

MEETING OF THE PARLIAMENT

Thursday 25 October 2007

Session 3

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Scottish Parliament

Thursday 25 October 2007

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

Free Personal Care

The Presiding Officer (Alex Fergusson): The first item of business is a debate on motion S3M-679, in the name of Mary Scanlon, on free personal care.

09:15

Mary Scanlon (Highlands and Islands) (Con): I wish to declare that my daughter is a solicitor with Brodies LLP, which was the legal representative for Argyll and Bute Council. She had no input into this case.

Lord Macphail observed that the Community Care and Health (Scotland) Act 2002 is “unusually complex”, so I will start by outlining the background. The case involved a complaint to the Scottish Public Services Ombudsman that Argyll and Bute Council failed to provide funding to cover the personal care costs of an elderly resident, Mr McLachlan. As was the practice of some other local authorities, Mr McLachlan was placed on a waiting list until funding was found. In the interim, his family arranged and paid for care in an independent home. Like many other families, they did what they thought was right and best for their father.

The family then sought to be reimbursed from the date of their father’s assessment. The ombudsman decided that the council had been obliged by the terms of the 2002 act to provide Mr McLachlan with free personal care. She further recommended that the council should have made payments from the date when he became eligible, following assessment. Argyll and Bute Council challenged that.

This brings us to Lord Macphail’s Court of Session judgment. He took the view that Argyll and Bute Council was not required by section 1 of the 2002 act to meet the personal care costs of Mr McLachlan, as the act states:

“a local authority are not to charge for social care provided by them (or the provision of which is secured by them)”.

In Mr McLachlan’s case, the care was provided through an entirely private arrangement between his family and the care home.

Although I have no doubt that it was the intention of the Parliament to provide a universal entitlement to free personal care, the

consequence of Lord Macphail’s judgment is that no such statutory right exists in the legislation as drafted.

Now we come to the crucial point. Before reaching his final decision, Lord Macphail gave the Scottish ministers an opportunity to instruct counsel to appear before the court to make submissions “in the public interest” about the correct interpretation of the legislation on free personal care, but they declined to do so. Lord Macphail expressed his disappointment that he had not been afforded such assistance and indicated that he had reached his decision with reluctance. His decision stated:

“it was not possible to interpret the legislation about free personal care as obliging a local authority to make payments for personal care that was not provided by them.”

The case has gone from being one in which the ombudsman recommended that the council should calculate and pay a sum equivalent to the payments for care from the date of eligibility, to one in which a Court of Session judge decided that it was not possible to interpret the legislation as obliging a local authority to make payments for personal care that was not provided or secured by it. The judge further stated that the ombudsman’s decision that the 2002 act placed a statutory duty on the council to provide funding was incorrect.

We now have a judgment that casts doubt on whether councils are obliged to pay for care in the independent sector and which appears to legitimise the use of waiting lists and the rationing of personal care by councils such as Argyll and Bute Council. More than 9,000 self-funders are in care and others are being assessed, and they need reassurance and clarification from Parliament—and, I hope, from this debate—to put their minds at ease.

On a matter of such importance, it is deplorable that the Scottish ministers refused to make a submission to the court about the correct interpretation of the legislation, as they were invited to do. The summary of Lord Macphail’s judgment stated:

“the matter was of great importance”.

Lord Macphail himself said:

“the Court would derive invaluable assistance in arriving at a decision on that very important issue from hearing submissions on behalf of the Scottish Ministers.”

I agree with the judge’s further comment that the legislation is “unusually complex.”

All this mayhem happened because the Scottish ministers refused to co-operate. Now there is a judicial review that casts doubt on whether councils are obliged to pay for care in the independent sector. All of us in the Parliament are aware that the court decision is not in line with the

spirit of the free personal care legislation and Parliament's understanding of it. Frankly, the Cabinet Secretary for Health and Wellbeing's time would have been better spent providing assistance to the court before the judgment was made, rather than writing letters to the newspapers afterwards.

Labour and the Lib Dems are not blameless either—I am sure that we will hear from them. They indicated to the Scottish Public Services Ombudsman in February that they did not intend to intervene.

Lewis Macdonald (Aberdeen Central) (Lab): Will the member give way?

Mary Scanlon: I do not have much time, and I know that the member will have the opportunity to clarify later.

Had the ombudsman been given assistance by the Liberal and Labour coalition, would the decision have been different? Had the judge been given assistance by the nationalist Government, would his decision have been different? We will never know the answers to those questions.

While I do not think that the cabinet secretary has covered herself in glory in relation to this case, it is fair to acknowledge the steps that have been taken to deal with the problems inherited from the previous Scottish Executive, as outlined in the Scottish National Party amendment. If the cabinet secretary is prepared to give the assurance that the Scottish Conservatives seek today for people who are in care and for families who are affected by the judgment, we will accept the amendment in her name and lend our support to legislation that may be required to resolve the matter once and for all. Older people in Scotland deserve no less.

I move,

That the Parliament notes with concern that the interpretation, implementation and funding of the Community Care and Health (Scotland) Act 2002 has been beset by difficulties, many of which remain unresolved; believes that the decision of Lord Macphail on the Petition of Argyll and Bute Council dated 17 October 2007 is contrary to the intention of the Parliament, and calls on the Scottish Government to assure all people over 65 currently resident in independent care homes who have been assessed as eligible for free personal care, and others who may be assessed in future as so eligible, that councils will continue to fund their personal care regardless of whether or not there is a contract to which a council is a party.

09:23

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Although we may not agree with the exact wording, I endorse the sentiment of Mary Scanlon's motion. We all want the free personal care policy to work more effectively and to reassure people that, in line with Parliament's intention, their care needs will be met.

The policy for free personal and nursing care has had a positive impact on the lives of more than 50,000 vulnerable older people. People are receiving free care that previously they would have had to pay for. That applies to people whose care is arranged entirely by a local authority and to those who arrange their own care with council support only for the free personal and nursing care element.

There has been significant and widespread misunderstanding of last week's ruling by Lord Macphail—Mary Scanlon herself said that it was a complex case. I want to take this opportunity to reassure all those older people and their families who are concerned about the reported implications of the ruling.

The ruling does not mean that certain people who are assessed as needing personal care are not entitled to receive payments for it from their local authority; nor does it mean that an individual or their family is prevented from arranging their own care in a care home of their choice. Neither does the ruling say that payments to self-funders by local authorities are ultra vires. Indeed, at paragraph 87 of the ruling, the judge specifically rejects that argument. There is, therefore, no risk of any self-funder who is already in receipt of free personal care having it withdrawn or reclaimed. It is important to give that reassurance.

The ruling confirms that the obligation on the local authority to make payments begins not at the point of assessment, but when the local authority has a care contract in place with a care provider. That is consistent with the guidance that was issued to local authorities by the previous Administration in July 2003, and it reflects the operation of the law as we inherited it.

In the vast majority of cases, the time between the local authority assessment and the contract being in place is minimal. However, in some cases—as in the Argyll and Bute case that Lord Macphail considered—there is a delay and, effectively, the operation of a waiting list.

The issue of waiting lists is one of a number of concerns about the operation of the current policy that we identified in opposition—as did the Conservatives—and are committed to addressing now that we are in government.

Jackie Baillie (Dumbarton) (Lab): Does the cabinet secretary accept that the delay on the part of Argyll and Bute Council was deliberate and not a consequence of trying to arrange a service?

Nicola Sturgeon: Indeed, that may be the case, but the ruling confirms that what Argyll and Bute Council did is in line with the existing guidance issued by the previous Administration. That suggests that there may be a problem with the existing guidance that we now have to address.

Let me outline the actions that we are taking forward, which I previously outlined in June when we debated free personal care. We are engaging closely with the Convention of Scottish Local Authorities to address issues about the implementation of the current policy, including waiting lists, food preparation and eligibility criteria. As I indicated in June, we are prepared to revisit the legislation if, as a result of those discussions, we consider it necessary.

In addition, we have asked Lord Sutherland to chair an independent commission to examine the funding of free personal care, so that we can ensure that it can be put on a sustainable basis for the long term. Of course, we are committed to increasing the payments for free personal care from next April, which will be the first time they have been increased since the policy was introduced.

Gavin Brown (Lothians) (Con): Will the cabinet secretary give way?

Nicola Sturgeon: If the member lets me make some progress, I will take an intervention shortly.

I will now address a central point. As well as the ruling being misunderstood, comment has been made—we have heard it again this morning—about the Scottish Government's decision not to be represented in the case. Let me make it clear that the Scottish Government was not a party to the case, and after careful consideration we decided that it would not be appropriate for the Government to participate. I respect the fact that others take a different view, but it is worth noting that the previous Administration also declined to enter the case when asked if it would do so by the ombudsman.

Lewis Macdonald: Will the cabinet secretary give way?

Nicola Sturgeon: Let me make progress. The member will have a chance to express his view later.

It is also worth noting that the judge made clear that he was bound to make a literal interpretation of the law and that ministerial statements could not change that position.

Lewis Macdonald *rose*—

Nicola Sturgeon: I will take the member's intervention now.

Lewis Macdonald: Given the comments of the cabinet secretary and Mary Scanlon, it is important, for the removal of doubt, to make it clear on the record that at no point did ministers in the previous Administration decline a request to give evidence at the hearing, nor did we at any point commit any incoming Administration to refuse any such request.

Nicola Sturgeon: The ombudsman asked the previous Administration whether it intended to become involved in the case, and it said that it had no intention of doing so. That is a matter of fact.

Lewis Macdonald: Will the cabinet secretary take an intervention?

Nicola Sturgeon: I have to move on, as I am in my last minute—I took the member's intervention.

What I believe is important now—Mary Scanlon addressed the issue well in her speech—is that collectively as a Parliament we reassure older people, their families and their carers that free personal care will continue on a strong and sustainable footing. The policy is positive and has received all-party support. I hope that that support continues.

The Scottish Government is committed to addressing the issues in relation to the existing policy that have caused and are causing concern and to securing the policy's place at the heart of our social care agenda for many years to come. In seeking to do that, I hope that we will receive support from throughout the chamber.

I move amendment S3M-679.1, to leave out from "has been beset" to end and insert:

"have raised difficulties, many of which remain unresolved; notes that the decision of Lord Macphail dated 17 October 2007 on the Petition of Argyll and Bute Council reflects the guidance issued in July 2003; wishes to reassure those assessed, either now or in the future, as requiring free personal or nursing care that their entitlement to receive it is not affected by Lord Macphail's decision; agrees, however, that the current operation of the law, although in line with existing guidance, may in some cases result in an undue delay between assessment and a local authority care contract being concluded; therefore supports the Scottish Government's ongoing dialogue with COSLA to address issues such as waiting lists, eligibility criteria and food preparation, together with its assurance that it will take action, if necessary, to clarify the law, and considers that Lord Sutherland's review of the level and distribution of resources for free personal care will make a valuable contribution to ensuring that the policy is put on a secure and sustainable basis for the long term."

09:29

Ross Finnie (West of Scotland) (LD): Our amendment has three key elements. The first is to re-emphasise the Government's failure to represent the public interest at the recent judicial review of the decision made by the Scottish Public Services Ombudsman. Secondly, and equally important, is the Government's failure to understand the point at issue that was before Lord Macphail in the judicial review. That failure has been confirmed again this morning. Thirdly, notwithstanding the review that is being carried out—I am not critical of Lord Sutherland's role—the Government must address certain issues to reassure local authorities and individuals,

particularly self-funders, on the provision of free personal care.

Lord Macphail's decision to invite the Government to represent the public interest was clearly not taken lightly. He said:

"the Scottish Ministers had had no notice that that argument"

that was before him "would be presented".

Furthermore, he stated:

"It is difficult to envisage how the nature and importance of the dispute could have been more clearly stated."

On the issue about the previous Government's failure, let us be clear that the point at issue was not before the ombudsman—it was not the issue that came into dispute—and that the case as stated by Argyll and Bute Council, and particularly the stance of the ombudsman, was entirely consistent with the view taken by the then Scottish Government. Only in the course of the case did it emerge that Argyll and Bute Council had changed its stance. I quote from paragraph 71 of Lord Macphail's judgment:

"They did not suggest to the Ombudsman that they had no such obligation, and no such argument was mentioned in their petition for judicial review. The argument was presented in the third speech, on the third day".

