotland have taken part in the debate, making strong points on behalf of their constituents, testifies to the anger that householders around Scotland feel. I share the concerns expressed by members of all parties about people's distress, which arises from poor service and, in some cases, from the level of charges.

It might be helpful if I set out briefly the normal arrangement for managing and maintaining open spaces in housing estates, and show how that differs from cases involving Greenbelt. Normally in new housing estates, when houses are sold off by builders or developers they are conveyed to the

new owners with a right of common property to the open spaces in the estate. That means that each householder owns a share in the open spaces.

The title deeds impose obligations on the owners to maintain the spaces or to pay their share of the costs of the maintenance. That is often done through the establishment of a residents association, which normally works well. If a manager who is employed by the owners does not carry out the work to their satisfaction, a new remedy is available, which the Parliament provided in 2003: a simple majority vote of all the owners in the estate can replace the manager. That law change had all-party support and I commend the Labour-Liberal Executive for introducing it.

Unfortunately, the essential difference in estates that involve Greenbelt is that the original developers conveyed the open spaces not to the owners of the houses in the estate but to Greenbelt. For developers, that is a tidy way of ensuring that they retain no interest in a development once all the houses are sold. I believe—although I need further information on this—that some developers secure payments in the region of £10,000 for the common areas that are sold to Greenbelt.

**Mike Rumbles:** To repeat the point that I made earlier, a straightforward solution would be to prevent in law the transfer of communal areas in a housing development to a third party. Will the minister consider that?

**Fergus Ewing:** I was going to turn to the member's recommendation later, but as he has raised it now, I will say that I intend to ask my officials to consider whether that is a feasible method of tackling the problem. I give the member my undertaking to do so—it will happen.

The title deeds of houses in such estates are drafted in such a way as to purport to oblige the owners of houses to pay the costs of maintenance of the open spaces to the Greenbelt Group. In that regard, house purchasers and their legal advisers should always ensure that they are content with the arrangements for the maintenance of any open spaces and common areas before they sign the missives.

That is what my speaking notes say and it is true, but, as I am a solicitor—I suppose that I should have declared that as an interest, although I hasten to add that I no longer undertake any conveyancing—I say that the choice that purchasers face is take it or leave it. The reality is that purchasers of modern houses in such estates do not have a chance to change a jot or comma of the title conditions. If, as Mary Mulligan and Mr Tolson suggested in their remarks, lawyers have not advised their clients that charges will apply, my

recommendation as a lawyer is that the clients should complain to the Law Society of Scotland, because that sounds to me like unprofessional conduct, which can result in an award of compensation. I recommend that members consider giving that advice when advising their constituents.

The motion raises the question of common hold. Trish Godman's suggestion is sensible and, as members would expect, we have looked into it, but the advice that I have received is that the common hold system is an English concept that cannot be applied here. The situation in most housing estates in Scotland is that the open spaces have been conveyed to all the owners in the estate as a matter of common property. The problem arises when the Greenbelt Group owns the open spaces.

I have little time remaining so I will focus on the main points of my reply. When Angela Constance raised the matter at a question time before the summer, I undertook to convey to the Greenbelt Group the strong feelings of members from all parties. I duly did that by writing to the managing director on 24 July, drawing to his attention the parliamentary proceedings that had taken place. I have recently received a reply from the managing director in which he indicates that the company regrets that it has not always met the customer communication and service standards to which it aspires. The company says that it is committed to improving the standard of its services to house owners.

I will add a personal remark: I deprecate the sending of heavy-handed debt collection letters, especially when they come from England and there is no right to sue in Scottish courts anyway. That latter point tends not to be pointed out in the letters.

My office has arranged a meeting with the managing director of Greenbelt next week. I will meet the company, and if I sound angry about this topic it is because I am angry about it. I think that my anger reflects the anger of MSPs throughout the chamber. I will be asking the company what it proposes to do. We should not have to consider legislative change, although we will consider it if necessary.

Mr Jim Devine MP is in the gallery today, and I acknowledge that he has played a considerable role. The media have reported that Greenbelt has said that if 70 per cent of residents in an estate voted to dismiss the company as the manager of the open space, Greenbelt would accept that decision and leave. My officials have been in touch with Greenbelt and it has said that, although the report was not accurate, the company is considering providing residents with the opportunity to manage and maintain open spaces within their estates. However, that proposal is still

under review by the company. I will, of course, be seeking clarification from Greenbelt when I meet the managing director next week.

**The Deputy Presiding Officer:** You have one minute, minister.

**Jeremy Purvis:** Will the minister take an intervention?

**Fergus Ewing:** Yes, I will.

**Jeremy Purvis:** I am grateful to the minister for giving way, and I endorse his comments fully. Like other members, I have received a considerable number of representations from constituents.

The proposal that the minister referred to goes only so far. The issue is ownership. I am glad that the minister is meeting the managing director. If the minister is able to express a development of the proposal—

**The Deputy Presiding Officer:** Quickly, please.

**Jeremy Purvis:** The development would be that ownership of the property would transfer to the residents association. That would be even more positive.

**Fergus Ewing:** I am happy to consider any thought out and detailed proposal from any member who cares to write to me. Of necessity, these are complex issues.

It is abundantly clear to me that the publicity generated by the question that Angela Constance raised in the chamber has already borne fruit, as will the publicity that will be generated by this evening's debate, which Trish Godman has rightly brought before us. The publicity has already had an impact on the thinking of Greenbelt. I endorse what has been said and I congratulate all members who have taken up the issue on behalf of their constituents.

I hope that members are reassured that I am seeking a solution to this problem. In addition, I am looking into other matters, although I am not raising them today. I hope to report back to members in due course.

I shall be happy to let every interested member know of the outcome of my meeting with the managing director of Greenbelt. This new Scottish Government is determined to do everything that it can to protect our citizens from sharp practice, profiteering and unacceptable conduct whenever it occurs.

*Meeting closed at 17:48.*



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