That is why the previous Executive did not present itself, but it is no excuse for the current Government, because all those facts were made clear to it.

Nicola Sturgeon: I do not see how Ross Finnie can say that the original decision of the ombudsman was in line with the view of the previous Government. The guidance issued by the previous Government states:

"payments will commence once the ... care service is being provided. It does not start before and will not be backdated ... to the date of ... assessment."

That is the guidance that the previous Administration issued and that is the view that Lord Macphail's judgment confirmed.

Ross Finnie: The issue that was before the court was clear: Argyll and Bute Council's changed position that no payment could be made to those who were in premises that were not owned by the council. Therefore, there was a huge risk—

Nicola Sturgeon: That was rejected.

Ross Finnie: Whether it was rejected or not, the judge believed that there was a public interest that ought to have been considered. Despite that clear injunction, the cabinet secretary declined to go there. As Mary Scanlon said, Lord Macphail stated:

"the Court would have derived much assistance from submissions made in the public interest which in the

circumstances of this case the Scottish Ministers were well qualified and entitled to present. I can only record my disappointment that such assistance has not been afforded to the Court."

It is staggering that in those circumstances the present Government declined the opportunity.

It is equally important to recognise that there are no excuses for the Government's failure to understand the issue before the court. In deciding not to enter the process, the Government stated:

"The dispute in this case is essentially a matter between the Council and the Ombudsman as to the scope of the Ombudsman's powers ... The interpretation of legislation is ultimately a matter for the courts".

Lord Macphail described the first defence as being

"based on a curious misunderstanding. The dispute was not as to the scope of the Ombudsman's powers."

Lord Macphail's euphemism can be interpreted as implying a total failure to understand the point at issue that was before him. He was less kind in his description of the Government's second defence:

"It is trite that statutory interpretation is a matter for the courts: the vital consideration, which has been overlooked, is that when determining an issue of such general importance as this the Court would have derived much assistance from submissions made in the public interest".

The Government was content for the public interest to be overlooked. I submit that that is not acceptable. If Government ministers are not prepared to represent the public interest, who is? The Government must assure the Parliament that ministers will not desert the public interest, as described in the particular circumstances, by default.

I acknowledge that, as was made clear in the cabinet secretary's intervention, the judicial review has confirmed that there are issues of interpretation. I also acknowledge that Lord Sutherland has been instructed to conduct a review, which will probably be of great assistance. Nevertheless, there are concerns about people who are at the initial stages of the process, particularly those who are self-funders.

The gap still exists. There has been some acknowledgement that the waiting list issue still arises, and there is the issue of cost. I cannot believe that, given the clarity of Lord Macphail's judgment, local authorities will not have difficulty and that therefore individual self-funders will not have some difficulty. The local authorities that previously took a totally different view from that of Argyll and Bute Council will now want to review their position. The Government has to address the issue.

I move amendment S3M-679.2, to leave out from "with concern" to end and insert:

"the judgement of Lord Macphail on personal care and its consequences; notes with disappointment the SNP Government's handling of this issue and recognises the need for urgent clarity to allay the concerns of older people and their families as well as to give clear guidance to service providers; calls on the Scottish Government to take the appropriate steps to provide this clarification as soon as possible, including a statement to the Parliament on the issue, and further calls on the Scottish Government to take all steps necessary to ensure that local authorities do not find that in providing free care for self-funders they are acting *ultra vires*."

09:35

Dr Richard Simpson (Mid Scotland and Fife) (Lab): In this short debate, I will deal with the cabinet secretary's attempts to divert from and obfuscate the central problem. I will put on record the previous Executive's position. I will clarify the SNP Administration's incompetence in not presenting itself to the court and, finally, I will examine the alternatives to address the results of the decision.

The original case led to the ombudsman making a judgment, which we know about. The cabinet secretary has accused the Labour Party of hypocrisy in what she said was its decision not to attend when the petition's appeal went to Lord Macphail. In fact, the previous Government responded not once but twice. In February, the Scottish Executive indicated that the outcome of the ombudsman's review was satisfactory and that it did not feel the need to become involved, at least until the response by the ombudsman was submitted. In March, having seen the ombudsman's response, ministers indicated that the Executive would not get involved at that time, but made it clear that it would watch progress.

The original grounds of the petition ultimately were rejected, as the Government expected. However, on the third day of the hearing, as Ross Finnie has made clear, new grounds arose, and it was on the basis of those new grounds that Lord Macphail invited the Government to become involved. He said:

"the Scottish Ministers had ... no notice"

that the new arguments would be presented to the court, and:

"It may be that if the Scottish Ministers had been given notice that such an argument would be deployed, they would have sought an opportunity to convey their views to the Court."

He also said:

"I observed that the Scottish Ministers had had no notice that that argument would be presented. It occurred to me that if they had been given notice in the petition that such an argument would be deployed, they might have decided to enter the process."

It was on that basis that, on 10 July, he invited the Government to become involved. On 7

September, the Scottish Government—the cabinet secretary's Government—decided that it would not participate, with the conclusions that we have found.

Nicola Sturgeon: I accept that other parties do not agree with our decision not to participate in the case, and they are entitled to put on record their criticisms. As members would expect, I will reflect on all of that. However, will Richard Simpson address the flaws in the policy that we now need to sort out? Does he accept that the existing guidance, which was issued by the previous Administration, is flawed and that that is why some of the problems have arisen?

Dr Simpson: We would not be in a court situation if there were not some difficulties in interpreting the law. However, the point is that Nicola Sturgeon accused the Labour Party of hypocrisy completely inappropriately, and she should apologise to Lewis Macdonald, who was the minister at the time, for the inferences that she has drawn to besmirch him and the previous Government. That was entirely inappropriate.

The new arguments that were presented to the court were crucial, and on that basis Lord Macphail sought the Government's opinion as a "vital consideration" that might have been overlooked. He said that

"in ... this case the Scottish Ministers were well qualified and entitled to present"

their submissions, and continued:

"I can only record my disappointment".

That is mild language, but, coming from a judge, the meaning is much stronger. The cabinet secretary should apologise to Lewis Macdonald for the inferences that she has drawn.

We are left with a number of questions. Why did the SNP fail to respond to the wholly new issue that was not in the original petition? Would the result have been different had it presented evidence? As I said on "Newsnight", we will never know the answer to that question. Indeed, we might not have been having the debate if the cabinet secretary had chosen to stand up and represent the public interest. The last question is: where do we go from here? The SNP should stop indulging in picking fights with Westminster and concentrate on the serious devolved issues with which Scots are concerned, of which free personal care is one.

The minister has to review the decision without waiting for the Sutherland review, as the Liberal Democrat amendment suggests, and come back to Parliament with the necessary measures to ensure in particular that councils do not use the judgment to create waiting lists, as Fife Council is

hinting that it will do. That would be unacceptable, so you need to come out with specific guidance—

The Presiding Officer: No, I do not, Dr Simpson. I do not need to come out with any guidance.

Dr Simpson: I am not sure if that is the case, but on this issue you are right, Presiding Officer.

The Government needs to come out with clear guidance on the gap between assessment and care provision where care is available—that is the issue at stake. Care was available, and the family chose to use that care. Why was there a gap in a care home that Argyll and Bute Council was already using? It was purely to create a waiting list, which is unacceptable. Indeed, the MacGregor judgment of Lord Hardie indicated previously that that was unacceptable. I hope that the Government will deal with the issues and make an apology.

09:41

Christine Grahame (South of Scotland) (SNP): I will deal briefly with the Macphail judgment to get it out of the way, because the whole debate surely cannot focus on that.

I want to discuss whether it would have made any difference if someone from the present Government had made a submission. I am looking at what Lord Macphail said. There was a great deal of argument about how far the courts could go in looking at what was said in Parliament. Lord Macphail said:

“While a court in construing legislation must always seek the true intention of the legislature, it cannot ignore the natural meaning of clear words the legislature has chosen to use. The language used in section 1 and the Regulations is in this respect unambiguous.”

I must ask: once all the heat and smoke has died down, would it have made any difference? I say that the answer is no—from the judge’s own words, the legislation is clear and unambiguous.

Ross Finnie: Will the member give way?

Christine Grahame: I have only four minutes.

The legislation may be clear and unambiguous, but it is obviously not doing what we thought it would do when we started the process a long time ago. Everybody was so proud of the legislation at the stage 3 debate in 2002, when the then Minister for Health and Community care said:

“Through the bill, we will ensure that nursing care is free for all who need it, regardless of the context—free at home, free in hospital and, for the first time, free in nursing homes.”—[*Official Report*, 6 February 2002; c 6094.]

That was what we meant. We did not mean assessments with months of delay or waiting lists. At present, some 5,000 people are on waiting lists.

We did not foresee that, or a court process in which the law was not as clear as we all thought it was. All members thought that the legislation was clear and unambiguous. Well, it is clear and unambiguous, but not in the way that we meant it to be.

The intention of Parliament has not been reflected in the legislation, therefore we require to remedy that. We will have to consider whether we do that by amending primary legislation. We will have to examine whether the situation can be dealt with in guidance, which is also not doing what we thought it would do. Everybody thought that they understood what help with food preparation meant—help with a tin opener or tattie peeler if someone could not use one, or help with putting the gas on and off if they could not do that. We thought that that was what that meant but, wilfully or accidentally, it has become much more complicated than that.

Gavin Brown: Will the member give way?

Christine Grahame: No.

That point is reflected in Lord Macphail’s judgment—which I think has already been quoted by Mary Scanlon—in which he states that the legislation is “complex” and that there is a labyrinth of material. That is a bad sign in legislation.

I hope that we will welcome Lord Sutherland’s review of all aspects of the issue. I know that other aspects have been raised by members of the Health and Sport Committee, who will respond to the review commission themselves.

We want to ensure that the legislation works. If it does not work, it fails not just the Parliament but our vulnerable and frail elderly people. That is the last thing that any of us wants. Let us move on from the nit-picking and get back to the issue at hand: delivering what we intended to deliver.

09:45

Jackie Baillie (Dumbarton) (Lab): I welcome the debate because it offers a much-needed opportunity to consider the implications of Lord Macphail’s judgment in relation to free personal care. I congratulate the Conservatives on bringing the matter to the chamber for debate, but I record my disappointment that the SNP Government did not think that clarifying the policy of free personal care for older people merited Government time.

Nicola Sturgeon: Will the member give way?

Jackie Baillie: I do not have time for an intervention.

Mary Scanlon helpfully set out the context of the debate, but I want to look into it further. We know why William McLachlan, who is a resident of Helensburgh in my constituency, complained to

the ombudsman. We know why Argyll and Bute Council felt the need to have an unseemly scramble to the courts. Incidentally, the hundreds of thousands of pounds of public funds that have been spent on court fees would have wiped out the so-called waiting list for free personal care in Argyll and Bute. We need to remember that free personal care is only one element of the care services for older people that local authorities deliver. Mr McLachlan had his needs assessed. It was not disputed that he was eligible and in need. The dispute arose because the council claimed to have insufficient money. He was deliberately placed on a waiting list. His family, quite rightly, put his needs first and arranged for him to be cared for in a nursing home.

Members might feel some sympathy for the council. After all, it claims to have had no money. However, it would be a serious mistake to feel such sympathy. The council's actions mask the deliberate and cynical removal of funds from older people. Argyll and Bute Council has consistently spent less than its grant-aided expenditure on older people. Put simply, we give the council the funds but it diverts them to other things—£3 million less in one year; £5 million less in another year; this year, an anticipated underspend of almost £5 million. Previously, the council was controlled by the independents. Now, it is controlled by the independents and the SNP.

I want to look ahead, because I do not think that it is productive to spend time apportioning blame. I understand that the Social Work Inspection Agency will publish a report shortly that will expose Argyll and Bute Council's failings towards older people. It will point to weak leadership, variable quality of provision, underfunding and unmet need. Older people have been comprehensively failed. Apparently, the report will be one of the worst to be seen in a long time. Ministers must intervene in the interests of older people.

I do not think that the SNP is seriously suggesting that it is okay for people to wait for extraordinary lengths of time because a local authority decides to park them on a waiting list and spend the money on something else. However, the SNP had a chance to tell the courts what the Parliament wanted and a chance to protect older people who receive free personal care and those who might enjoy it in the future. Lord Macphail clearly invited the Government to instruct counsel and appear. As others said, he expressed his disappointment that some of the arguments that were made for the Government's non-attendance were trite, and he states that he reached his decision with considerable reluctance.

The only way in which the Parliament and the Government can begin to salvage the situation is

to be clear about what the Government expects from local authorities. We should not wait six months for a review—that would mean a further six months of people on waiting lists—but should consider interim measures.

Nicola Sturgeon: Will the member give way?

Jackie Baillie: I am in my last 15 seconds.

The Government should stamp out the suggestion from one or two local authorities that they will fund free personal care only in their homes and not in private homes. It should examine the funds that are allocated and the funds that are spent, and it should make local authorities live up to their responsibilities.

I cannot help but think that the SNP was always keen to tell us that it would stand up for Scotland, but when it had the opportunity to stand up for Scotland's pensioners, it ran away. "Disappointing," says Lord Macphail. I think that he is overly generous. I think that it is unforgivable.

09:49

Gavin Brown (Lothians) (Con): I welcome the Cabinet Secretary for Health and Wellbeing's reassurance to the so-called self-funders, of whom there are more than 9,000, but one or two other aspects in her speech were less welcome.

In the last 30 seconds of his speech, the Labour Party's first speaker in the debate said:

"The last question is: where do we go from here?"

We need to turn that on its head, because surely that should be the first and most important question. Free personal care is an important matter and it will grow even more important in time, particularly because of Scotland's demographics and because many councils will be more cash strapped. It is critical that we get things right to ensure that there is fairness and consistency throughout Scotland.

I did not get the chance to make an intervention and ask the cabinet secretary about the time between assessments and the putting in place of care contracts. She said that that time is minimal, but it was not minimal in Mr McLachlan's case—it was four months. Concerns have arisen throughout the country about waiting lists for assessments and care contracts. It is not good enough to say that the time period is minimal. If the cabinet secretary wants to intervene and tell us exactly what the word "minimal" means, that will be welcome.

Nicola Sturgeon: I thank Gavin Brown for taking an intervention and apologise to him for not taking his intervention earlier.

I said that in most cases the delay was minimal. In most cases, the delay is less than a month. There is a debate to be had about whether that is minimal enough, but in my remarks I accepted that in some cases, such as the Argyll and Bute case, the delay is much longer than that. Sometimes that is deliberate on the part of the local authority, and that is the issue that we must address for the future. We are addressing the issue through discussions with COSLA and, if necessary, we will address it through revisions to the legislation. Lord Sutherland will give us a view on how we can ensure that we support that work financially with adequate resources.

Gavin Brown: I thank the cabinet secretary for her intervention. However, it is not good enough simply to say that the time is minimal and that, in most cases, she thinks that it is less than a month.

I refer to a parliamentary question that my colleague Nanette Milne asked last year:

"To ask the Scottish Executive what the average time has been between individuals' community care needs assessments and receipt of payments towards personal care in each year since the introduction of free personal care, broken down by local authority area."

The question was answered by the then minister, Lewis Macdonald, who stated:

"This information is not held centrally."—[*Official Report, Written Answers*, 30 March 2006; S2W-24348.]

We need to know whether that information is now held centrally and whether the cabinet secretary can guarantee that we will have minimal waiting times rather than saying, "It happens in most cases."

I return to the point that was made about the Government's non-intervention in the case. A number of members, including Mary Scanlon, quoted the decision. The response that was given by the Government was, "We were not a party to the case." However, we know that. That is why the judge took the fairly unusual step—in a judicial review—of inviting the Government to take part and, further, attached a personal note to the interlocutor to explain how important that was.

It is all well and good for Christine Grahame to say that the Government's attendance would not have made any difference and that the legislation is unambiguous, but Christine Grahame is not a judge. If the legislation is unambiguous and it is obvious that the Government's attendance would not have made any difference, why did Lord Macphail take the unusual step of inviting it into the process? He states:

"I expressed the view that the Court would derive invaluable assistance in arriving at a decision ... from hearing submissions on behalf of the Scottish Ministers."

He also states:

"the Court would have derived much assistance from submissions made in the public interest which in the circumstances of this case the Scottish Ministers were well qualified and entitled to present. I can only record my disappointment that such assistance has not been afforded to the Court."

I reiterate an earlier speaker's point that the fact that the judge used the word "disappointment" shows that the matter is serious and grave.

The most important thing is that we take the matter forward. We heard a reassurance today for the 9,000 or so self-funders, but we need stronger reassurances and we need to close the loophole in the law so that all our senior citizens get the care that the Parliament intended on day one.

09:54

Jim Tolson (Dunfermline West) (LD): This is the SNP Government's first disgraceful statement of the day—I suspect that I will hear more this afternoon. Unfortunately for the people of Scotland, it is far from being the first disgraceful statement that the SNP has made since it formed its fragile minority Government. The SNP has reneged on its promises on new police officers, student debt and international aid. Since May, it has thrown out more commitments than I care to remember. I have no doubt that if it had not put the sneaky, selfish "Alex Salmond for First Minister" on the regional ballot paper, it would have been unable to gain its precarious one seat—let us not forget, one seat—majority. It would not have been able to let down so many Scots in such a short time. Many of those Scots voted SNP on 3 May on a raft of promises, and now—

Christine Grahame: On a point of order, Presiding Officer. Is it not incumbent on the member to speak to his party's amendment?

Jim Tolson: I have only been going for 58 seconds.

The Deputy Presiding Officer (Alasdair Morgan): Mr Tolson, wait a minute; it is for the chair to decide whether a member is in order.

At the moment, Mr Tolson is still in order, but I suspect that it has been brought home to him that he should speak in terms of the motion and its amendments.

Jim Tolson: Thank you, Presiding Officer—I had intended to do so in less than 30 seconds' time, had someone had the patience to wait.

As I said, many of those Scots voted SNP on 3 May on a raft of promises, and now the raft is mid-sea, the bindings are breaking and the sharks are circling. It would be funny if it was not so serious. The Government's ineptitude is adversely affecting the lives of many people, some of whom no doubt

voted SNP in May because they were taken in by all those false promises. Whether it is promising 1,000 more police officers, action on student debt or, as we are debating today, action on free personal care, the Government keeps letting people down again and again.

In the previous session of Parliament, following the Audit Committee's report on free personal care, Shona Robison said:

"The Executive's failure to effectively monitor the provision of free personal care for the elderly is a huge concern for everyone concerned."

The Minister for Public Health (Shona Robison): Will the member give way on that point?

Jim Tolson: I need to finish the point.

Shona Robison went on to say that

"Scotland's elderly citizens deserve the best possible care across the country. By failing to manage the situation properly this Executive are once again failing Scotland's pensioners."

Shona Robison: I absolutely stand by that. Perhaps the member will explain why the previous Executive failed to sort out the confusion over the guidance?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): That is a completely different issue.

Jim Tolson: It is a different issue—Mike Rumbles is correct. It sounds like the minister is on the ropes, and that is where she should stay on that point.

Scotland's pensioners have been failed by an SNP Government that is unwilling or unable to act in the public interest. How can the Government expect to enjoy public trust and confidence in the future when it will not even back up its SNP councillors? Let us not forget that those SNP councillors, who are in administration in Argyll and Bute Council, started this whole furore. They seem to have been seeking a loophole in the law in order to reduce their free personal care costs. However, they have not only damaged the service to some of their most vulnerable constituents, but opened up the possibility of similar claims for the other 31 councils in Scotland. I sincerely hope that the other councils will not seek to move away from the spirit or the legality of the Lib Dem policy of treating all our frail elderly people equally. The elderly are entitled to free personal care whether they are self-funding or placed by the council.

The SNP—in Argyll and Bute Council or here in Holyrood—is letting down people throughout Scotland. When it shirks its responsibility or governs on false promises, that is no laughing matter. Let us hope that, for the sake of the

vulnerable Scottish people, the SNP comes to its senses.

09:59

Bill Kidd (Glasgow) (SNP): I thank the Cabinet Secretary for Health and Wellbeing for her clear explanation of the Government's guidance: that it is at the point of acceptance of the contract that free personal care provision must kick in. That Lord Macphail made a literal judgment is unarguable. However, he stated that it is implied that a local authority—Argyll and Bute, in this case—would provide payments in respect of personal care. That implication will have arisen as a result of the Community Care and Health (Scotland) Act 2002 that was drafted by the previous Labour-Lib Dem Administration. If Lord Macphail reached a contrary decision regarding the intentions of Parliament, it is the fault of the Parliament in its establishment of the 2002 act, because it failed to draft it properly in the first instance. Let us remember that, as the cabinet secretary stated earlier, we should be trying to make this system of free personal care work better for all our citizens, even as complexities arise that could or could not have been foreseen at the time of the drafting of the original act.

I welcome the rise in the level of payment from next April that has been announced—the first rise since the inception of the system of free personal care. Ministers of any Government must not micromanage court cases and their decisions, but must bring clarity to the legal system here in this Parliament and not in the courts. Let us work together in this Parliament and move forward on free personal care by supporting the Government's commitment to get the waiting lists down, by getting the elderly the financial support that they need, deserve and have paid for through years of tax-paying, and by ending the nit-picking and arguing over points of order and the little battles among ourselves. The elderly—who deserve their free personal care—should be receiving all our attention.

10:01

Irene Oldfather (Cunninghame South) (Lab): Free personal care was a policy that was embraced across the political spectrum in this Parliament. Mary Scanlon sat on the Health Committee—that was convened by Malcolm Chisholm—with me, and the committee strongly recommended the introduction of that policy. Regrettably, it has not been defended across the political spectrum and we must grasp the opportunity that today's debate presents. I thank the Conservatives for this chance to send a clear message to the old people of Scotland that we in this Parliament care, and that we will carefully

guard the policy that we put in place for them. That is about ensuring that the money is available, that there is a statutory right, and that the care is flexible, appropriate and actually delivered. Free personal care was a visionary, courageous and ambitious policy—we must be just as visionary, courageous and ambitious about safeguarding the policy and making it work.

Mr McLachlan's case demonstrates that at the moment too many people are being short-changed in the implementation of the policy. I worry about the use of the term "free personal care"—personal care should be a guarantee of rights of entitlement for those elderly people who qualify. Mr McLachlan's family pursued his case, but unfortunately even those who are assessed as requiring care too often do not understand what they can expect, and they do not complain if they do not get it because they think that, as old people, they are getting something for nothing. In the community, when an elderly person is assigned 30 minutes of personal care for washing, dressing and preparing food, that should mean 30 minutes—too often, it means 15 minutes, because the carer is travelling by public transport with no allowance made by agencies for travel time to the next person. Carers often have schedules from agencies that, quite frankly, Superman would have difficulty keeping up with. They do not want to complain in case they lose their jobs, and the old people do not want to complain in case they lose their care. That needs to be challenged by a Government that will stand up for the rights of old people.

It is a sad fact that the legal rights of elderly people have, without a doubt, been weakened by recent events. We have made progress over the years with hospice provision and palliative care to allow people to die with dignity, but we have not made enough progress to allow people to live with dignity in their twilight years. We need to change our culture to value the frail elderly and respect their rights, and to enable them to live with dignity. That means driving up standards in care homes, vastly improving training and having a Government that will stand up and represent the needs of our elderly people. However, that just has not happened.

Putting in place the policy of free personal care was not the end of a process—we all said that at the time—but the beginning of a process. If ever proof were needed of the truth of that statement, it is in the recent judgment. We must not fall into the trap of complacency; we must not take our eye off the ball even for a second—too many vulnerable people depend on us.

Today, we are discussing the rights of an increasing but silent majority. They are not standing outside the Parliament with placards or

protesting at our surgeries; they are quietly sitting at home alone, watching out of their windows or watching their TVs. They depend on us. We are their Parliament and we have a duty—a moral imperative—to stand up for their rights. We, in the Labour Party, will not fail them in that duty. We will hold the Government to account because we are on their side. We hope that others in the Parliament will join us in that campaign.

10:06

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I thank Mary Scanlon for lodging the motion, as we have had a vital debate this morning. The Community Care and Health (Scotland) Act 2002 was one of the Parliament's flagship pieces of legislation, which enjoyed widespread support. It was received extremely well out there, among the people of Scotland.

Mary Scanlon aptly summed up the nature of the problem that is before us. She gave us the history of what happened to Mr McLachlan, and she told us about the four-month waiting list and about what Lord Macphail did. That took us swiftly to the nub of the debate: should the Government have given evidence? Many of the speeches that we have heard have been about that.

I welcome Nicola Sturgeon's clear commitment to the provision of free personal care. She has been candid enough to admit that there is a waiting list, which is a problem. I also welcome the fact that Lord Sutherland will chair an independent commission into the funding. That is absolutely correct.

In addressing the question whether the SNP Government should have given evidence, Ross Finnie re-emphasised the fact that Lord Macphail invited that contribution. People such as Lord Macphail do not just glibly throw out such invitations; there was some thought behind it.

Christine Grahame was in danger of being an air-raid shelter, bravely defending the Government. However, one is bound to ask why the Government should not, as a precaution, have given evidence, as the intent was clear. There may be an issue over the guidance—I concede that point—but the intent was clear. I feel that the Government was obliged to make a submission to Lord Macphail. Who knows what would have happened if the Government had given evidence.

Richard Simpson correctly pointed out that, on the third day of the hearing, new grounds were presented, which surely made it imperative for the Administration to give evidence on the matter.

Jackie Baillie made two telling points. First, it is true that Argyll and Bute Council consistently spends below its GAE. That is a bad thing and not

at all in keeping with what we are trying to achieve. Secondly, she drew our attention to the grotesque situation of a huge amount of money being slapped out in legal fees here and there. That is a damned disgrace—I choose my language deliberately.

Gavin Brown drew our attention to the demographics of the issue. We have an ageing population, so the issue before us is huge. It is about whether the Government should have given evidence, and it is about taking a workmanlike approach to clearing up the mess. Let us wish our colleagues the best in their endeavours on that front.

The Liberal Democrat amendment is about exerting the will of Parliament. We have a minority Government, and from time to time we can coalesce around something on which we want to give a clear instruction to the Government. In this case, we are asking for a statement to be made in Parliament. We are giving the cabinet secretary a clear steer on this—we are asking her to get the matter sorted out and come back to tell us what is happening.

Nicola Sturgeon: Will the member give way?

Jamie Stone: I am in my last minute, I am afraid.

I ask members to support our amendment, please.

10:10

Margaret Curran (Glasgow Baillieston) (Lab): It has been an interesting debate, and my notes tell me to thank the Tories. That is not something that often appears in my notes, but I acknowledge that they have brought the issue to Parliament timeously. The debate is important and there are concerns out there that must be addressed. We got a sense of that in the debate.

Irene Oldfather reminded us of the context in which the motion was lodged. I am sure that other members are aware that many older people, at times, tune in to debates in the Scottish Parliament. It is important that we give out a message that the Parliament supports their needs and concerns and that we appreciate the significance of the issue. It is welcome that we are debating it this morning.

The central charge that the Government faces is that there is a degree of confusion abroad in Scotland at the moment, of which, largely, you have been the cause.

Christine Grahame: Oh!

Margaret Curran: I ask members to bear with me.

The cabinet secretary would not have felt obliged to write to all the newspapers when Lord Macphail gave his judgment if that judgment was of absolutely no consequence. The fact that you did not take the opportunity to appear in court is the direct cause of the confusion. Lord Macphail said to you, “Come to the court, clarify the issue and we can settle the matter.” You chose not to go, so the matter was not settled.

The Deputy Presiding Officer: I ask the member not to use the second person.

Margaret Curran: I apologise. I will try to train myself, Presiding Officer.

The cabinet secretary did not take that opportunity, which is what has led to the serious concerns.

It is one thing to make a judgment not to appear in court and to face the consequences of that; however, I am disappointed by your response to the legitimate concerns that have been raised about that, not just by your political opponents, but by others. It is not good enough just to dismiss the judgment as unimportant.

Nicola Sturgeon: One of my principal obligations is to reassure people when there have been misunderstandings about the ruling. For example, the Liberal Democrat amendment suggests that free care payments for self-funders are ultra vires. That is the opposite of what the judgment says. The judge specifically ruled out that argument. My obligation is to reassure people who have been misled by the misreporting of the implications of the judgment.

Margaret Curran: My central charge against you—I believe that it is the Parliament’s central charge against you, even if you and the Tories vote together—is that the judge asked you to offer clarification in the court but you made the fundamental misjudgment of not responding to that invitation and you are now facing the consequences.

My other charge is that, if the SNP wants to use the name of Government, it must face up to the responsibilities that go with it. The consequence of the cabinet secretary’s misjudgment is a lack of clarification. The SNP should not get into a tit-for-tat game of saying, “You were just as bad as we were,” because that is clearly not the case. Such tit for tat is beneath any Government.

Lewis Macdonald: I remind members that, in February, the then Scottish Government considered whether we should join the action on the basis of a petition from Argyll and Bute Council. In March, we again considered whether we should join the action on the basis of the responses of the ombudsman. On both occasions,

we decided not to do so for the time being, on the basis of the arguments that were being made.

The Deputy Presiding Officer: This is becoming a speech, Mr Macdonald.

Lewis Macdonald: Does Margaret Curran agree that that is entirely different from the decision by SNP ministers to decline to make submissions when they were invited to do so?

Margaret Curran: That clarification is now on the record.

It is vital that we move on. Those who have experience of it appreciate that it is in the nature of government that misjudgments are sometimes made. The Government must have the dignity to acknowledge that and the maturity to respond properly. We are not hearing maturity from the front bench today, but we can always hope for the future.

Jackie Baillie made some serious points in her very committed speech. She talked about local authorities not spending their budgets properly on older people's services. The urgency of the current situation, which was caused by the Government missing its opportunity, is critical. However, we are where we are.

Labour is committed to a constructive approach, but the Government must acknowledge the urgency of the situation. We must reassure older people that adequate services can be provided for them. Service providers outside Scotland must know that standards are required and that they are not allowed to shunt their budgets inappropriately. The Government must be constructive. In a week when the Government was desperate to pick fights with Westminster and others, it should for once take the opportunity to do what it was elected to do, which is to serve the people of Scotland.

10:16

The Minister for Public Health (Shona Robison): Today's debate confirms that the free personal care policy continues to have strong support across Parliament and that there is a shared desire to ensure that the policy operates effectively. Many members have focused on the most important issue of resolving the outstanding problems for the sake of older people in Scotland.

The debate has also emphasised the need for greater clarity and understanding of how the policy was, and is, intended to operate. As the Cabinet Secretary for Health and Wellbeing noted, we inherited a number of well-documented problems with the policy from the previous Administration, and they now need to be fixed. They are not new—they have cast a shadow over the policy for the past five years.

The issues that need to be addressed are challenging and not simple, but we are not prepared to sit back and do nothing. That is not an option, which is why, even before we formed the Government, the Scottish National Party gave several unequivocal commitments on free personal care. I am pleased to confirm that we are in the process of delivering on those commitments.

We have invited Lord Sutherland to establish an independent review to investigate the level of resources and their distribution to local authorities. He has confirmed that the review is making good progress and we look forward to receiving his full report in March. However, the issues surrounding the implementation of the policy are not just to do with the funding that is available to local authorities. The independent evaluation report identified various, essentially practical, issues that need to be addressed.

We made a commitment to ensuring that the free personal and nursing care policy is implemented properly throughout the country, and we will deliver on that commitment. To ensure that the policy is implemented consistently and equitably, officials are engaging with local authorities to develop joint proposals. We know that we need to add clarification on issues such as food preparation and waiting lists.

We recognise that full resolution of those issues might require legislation, and we have stated that we are willing to explore that option if it is the best way to fix the problems. I am in no doubt that positive engagement with local authorities will lead to the delivery of a more consistent approach to implementation of the policy, resulting in better outcomes for older people, which I believe everyone in the chamber wants.

Local authorities have made it clear that they are keen to work with the Scottish Government to resolve the problem areas. That can be evidenced through our work with COSLA and our constructive engagement with local authority leaders. Officials and ministers have had several meetings with COSLA and the Association of Directors of Social Work. Another meeting will be held tomorrow, and I will meet Pat Watters again next week to take the issues forward.

We have been actively engaged with the matter; in fact, we are in the middle of the resolution of many of the difficult problems that we inherited, which we are determined to resolve.

We need to tackle the key issue of payments to self-funders in care homes for personal and nursing care. Since the introduction of the policy in 2002, those payments have remained static at £145 per week for personal care and £65 per week for nursing care. We have already

announced that, from April 2008, we will increase the payments for personal and nursing care in care homes in line with inflation. We believe that that is right, fair and affordable, and that it will help to resolve the issue of resources.

The Scottish Government wants the very best for our older people, who richly deserve it. We want to improve their quality of life and their physical and mental well-being. This is a flagship policy and we should all be proud of it. We will enhance it and will continue to deliver it for many years to come. We want there to be cohesive services, clarity, early interventions and efficient delivery. Taken together, action in those areas will benefit many older people now and in the years to come.

I reassure older people that free personal care is one of our key priorities and that we will do everything necessary to ensure that it will continue on a strong and sustainable footing.

Jackie Baillie: We all share those very laudable aims, but what action will the minister take to ensure that Argyll and Bute Council meets the expectations of the Government and the Parliament?

Shona Robison: Jackie Baillie will be aware that a report on Argyll and Bute Council's performance will be issued tomorrow. I have already arranged a meeting with the council leaders to have discussions. We are very aware of the issues, which is why we are taking speedy action to ensure that, if there are issues to be addressed, we will discuss with the council leaders what they are and how they are to be addressed.

I end on an important point to do with Lord Macphail's ruling. There has been large-scale misinterpretation of what it means. It puts the obligation on the local authority to begin payments not at the point of assessment but when the local authority has a contract with a care provider. That is consistent with the guidance that the previous Administration issued to local authorities in July 2003, and it reflects the operation of the law as it stands. Local authorities must pay attention to that ruling and we and COSLA will make sure that they are aware of it. Of course, we will take opportunities to come back to Parliament as we continue to make progress with our COSLA partners in sorting out the problems that we inherited with the policy.

10:22

David McLetchie (Edinburgh Pentlands) (Con): It is ironic and regrettable that a policy that has been so frequently proclaimed from all sides of the chamber—as Jamie Stone and Shona Robison reminded us—one of the flagship policies of devolution and evidence of a distinctive

approach to the care of older people in Scotland should have been beset with such difficulties because of the interpretation, implementation and funding of the legislation. There has been confusion, obfuscation and foot-dragging in the past on the part of the Scottish Executive, COSLA and a number of individual local authorities. That shames this Parliament, makes a mockery of our intentions and, most important, denies many older people in Scotland the care, and financial support for their care, to which they believed they were entitled. It is a truly lamentable state of affairs, which was highlighted yet again by Lord Macphail's decision in the Argyll and Bute Council case, which has caused widespread concern and alarm.

As Christine Grahame and others pointed out, people were led to believe that they had a statutory right to free personal care at the point of assessment of need. Essentially, that was the view taken by the McLachlan family in the Argyll and Bute Council case and by the ombudsman. However, the judgment makes it clear that there is no such right that can be enforced by individuals, and no consequential obligation on any council. The benefit of free personal care, not the right to free personal care, arises only when the council enters into a legal contract with the independent care home provider to pay the fixed personal care contribution towards the overall cost.

In such a situation, the Government's first priority must be to reassure people who live in independent care homes that the decision will not adversely affect them and that there is no question of contributions that were previously made towards care costs being clawed back, or of current funding being withdrawn. I welcome the assurances that the cabinet secretary and the minister have given in that respect.

With regard to people who may be assessed as qualifying for free personal care in the future, we need an undertaking to close the gap between the date of assessment of need and the date on which the obligation to pay arises. If we do not close that gap, councils such as Argyll and Bute Council will be able to operate a *de facto* waiting list and ration the provision of care. They will not do so out of malice or indifference; they will claim—with some justification—that the policy is not fully funded and that they simply do not have the resources to implement it fully without additional support from the Scottish Government. Therefore, there are funding issues that must be addressed.

In that context, we look forward to the findings of Lord Sutherland and his independent review group. We shall closely examine the Scottish Government's spending plans for the next three years for funding the policy when they are disclosed and the conclusions that Lord

Sutherland's group reaches, as they will be critical to the effective and sustainable delivery of the policy in the long term.

The question that we must ask ourselves in the light of Lord Macphail's judgment is whether we can rely on an assurance from the Scottish Government, acting in concert with our councils, that the gap between the date of assessment and the date of liability to pay will be closed or whether we should amend the legislation to confer on individuals an enforceable statutory right to free personal care and a consequential obligation on councils to pay. If there was such a right, the McLachlans would have been entitled to choose an independent care home provider immediately after a needs assessment had been made, and the council's obligation to pay would have arisen at that point. I am strongly attracted to amending the legislation in that way, as doing so would empower individuals and families to take decisions about the care that they need rather than leave them at the mercy of council bureaucracies and budget manipulations. I congratulate Irene Oldfather on her excellent speech and the support that she seemed to lend to that idea.

We must consider two amendments to the motion, which was lodged by my colleague Mary Scanlon. She was rightly and fairly critical of the SNP Government's approach to the recent court case, as were Gavin Brown and other members. We can be critical on that score, but it is only fair to acknowledge the establishment of Lord Sutherland's independent review group and the commitment to consider implementation and strategic issues, such as food preparation, waiting lists and eligibility criteria. In fairness, that has been done over five months with a view to addressing the problems that have arisen over the previous five years.

In that context, we must consider the amendment that Ross Finnie lodged for the Liberal Democrats, which Richard Simpson supported on behalf of the Labour party. They and their colleagues are no weel. They are afflicted by the condition known as collective amnesia. They have forgotten that, only five months ago, they were in government. I ask the Cabinet Secretary for Health and Wellbeing whether her miracle-working government has discovered a cure for collective amnesia. Can she assure us that the condition is covered by her waiting time guarantee so that members can quickly receive the treatment that they badly need? Labour and the Liberal Democrats may wish to adopt the Pol Pot year-zero approach to politics, but we do not forget so easily.

More seriously, as members have said, the Scottish Conservatives lodged the motion to address genuine public concerns, seek

assurances on behalf of many of our older people and demand action to resolve problems that have accrued over a long time. The Cabinet Secretary for Health and Wellbeing's amendment pledges the Government to do what we want. We shall take her and the Government at their word for now, but we shall certainly hold them to it.

Police Numbers

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-677, in the name of Bill Aitken, on police numbers.

10:30

Bill Aitken (Glasgow) (Con): The SNP's election manifesto stated:

"There is no doubt we could be doing more to fight crime and make Scotland's communities safer ... It is essential that we have sufficient police on local streets."

Those are not my words—that is a straightforward extract from the SNP's manifesto, which then promised 1,000 more police officers.

In a question session during the election campaign, the SNP stated that it had allocated money to allow for 1,000 more community officers. Again, those are not my words. At that stage, the SNP might have been given credit for being clear. However, the acme of clarity was the First Minister who, at the Scottish Police Federation conference in Peebles on 27 April, stated that policing was top of the public's concerns and that it should be top of the budget priorities. Specifically, he stated:

"the SNP have more money unallocated than any other political party and we will allocate these funds to the priorities of health, education and policing if more funds are required in addition to the thousand extra officers".

He also claimed that £78 million had been set aside in the nationalists' spending commitments to help meet the target of providing 1,000 additional officers. In a speech to the Parliament on 23 May he said:

"The Conservatives focused on law and order, and flagged up the urgent need for police numbers to rise—they will rise. The only difference between the Government and the Conservative party on that policy was how far and how fast it could be managed."—[*Official Report*, 23 May 2007; c 59.]

I say to Mr Salmond and Kenny MacAskill that we would take that policy much further and that we would certainly have managed it a lot faster. The Cabinet Secretary for Justice will no doubt say that we will see what progress will be made if we await the SNP's budget. That may be an arguable case, but I seriously question whether the commitment that was made with stark clarity in the SNP's election manifesto will be fulfilled. The goalposts appear to be being moved.

On Scottish Television's "Politics Now" programme on 27 September, I challenged Kenny MacAskill over the figures and when the targets were likely to be fulfilled. To describe his response as equivocation would be generous. After much humming and hawing, the normally eloquent and loquacious Kenny MacAskill was struck into

comparative silence. He then appeared to give the game away. One thousand new police officers were promised, but I took from his answers that night that the SNP is considering the position of many officers who are due to retire, retaining them and double counting that number against the 1,000 additional officers. That is more or less what is suggested in his amendment.

The Cabinet Secretary for Justice (Kenny MacAskill): If the Conservatives' manifesto commitment was for 17,734 officers, how many officers did it propose to recruit?

Bill Aitken: We proposed to recruit 1,500 officers. Our proposal was budgeted and made clear throughout the election campaign.

Kenny MacAskill rose—

Bill Aitken: I must make progress.

If Mr MacAskill is saying that there is merit in considering what the police do nowadays and making changes—perhaps systems must change—he might be right. However, let us be clear. One thousand additional officers, not their full-time equivalents, were promised—no ifs, buts or maybes. Indeed, one wonders what Mr MacAskill considers to be a full-time equivalent. Is it a community warden or a cardboard cut-out that is painted in the colours of a police uniform? The tragedy is that, as a result of the SNP's election manifesto and speeches that were made by the First Minister and the Cabinet Secretary for Justice, the people of Scotland were led to believe that an additional 1,000 officers would be provided. There was no question of equivalents—that was the actuality of the promise that was made. What is now being advanced is a fudge and a betrayal of a promise that was accepted in good faith by the public, the police and many of us in this Parliament. It is little short of an unforgivable attempt to con the people of Scotland.

The evidence in support of the need for additional policing is incontrovertible. The Scottish crime and victimisation survey, based on research carried out in June to December of last year, provided stark evidence of the way in which confidence in the policing system is at an all-time low. Perhaps the most worrying feature is the fact that there is now almost public indifference. Most crimes and offences of a non-serious nature are not even reported. What sort of message does that send out?

The bottom line is that the police simply have too much to do. There are, of course, arguments that they are doing things that they need not do and that some of their duties can be hived off. I have no doubt that such arguments will arise during the Justice Committee's investigation into policing. What can be said, however, is that there is considerable public dissatisfaction with the

length of time that it takes the police to respond to calls, and considerable frustration among police officers that they are not providing a service to the public.

There is unanimous support for an increase in police numbers. As I said, the Conservative party stated in a carefully budgeted manifesto that we would provide an additional 1,500 officers—a number that we consider would impact measurably and effectively on crime levels. Other parties were not so ambitious, but we are not debating the views of Opposition parties today. For once, the Labour and Liberal parties have no case to answer. The people who have to come up with the answers are the ministers sitting before me today. The commitment was given clearly, both in their manifesto and in speeches, that 1,000 additional officers would be provided. Where are they?

The Parliament needs answers, and the people of Scotland demand them. Thus, early in its existence, this is a pivotal moment for the SNP Government. It is time for it to put up, put its money where its mouth is and keep its clear manifesto promise. Failure to do so will be an appalling breach of trust.

I come back to my initial point. The money is there—those are not my words; they are the SNP's words. Scotland already spends far less per person on policing than is spent by the rest of the United Kingdom—21 per cent less, in fact. The SNP seems determined not just to renege on promises made, but to keep the police as the Cinderella of our public services. It must not be allowed to do so. I urge the Parliament to support the motion in my name in order to make it clear that any withdrawal from that promise would be totally and utterly unacceptable.

I move,

That the Parliament notes with serious concern that, almost six months after its election, the Scottish Government has made no progress towards the SNP's manifesto commitment of 1,000 more police officers; expresses concern also at an apparent dilution of that commitment, and calls on the Scottish Government to keep that election promise by increasing the number of police officers from 16,234 to 17,234 by the end of this parliamentary session.

10:38

The Cabinet Secretary for Justice (Kenny MacAskill): We welcome the debate because this Government is committed to making Scotland safer and stronger and to delivering a more visible police service working in our communities to deter criminals and reassure good citizens. That is what our commitment was; it is what our communities need; it is what we said we would deliver; and it is what we will deliver. We will deliver an increase in

capacity of 1,000 officers in our communities, and we will do so after the strategic spending review, just as we said we would.

We welcome the Justice Committee's inquiry into police resources. The committee has already been presented with a great deal of evidence and I have followed the inquiry with interest. Some of the experts called by the committee have provided much food for thought. For example, only on Tuesday, Dr Ken Scott, head of the school of social studies at the University of Paisley, stated:

"Simply looking at the gross increase in police officer numbers underestimates the complexity of the situation."—[*Official Report, Justice Committee*, 23 October 2007; c 156.]

I will come back to that point, but Dr Scott is to be applauded for hitting the nail on the head. Perhaps the Conservatives should have enlisted his help when drafting the motion for today's debate.

David McLetchie (Edinburgh Pentlands) (Con): Did the SNP enlist Dr Scott's help when it was drafting its manifesto pledge?

Kenny MacAskill: We do not expect reasoning or logic from the Conservatives. Whatever criticisms Mr McLetchie had of the SNP manifesto—doubtless, he had many—let us consider what his colleague Jackson Carlaw said on 6 June about his own manifesto:

"the SNP committed to providing 1,000 more police officers, while we committed to an additional 1,500. It would be interesting to know how the SNP arrived at its requirement figure"—

I say to Mr McLetchie that perhaps it did so via Dr Scott. Jackson Carlaw went on to say:

"come to that, it would be interesting to know how we arrived at ours."—[*Official Report*, 6 June 2007; c 421.]

Perhaps the Conservatives failed to consult Dr Scott on that occasion.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the minister take an intervention?

Kenny MacAskill: Not at the moment.

Bill Aitken said that the Tory commitment was to recruit 1,500 officers. If you want a police resource figure of 17,734, which is the logic of your argument, you cannot do it by simply recruiting 1,500 officers. As Dr Scott would explain, because of the nature of retirement, he would have to recruit substantially more than that. It is for that reason that this Government has correctly analysed the problem, which involves addressing more than simple numbers. The Conservatives are so obsessed by numbers—

Margaret Smith (Edinburgh West) (LD): The question is not whether there is a role for extra police officers, community wardens and other people who are doing a good job in our

communities. The bottom line is that you made a clear pledge in your manifesto, whether it was costed or whether the SNP spoke to Ken Scott, Dan Donnelly or anyone else. The SNP had something in its manifesto that it is not delivering—it is breaking a promise.

Kenny MacAskill: As I said, we are delivering as you will see—not just from this speech, but over time, as matters unfold.

We believe that effective and efficient policing depends on so much more than head counts. Our commitment is not simply focused on numbers, because, like Dr Scott, we agree that that approach, in itself, does not provide the complete solution.

We will recruit. We will make an announcement about that shortly in the light of the spending review, as we promised. However, members can rest assured that that announcement will be broadly and warmly welcomed—although perhaps not by the Conservatives.

As I said in the chamber on 6 June,

“Tackling the fear of crime and deterring criminals requires effective front-line policing.”—[*Official Report*, 6 June 2007; c 406.]

That is what the public wants and expects and that is what we will deliver. Over the past decade, the overall number of police officers in Scotland has increased, yet crime has not fallen, and violent crime is on the increase. In the crime survey that was published earlier this month, nine out of 10 members of the public expressed the view that crime remained a problem.

We all know how fixated the Opposition parties are on numbers. We are not in a numbers game; our commitment is to deliver. This is about a genuine improvement in how policing is delivered. We will deliver that improvement in three ways.

First, we will provide funds for substantial additional recruitment. I make it clear that additional recruitment will take place and that new bobbies will be on the beat. Secondly, I am only too aware that too many experienced and highly skilled officers leave the service at a time when they have much more to offer. Retaining their talents and skills, which cannot be taught in college but which can be learned on the streets, is vital, and we will retain them. Thirdly, we will enable existing officers to maximise their potential by cutting the red tape that has enmeshed them in recent years. We will allow our officers to protect, guard and patrol instead of being desk-bound, processing, logging and filing.

I say to Mr McLetchie that when we have 1,300 officers in Edinburgh’s A division but still struggle on occasion to get 50 bobbies out on the beat, there is a significant problem that is not simply

about numbers but about how we use and deploy officers.

That is how we will deliver on our commitment to the delivery of genuine, visible, front-line policing in our communities. Our bottom line is that every community in Scotland should have a clear understanding of the standards of policing that they have a right to expect and should know whether those standards are being met and how they can contribute to setting them.

I believe that all members share those same goals. I confirm that we will deliver a visible police presence and provide an additional 1,000 officers for our communities, and that we will do so through recruitment, retention and redeployment to maximise potential, not simply by increasing numbers but by working smarter rather than necessarily harder. We are well served by police officers, but we need to ensure that their time is used productively and that they patrol, guard and serve rather than process, log and file.

I move amendment S3M-677.1, to leave out from “with serious concern” to end and insert:

“that the Scottish Government will set out its plans for a more visible police presence in the context of the Strategic Spending Review 2007 and will deliver an additional 1,000 police officers in our communities through increased recruitment, improved retention and redeployment.”

The Deputy Presiding Officer: I remind members not to address other members in the second person.

10:45

Pauline McNeill (Glasgow Kelvin) (Lab): As the speech by the Cabinet Secretary for Justice has clearly shown, the SNP is under pressure—rightly so—on its promise to the electorate to create 1,000 more police officers in Scotland. I find it staggering that even after so many debates it is still defending its position on the matter. Successive attempts to twist and turn its words and to wriggle out of one of its key commitments have failed, and this attempt will fail again tonight. We know that Government officials are desperately trying to create ways of getting the Government out of its hole and I look forward to hearing the plan that they will cobble together.

Kenny MacAskill said that the SNP wants to increase the police force’s capacity. No one can disagree with that aim, but is he deliberately missing the point that the SNP made a particular commitment on the matter?

Kenny MacAskill: Will Pauline McNeill remind us how many new bobbies Labour committed to recruit? Was the number, in fact, zero?

Pauline McNeill: We delivered on our promises. From 1997 to 2007, we increased police capacity

by 10 per cent. The cabinet secretary should acknowledge our record.

Let us be clear: Alex Salmond presented a manifesto that, on page 58, says that

"It is essential that we have sufficient police on local streets. That's why we will set out ... in our ... Budget for Scotland ... 1000 more police"

officers—"more" being the important word in that quotation.

Not only has the SNP breached the 100-day time limit that it trumpeted for meeting this key commitment but—more serious—the First Minister has attempted to mislead Parliament by stating on 4 October that the SNP had promised "the equivalent of 1,000" police officers. The First Minister specifically referred to page 58 of the SNP manifesto and blatantly and cynically added extra words so that those who were watching him would wonder what all the fuss was about. Did the First Minister really think that the electorate that had been bombarded with expensive leaflets setting out his party's priorities would not notice that the SNP said that there would be "more" police officers, not "the equivalent of" those officers or increased capacity? An SNP promise is not worth the leaflet that it is written on. We do not know who wrote the SNP's manifesto commitment, but we should not forget that Alex Salmond signed off on it, so he has no excuse for not delivering on it. He should come to the chamber and apologise for that. We on this side of the chamber and members of other parties will not tolerate such manipulation of the parliamentary process or misleading of members.

We support the Conservative motion and agree with Annabel Goldie that the SNP's approach demonstrates a lack of respect for voters. This issue will haunt the SNP Administration, because if it does not come clean and at least admit that it got it wrong and that it made the commitment just to capture the popular vote, it will not be forgiven. It might just, however, be forgiven if it admits its mistake.

Labour believes that we face serious challenges in tackling crime and antisocial behaviour in our communities. As I have said already, we stand by our record. We support a continued increase in police numbers and believe that our work on modernising systems will free up officers to take on front-line duties and tackle antisocial behaviour in our communities. We also believe that there is a role for others in working alongside police officers—community wardens will be important in that respect.

We will not let the SNP take the credit for the work that we carried out to free up police officers and to modernise the system by, for example, preparing for hand-held computers to issue

notices on the street. However, we will work with it if it is prepared to be honest, to come clean and to say that it got it wrong and that it cannot deliver on its promise. If you do that, we can certainly work with you.

10:49

Margaret Smith (Edinburgh West) (LD): I welcome this debate—and, unlike Kenny MacAskill, I actually mean that. The debate represents an opportunity to highlight the SNP's broken promise on police numbers—I know that many members share my disappointment and my feeling of having been misled. We are not alone: the hundreds of officers who attended the Scottish Police Federation's annual conference earlier this year, the SNP voters who trusted the SNP's manifesto and the communities throughout Scotland who live in the shadow of crime and who believed what they heard in news stories and leaflets must also feel that they have been hoodwinked by Alex Salmond and his Government.

However much the SNP hides behind the comprehensive spending review, whatever inventive word play or fantastical maths it continues to use, and however expertly it avoids the questions, the simple fact is that we were all promised 1,000 more police. It now seems that we are not going to get them. The SNP manifesto clearly and unequivocally stated:

"we will set out plans in our first Budget for Scotland for 1000 more police and will encourage Chief Constables to focus these new resources on community policing."

The SNP is now trying to rewrite that pledge.

The Scottish Liberal Democrats also made a manifesto commitment to put 1,000 additional police on our streets. We stand by that: we would have provided at least two additional community police officers in every ward in every council area in the country. The SNP talks about increasing capacity, about police equivalents and about refocusing resources, but the truth is that to reduce crime and the fear of crime we need more new police officers visible in our communities.

From comments that have been made in recent weeks by Mr Salmond and Mr MacAskill, it seems that we will simply get a reshuffling, rebranding or rebadging of existing forces. I suggest that it is not our police forces that need to be reshuffled. Mr MacAskill says that we are not in a numbers game. Oh, yes we are—whether he likes it or not. He has made it a numbers game, in the same way that Mr Aitken and his party and my party made it a numbers game in our manifestos.

The Minister for Community Safety (Fergus Ewing): Given that Margaret Smith has said that this is a numbers game and that she will

apparently support Mr Aitken's motion, which states that there should be "17,234" police officers "by the end of this Parliamentary session",

how many more police officers do the Lib Dems believe should be recruited and how much would that cost?

Margaret Smith: I say with the greatest respect that we have been hearing for the past few months about all the things that we did or did not do when in government. You are the Government. You made a manifesto commitment. You are breaking it. It is your job to deliver what you said you would deliver.

As the Association of Chief Police Officers in Scotland and others have highlighted, more and more police officers are soon to retire. We will have to face that difficulty for a decade, so it is crucial that officer recruitment keeps up with the increasing number of departures from the force. We must also ensure that outgoing officers' valuable knowledge and expertise are not lost to forces and that existing officers are retained.

Mr MacAskill talked about redeployment, greater civilianisation of police forces and freeing up police officers from other duties. Each of those ideas is worthy in its own right and they are certainly not incompatible, but the cabinet secretary misses the main point, which is that the SNP promised 1,000 more police.

I do not wish to question the value of community wardens. In fact, only this week, the Justice Committee heard about their valuable work; we would welcome the Government's ongoing support for them.

Bill Aitken rightly raised the problem of underreporting and problems in service provision that result in many calls going unanswered and many people in our communities feeling let down.

The fact is that we need more police because they have specialised training and additional powers that others do not have, and because they are a recognisable symbol for the people of Scotland. They represent a visible law enforcement presence on our streets that deters potential offenders and reassures law-abiding citizens. In that respect, the Scottish Liberal Democrats can be proud of their legacy of strengthening police forces when in government. On our watch, numbers increased by 31 per cent to their highest ever levels. In 1999, there were 14,810 police officers in Scotland; now, there are 16,261.

We will support the Tory motion. After all, it is the Opposition's job to scrutinise and hold the Government to account and we have no intention of doing anything other than that on this crucial issue. It is time for Mr Salmond and the SNP to

stop this once and for all and to deliver on their manifesto commitment to give people the 1,000 new officers that they were promised. To do otherwise would be a quite unacceptable breach of the people's trust.

10:54

Nigel Don (North East Scotland) (SNP): As a member of the Justice Committee, I am glad that our committee is holding an inquiry into police numbers. That is enormously useful in the context of today's debate and I know that my committee colleagues will enjoy the process of learning a great deal more about what the police do and what we could do with them in the future.

I will register what I think are the crucial points for the next four years. At the moment, we have approximately 16,000 police officers—the detail does not matter at this stage. I gather that about 3,000 of those good folk will retire over the next three years, which means that we face a time of unprecedented turnover and change that we will have to manage anyway.

The cabinet secretary has said that he sees the numbers increasing through recruitment, improved retention and redeployment. I would like us to accept that we want police officers to become a greater part of the fabric of our communities, so I would be grateful for front-bench confirmation of that in the winding-up speech because it will be a crucial part of what needs to go on. It is already happening, but it will need to happen to a greater extent and, for that to be the case, police officers will have to spend more time in communities, which means that they will have to have longer assignments in communities. That requires some serious thinking about how police officers will be deployed.

We must be careful about the concept of visibility. The point has been made that police officers are at their most visible when they are walking around, but unless incidents to which they must respond happen in front of them—sometimes they will—they will find it difficult to respond to the call. If they are walking about, they need to be very near transport, by which I mean their own cars. There is a difficult balance to strike between police officers being visible on the hoof and their being near the transport that enables them to get to the next call.

Hugh Henry (Paisley South) (Lab): I do not disagree with anything that Nigel Don has said. He makes a reasoned and reasonable case about what policing in Scotland should be like. However, does he agree that the thrust of this morning's debate, rather than being about what the police should be doing, is about whether, prior to the election, a commitment was made on delivery of

1,000 extra police officers? Does he agree that it is incumbent on the present Administration to deliver on that highly specific promise?

Nigel Don: I readily agree that it is incumbent on the Government to deliver on the promise in the manifesto. I am a member of the Scottish National Party and I fought on that manifesto.

Regardless of numbers, it is also important that our police are able to respond to calls. It is emerging from the Justice Committee's work that an important part of policing is the need for the police to have a greater ability to respond more effectively to the general public when they ring up and the call has been answered. It is only when those crucial parts of policing are as good as they can be that the number of police officers that we have will be able to provide the best response and deliver the best service to our community.

I turn briefly to the role of police boards, whose scrutiny of how local police services work has been heard at the Justice Committee. There is a strong case to be made for examining that scrutiny because it is not clear that the boards are performing that function effectively because it seems that it might be incompatible for a police board to be both a provider of funds and a scrutinising body. I hope that that issue will be also be examined.

10:59

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in the debate. The motion deals with two important areas: the continuing concerns throughout Scotland about crime and antisocial behaviour and the SNP's political response to those concerns, in particular the backtracking on its commitment on police numbers that has gone on since May.

Crime and antisocial behaviour are big issues that continue to come up in my constituency work. Antisocial behaviour is a particular problem, with unruly mobs frightening pensioners, and the actions of antisocial neighbours resulting in home owners having to stay in their homes and live miserable existences. The fact that the issue dominated the agenda at a recent meeting of Rutherglen community council that I attended shows how concerned people are throughout Rutherglen, Cambuslang, Toryglen and King's Park. People in those communities and throughout Scotland are crying out for help and it is the job of Administrations and Governments to answer such calls.

The previous Executive stepped up to the mark by providing 1,200 more policemen and 500 more community wardens, by introducing additional powers to combat antisocial behaviour, by creating the powers to impose antisocial behaviour orders,

by introducing acceptable behaviour contracts and by strengthening dispersal powers. Local authorities had their powers bolstered, too. South Lanarkshire Council has a highly effective antisocial behaviour unit that has come to the service of my constituents on many occasions. There is no doubt that tackling antisocial behaviour is a complex matter that requires the passing of laws and the provision of resources such as more community wardens. Aspects of social policy, such as social inclusion and how to tackle alcohol abuse—which Parliament will discuss this afternoon—must also be examined.

However, the Administration's credibility with the public has been seriously undermined by the issue of the SNP's commitment to provide 1,000 extra police, on which it has begun to backtrack. It now talks about equivalents. The cabinet secretary said that it is not a numbers game—I am glad that he is not in charge of the budget.

Kenny MacAskill: The member refers to what I said about our not being in a numbers game but, as well as saying that the previous Executive increased police numbers to record levels, he said that the main source of complaints in Rutherglen is crime and antisocial behaviour. Does that not show that increasing police numbers does not by itself reduce crime and that we require to tackle the root causes of crime and ensure that the officers that we have are best utilised?

James Kelly: As I said, antisocial behaviour is a complex problem that requires to be tackled through laws, resources and social policy—in a number of ways. The SNP said to the electorate that a specific number of extra police would be provided. Its members stood for election on that basis. Now it is trying to say that the numbers do not really matter.

I want, because it concerns a serious matter, to reiterate a point that has already been made. On 4 October, Alex Salmond gave his interpretation of page 58 of his party's election manifesto. He said that the SNP would consider providing

"the equivalent of 1,000 extra officers".—[*Official Report*, 4 October 2007; c 2468.]

That is not what page 58 of the manifesto says. It is not as if he was misquoting the *Sporting Life*; he was misquoting the manifesto that he went to the country on. That is very serious and his conduct was unbecoming of a First Minister. It is not good enough. Now is not a time for grandstanding or posturing; it is a time to stand up and be counted for Scotland's communities.

11:04

Jackson Carlaw (West of Scotland) (Con): In those halcyon days back in May when there was much rosy talk of a new mood in Parliament, I

made a light-hearted and self-deprecating comment in my first speech. Believe me, I have learned my lesson. Since then, much has been made of what I said by the Cabinet Secretary for Justice and even by the First Minister, and it has been mentioned again today.

I reflected on the shared objective, as expressed in our respective manifestos, to increase police numbers—in the case of the SNP by 1,000 and in the case of the Scottish Conservatives by 1,500. I then mused that

“It would be interesting to know how the SNP arrived at its requirement figure; come to that, it would be interesting to know how we arrived at ours.”

However, I immediately went on to say that

“The answer, of course, is through consultation—but no matter. We are agreed on the need and look forward to supporting initiatives to give it effect at the earliest opportunity.”—[*Official Report*, 6 June 2007; c 421-422.]

My abiding memory of that debate is of the Cabinet Secretary for Justice nodding vigorously in agreement. Why should he not have done so? He, the First Minister and their party had just fought an election during which they had made an unequivocal commitment in print and in speeches that they would recruit an additional 1,000 police officers—they had been almost foaming at the mouth with indignation and resolve. The money had been set aside; all that was required was an SNP victory and the deal would be done.

However, the saliva had hardly had time to drip off the end of the ministerial ties when the Cabinet Secretary for Justice and the First Minister began their ignominious retreat, which is breathtaking for the scale of the climbdown and for the complete lack of credible explanation for its rationale.

What has motivated the Cabinet Secretary for Justice to turn tail? Surely it is not evidence that has been received since the election. The review by the guru of the Labour Party, Professor Arthur Midwinter, confirmed what the SNP and the Conservatives had said, which was that spending increases on police per head in Scotland had fallen way behind those in other constituent parts of the UK. In that context there should be little surprise that recently published reconviction rate figures show that almost half of offenders are back in trouble within two years. This week's gun crime statistics show a 25 per cent increase in injuries resulting from firearms offences during the past year. Politicians are directly to blame, but although the Cabinet Secretary for Justice was happy to fight an election on the side of the angels, he now descends into the abyss.

Scottish Conservatives continue to believe that there should be a real increase in police numbers. Let us be clear: we are talking about providing 1,500 additional police officers after we have

redesigned equivalents to the front line and managed retirement capacity. If the Government honoured its explicit and solemn promise to recruit the lesser figure of 1,000 additional police officers, it would make a genuine impact. If Strathclyde Police, which serves the region for which I am a member, were given its pro rata share of the additional recruits, it would gain some 480 officers. That amounts to 50 more officers in the Glasgow central and west division, 41 more in Glasgow north and East Dunbartonshire, 52 more in both Glasgow east and Renfrewshire and Inverclyde, 63 more in Glasgow south and East Renfrewshire, 43 more in Argyll, Bute and West Dunbartonshire, 59 more in North Lanarkshire, 51 more in South Lanarkshire, and 69 more in Ayrshire. A round number such as 1,000 sounds all very well, but individual divisions throughout Scotland were promised additional resource. Those divisions and the communities that they protect are right to feel betrayed by the Cabinet Secretary for Justice.

Will the Cabinet Secretary for Justice come clean? On 4 October he said:

“Jackson Carlaw has a commitment: we will recruit new officers.”—[*Official Report*, 4 October 2007; c 2457.]

How many new officers will be recruited? Does the number change from day to day?

Kenny MacAskill: Will the member give way?

Jackson Carlaw: I am in the final seconds of my speech.

We remain committed to our pledge to provide 1,500 additional police officers. We fought the election on that promise, which was honestly made and properly costed. A key practical test lies ahead, by which Scotland can judge the integrity of its minority Government. The Government has the votes to implement its pledge; can it be trusted? Is the cabinet secretary all tree but no timber? Scotland needs a Cabinet Secretary for Justice who is made of hardwood, not the soft stuff.

11:08

John Wilson (Central Scotland) (SNP): The debate has relevance to me and I am interested in what the Cabinet Secretary for Justice said because I am a member of the Justice Committee, which has decided to make effective use of police resources the subject of its first inquiry. Our consideration will be influenced by this debate and by the evidence that we take.

Much has been made of Dr Ken Scott's comments at the Justice Committee's meeting on Tuesday, but less has been made of what Dr Daniel Donnelly said. Dr Donnelly described a scenario in which an incident that would normally be reportable to the police could go through the

entire system without hitting a police officer's desk. A civilian at the desk in the police station could deal with the initial report; a civilian could issue a crime number; and a civilian could deal with the matter when it went to court. No police officer would be involved.

People want to be confident that a police officer will deal with their case if they need to report a crime. We must be careful about what we say about police numbers. It is fine for Conservatives to say that they want 1,500 additional police officers or for Labour members to say that they have delivered on Labour's 1997 promise, but did Labour deliver a reduction in crime? Did it deliver a reduction in firearms crime, which Jackson Carlaw mentioned?

George Foulkes (Lothians) (Lab): I am interested in what the member said. Does he go along with his colleague Mr Don, who stands by the pledge on which he was elected, to deliver 1,000 extra police officers? Does the member still stand by that pledge?

John Wilson: I stand by our pledge to the public that we will build confidence in the police force in Scotland.

A number of police forces have introduced community police officers, who are readily identifiable in communities and work with community organisations such as tenants associations, neighbourhood watch groups and community councils. People welcome that move, which gives them access to police officers at community meetings.

Evidence has been presented on the number of police officers who are reaching retirement. The Association of Chief Police Officers in Scotland said in its 2006-07 annual report:

"As the bulge in the retirement profile continues towards the end of the decade, recruitment and the maintenance of expertise within the service remains a key component of the People Strategy."

There are issues to do with retirement and to do with the number of officers who resign. We must consider the causes of resignations.

As I said, the Justice Committee acknowledges the importance of the effective use of police resources and has made that the subject of its first inquiry. We must build public confidence in the police service and get the message across that the nature of policing in Scotland in the 21st century has changed dramatically. Parliament must strike the right balance so that people feel that they can call on the services of a police officer when they most need one.

Police forces throughout Scotland are implementing initiatives to ensure better use of resources, so that officers are available when they

are required. On a Friday night recently, I took the opportunity to go out on patrol with police in Coatbridge. I witnessed a number of initiatives in which police engage with young people. For example, young people who would normally hang about drinking on the street are taken to a local private golf club, which has committed to giving them a year's membership. The golf coach told me that some young people, who are playing golf for the first time, are showing great potential. Young people in Scotland should not miss out on such opportunities.

I also saw how police officers on bicycles were able to respond to incidents. Such officers have high visibility on estates and can get access through passageways that police cars cannot use.

Parliament must work to build public confidence and reassure the public that we are working to realise the full potential of police forces in Scotland.

11:13

Alison McInnes (North East Scotland) (LD): Police numbers concern people throughout my region. Grampian Police, which serves a large area in the region—with a city, towns, and a highly dispersed population—faces particular pressures, because historically it received a proportion of police funding that was lower than the Scottish average.

The previous Administration acknowledged the problem and started a levelling-up process in 2004, gradually increasing the percentage of funding that went to Grampian Police. The force responded well and ensured that the funding went to front-line service provision. However, that round of levelling up comes to an end in the next financial year. The £4.5 million that is earmarked remains unallocated by the new Government, which has responded to queries by saying that the funding is subject to the spending review.

There has been no support from the new Government to look at continuing the levelling-up process, despite the fact that the SNP called for greater funding while it was in opposition. It is essential that the manifesto commitments that were made on extra police numbers are delivered, but the extra numbers must be distributed fairly across Scotland. The SNP must see the levelling-up process through to its conclusion, thereby ending the traditionally higher proportion of funding that is channelled to forces in the central belt. Currently, Strathclyde Police and Lothian and Borders Police have proportionately more officers than Grampian Police has. It has been estimated that, on a per capita basis, Grampian Police would need 200 extra officers to reach Strathclyde levels.

I turn to some of the unique local pressures and issues that face Grampian Police. Those include the huge drug supply and misuse problem in Aberdeen and North Aberdeenshire and the fact that drug suppliers from England are heavily targeting the region. Another issue is the shocking level of road traffic accidents and road deaths. Additionally, we are now seeing longer periods of royal court residence that require more frequent staff abstractions, as no additional resources are being made available for royal protection. The area also has lower levels of block community safety funding, much of which is currently being used to pay for police officers.

The SNP is not only backtracking on its commitment, but threatening the legacy of the previous Administration, which was a steady increase in police numbers. The offer from the SNP now seems to be a more visible police presence and additional officers through redeployment, but that is manifestly not the same as 1,000 extra police officers. Yesterday, Joe Grant, the chief executive of the Scottish Police Federation, said that the incoming nationalist Administration had made a clear promise on the issue.

People across Scotland are looking to the SNP to honour the promise of 1,000 new police officers. The people of Grampian expect to receive a fair share of those new police officers—but, hey, broken promises are already the hallmark of the new Administration. Perhaps we should not hold our breath.

11:16

Helen Eadie (Dunfermline East) (Lab): We have a saying in Scotland: facts are chieftains that winna ding. The subject of the debate is a fact that was broadcast the length of the land in every newspaper and television broadcast. The SNP said, unequivocally and with no ambiguity, that there would be 1,000 new police officers. Just as the Scottish Parliament mace says, "There shall be a Scottish Parliament", the SNP said, "There shall be 1,000 new police officers." That was the SNP promise and yet the new SNP Government is not delivering on it. That is a total betrayal and a total lie to the people of Scotland. The cabinet secretary has to answer that in the debate.

I can just image the scene—members will be able to, too—when Kenny MacAskill arrived at his desk. His new colleagues—ministerial advisers and civil servants—asked him, "Minister, do you know what this is going to cost?" It does not take a boffin to work it out. Someone needs only to trawl United Kingdom websites and do a few Google searches here and there to come up with a figure that is not short of £50 million, and that is only for

the 1,000 new officers, before we even start to look at replacing officers who are about to retire.

At that point, Kenny MacAskill probably said—and as I am a lady, I will not use his language—"Oh, frank!" Members can imagine the scene. From that moment on, Kenny MacAskill was frantically back-peddalling. He would then have gone to Alex Salmond and said, "We must back-pedal on this with all our might. If not, before we know where we are, with the costs for recruitment and retention and the replacement costs for retired officers, we will hit £100 million."

The SNP has not stopped at that commitment. No member has mentioned another SNP commitment in the debate thus far, but I have been reading websites like mad for the past few days and have found that the SNP plans to set up a serious crime task force. Although that is not in SNP budgets, the commitment has been made. We do not yet know the size of the task force. The Labour Party welcomes it, albeit that it sounds as though it could be huge—not medium or small in size, but huge. I can just see the apoplexy on the faces of the Cabinet Secretary for Justice and the First Minister when they realised the extent of the pledges to which some boffin in their back room committed the SNP in the run up to the Scottish Parliament elections.

This did not start at the last election, however. We need to look at what was said by not only Alex Salmond, but Roseanna Cunningham. As shadow Justice Minister, she said that the SNP would increase the number of police officers on Scotland's streets by 1,000. She did so in a keynote speech in November 2004 to an audience of justice professionals, when she also said that the single officer patrols that were at that point in operation in Tayside Police and Lothian and Borders Police areas were

"no substitute for more police officers on the streets."

She also said clearly:

"We need more police and a more visible police presence on our streets but that presence must be a real one and not a presentational invention".

Is the SNP's use of the word "equivalent" a "presentational invention", as is its use of the phrase "extra capacity"? We need to know the truth, which is that the SNP is not going to give us 1,000 officers.

Roseanna Cunningham continued her speech by saying:

"The SNP believes that we must make a real difference to the fight against crime and therefore as the Justice Minister in an SNP Executive I pledge to increase by one thousand the number of police officers on Scotland's streets."

We have heard the SNP make that commitment from 2004 right up to and throughout the election campaign. No one in the SNP is unequivocal about it, but now that the party is in the driving seat, it is not going to deliver.

I had an interesting bit of pillow talk with my husband this week. He happens to be a councillor on Fife Council, which has an SNP-led coalition. The committee with the remit for policing agreed this week that no police officers are engaged unnecessarily in red tape or pen pushing. The committee also agreed that it is simply wishful thinking on the part of the Cabinet Secretary for Justice and the First Minister to think that they can magic 1,000 police officers on to the front line to create an equivalent of 1,000 new police officers. The committee further said that 1,000 new police officers across Scotland would result in only 62 new police officers in Fife, which would mean—given the five-shift pattern of working and divisional command structure—only 1.5 new officers on the front line at any one time. That would scarcely make a dent. A clear need for new officers has been identified.

At decision time, along with my colleagues, I will vote for the Conservative motion.

The Deputy Presiding Officer (Trish Godman): We move to wind-up speeches.

11:22

Mike Pringle (Edinburgh South) (LD): The subject that the Tories have chosen for the debate is an interesting one. Police numbers almost always seem to appear in political manifestos. Indeed, all the major parties, apart from Labour—I could not find a figure in the Labour manifesto—put numbers on their proposals for extra police. That is not only a bit of a hostage to fortune, but begs the question of what it means to the voter. What do my constituents in Edinburgh South want from a police service? The answer is that they want to feel secure in their homes and in their local community. Nigel Don made a good point when he said that communities want to see police officers in the fabric of the community.

Since 1999, police numbers have risen from 14,810 to 16,261 across Scotland, which is an increase of 1,451. Does that lead me to believe that the people whom I represent feel more secure? All the evidence suggests that that is not the case. What are we, as politicians, to do about that? Time after time, my constituents tell me that they want the police to be more visible. The cabinet secretary referred to that in his speech. I agree. People want to be able to contact the police more easily, be given a response, and know what is happening as a result of their inquiry. In our manifesto, the Liberal Democrats proposed to

have at least two additional police officers in every one of the new council wards. I believe that that would go some way to answer the needs of my constituents and to provide the extra visible presence that they want.

All too often, people tell me that they do not bother to phone the police any more to report a crime or their suspicions about a crime because they do not think that it is worth it. We have to improve the links between communities and their new community officers. The Liberal Democrat commitment for more officers on the ground in the new council wards is the right way forward. We have also proposed that the dedicated mobile phone number of the local community police officer should be circulated. Enabling local communities to contact their local policeman directly would help to achieve the aim of improving links between communities and the police.

Policing has moved on a great deal in the past two years. Chief constables are looking at new ways of policing and of making the best use of their policemen. In Edinburgh South, the police now have off-road motorbikes on which to chase delinquents on bikes who used to be able to escape up the glens and streams. Members may well ask whether there are glens and streams in Edinburgh South: the answer is yes. There was no lack of volunteers when police officers were asked to apply for that new service.

Edinburgh South was the first part of Edinburgh to have a youth action team dedicated to tackling youth crime and disturbance. That initiative has now been rolled out across the city. Last week, the work of that youth action team, led by Sergeant Bob Walker in association with other agencies, resulted in 350 litres of alcohol being confiscated in the Morningside, Bruntsfield and Meadows areas of Edinburgh South. That is the sort of policing that my voters want. I hope that some of those things can be taken up by the cabinet secretary and considered for other parts of Scotland.

I make one final plea, which has often been made before. I am delighted that Edinburgh is now represented by a minister, and I hope that the minister will listen this time. Would he please consider Edinburgh as a special case when it comes to extra funding? London gets extra funding because it is the capital of England—as I would say. Edinburgh is the capital of Scotland. It is our capital city, and it has special needs that the rest of Scotland does not have.

Jackie Baillie (Dumbarton) (Lab): Will the member take an intervention?

Mike Pringle: Go on, then—although I have only 15 seconds left.

Jackie Baillie: Does the member agree that, as so many SNP MSPs are taking up residence outside the gates of Faslane, additional funding for policing in Strathclyde would also be welcome?

Mike Pringle: I do not think that I need to answer that.

Edinburgh is our capital city, and it has special needs that the rest of Scotland does not. We need more police to maintain Edinburgh as an attractive, safe place for its citizens and visitors. I hope that the cabinet secretary will address that.

11:26

Paul Martin (Glasgow Springburn) (Lab): It is clear from the debate that the Scottish National Party has failed to give clear assurances that it will deliver on its manifesto and provide an extra 1,000 police officers. Over the past couple of days, we have heard from a number of politicians who have admitted that they got it wrong. They have shown humility in confessing that they got their sums wrong. The present Government, however, has failed to do the same. I appreciate how humiliating it would be for the minister to admit that he got it wrong, but we will accept that admission by letter, by telephone call, or even by text message, if the minister wishes to exchange mobile phone numbers. The minister has to show the same humility, because that is good government—accepting that he got the sums wrong and moving the debate on from there.

Instead of showing humility, the Government seeks to condition our thinking. Perhaps we got it wrong. Perhaps we misread page 58 of the SNP manifesto, which, apparently, mentions the equivalent of 1,000 police officers. I think not. In fact, the manifesto was clear. It said that the SNP would place those extra police officers “on our streets”.

I do not often quote Julius Caesar in the chamber, but this is an interesting one:

“Men are nearly always willing to believe what they wish.”

In this case, the minister can convince himself that the statement in his party’s manifesto means the equivalent of 1,000 police officers. He is experiencing difficulties convincing some of his loyal back benchers, however, particularly Nigel Don. Credit is due to Nigel Don, who is willing to interrogate his Government’s manifesto and has given a commitment to deliver on it. Well done to Nigel Don. He is a credit to his party and, indeed, to the Justice Committee.

Some members have asked about police numbers when Labour was in government. What did Labour deliver? Jackson Carlaw has talked about this on a number of occasions. I can provide some interesting statistics. When in government,

Labour provided, on average, over 10 years, 144 police officers per year. When the Tories were in government, they provided 95 police officers per year, so I will take no lectures from them, although I support the Tory motion, which ensures that we hold the Government to account.

Bill Aitken *rose—*

Paul Martin: I am sorry, but I do not have time. I will also take no lectures from any of the then opposition members who opposed the legal remedies that we delivered under the Antisocial Behaviour etc (Scotland) Act 2004 to ensure that police officers are not only on the streets, but can fulfil their role as local police officers. The opposition that members raised to dispersal orders, for example, was a disgrace. I hope that the present Government will deliver on the 2004 act as well as giving a commitment to ensure that community wardens can play their important role. I have yet to hear the minister confirm that he will continue the previous Executive’s support to community wardens, who play a crucial role in communities throughout Scotland.

There was a great slogan during the election campaign: “It’s time.” I do not know how many times we heard it. It is time now for the minister to tell us how many police officers there will be in 2011. It is time for the minister to answer. How many police officers will retire in 2009? We believe the figure to be 500. Will some officers be refused retirement? The minister must answer yes or no. We would welcome answers from the Government on these issues, once and for all. It is time that it delivered on its manifesto.

11:31

The Minister for Community Safety (Fergus Ewing): On 12 September, I was pleased to attend Port Glasgow town hall to launch the police public reassurance strategy. Just yesterday, I was pleased to attend the Scottish business crime centre in Stirling to launch the new crime prevention strategy. Those are the sorts of measures that the Government is supporting fully, as we fully support the excellent work that the police do throughout Scotland.

Nigel Don got to the heart of the matter in his remarks about what the public expect from the police. They expect a visible police presence; they expect to see police on the beat; they expect to see police on the street; they expect to see police in the community. The Government is determined not to get involved in the knockabout stuff that has taken place today, but rather to deliver what the public want—what Nigel Don so rightly argued for in his speech.

I want to get straight to the heart of the issue, because I do not have much time. As members

will recall from my days in opposition—sadly, they were far too long—I was not prone to making specific spending commitments. The Conservative motion makes not just an unequivocal spending commitment, but a spending commitment that follows the fiscal school of Jackson Carlaw—it is completely open ended.

Let me explain why I say that. Over the rest of this parliamentary session—over the next three years—more than 2,000 police officers will be eligible to retire. It is absurd to suggest, as Paul Martin has done, that ministers can somehow bar police officers from retiring. What an absolutely absurd suggestion. Police officers have their rights, under their contracts of employment. It is therefore up to the police officers—2,000 of them—whether or not they retire. By definition, it is not possible for any Government to know exactly how many officers will retire. Ergo, as David McLetchie will shortly argue that there should be 17,234 officers by the end of the session—and as Conservative members have been arguing already, with support from some unexpected quarters during the debate, most surprisingly from the new Tory convert, Helen Eadie—the other parties are clearly making a spending commitment. It will be interesting to hear where they would find the money. To get that number, they have to know how many police are going to retire—but they cannot know that. Therefore, the other parties are signing a blank cheque and asking their friend Mr Carlaw to revisit his car-selling days to fill in the numbers and write out the blank cheque, to be signed on the taxpayers' account.

Jackson Carlaw: Was it Gordonstoun or Loretto that the minister was at? What did “additional” mean when he was at school? Did it mean extra, or not?

Fergus Ewing: The school's motto is *Spartam nactus est*—I think that we pursue that prudent approach to public spending.

Let me make some more serious points about the matter. As the cabinet secretary said, we will deliver 1,000 more police, but we shall deliver what the public want—the police will be in the community, on the beat and on the street. As Mr Don argued, that may be on patrol in vehicles, or it may be on foot. We will deliver what the public want and expect, by introducing efficiencies. Helen Eadie is simply wrong that it is not possible to make efficiencies. The cabinet secretary knows that she is wrong, from his discussions with Fife Constabulary.

Helen Eadie: Will the minister take an intervention on that point?

Fergus Ewing: I am in my last minute.

As the cabinet secretary said, we will consider ways in which to introduce efficiencies through the

adoption of technology, the centralised arrangement of some back-office functions, the efficient operation of the summary justice system and the effective operation of the Scottish Police Services Authority. We will deliver the pledge in the most effective way, not by signing a blank cheque, which is the new approach of the Conservative party, supported by its new fan, Helen Eadie. We will not pursue that approach; we will be prudent, not profligate; we will be effective, not negligent; and we will deliver for Scotland the 1,000 extra police to which the public are entitled, on the beat, where they are needed by the public, as we promised.

11:36

John Lamont (Roxburgh and Berwickshire) (Con): I thank members for participating in this Conservative party debate. It must be rare to have a debate in which so many of the speeches are so one-sided and so condemning of Government policy.

In the May 2007 elections, the SNP recognised the dwindling number of police officers in Scotland, which has resulted in a lack of community trust in the justice system, and pledged to spend extra money to secure 1,000 more police officers on the streets and to encourage police constables to use new resources for community policing. The SNP prioritised its budget to allocate money to education, health and policing, with £78 million being allocated specifically to achieving the goal of increased police numbers. Fergus Ewing says that he is not prepared to write a blank cheque to fund that, but the reality is that it is the SNP's cheque, the SNP's commitment and the SNP's promise.

In the First Minister's speech to Parliament on 23 May, he said:

“The Conservatives focused on law and order, and flagged up the urgent need for police numbers to rise—they will rise. The only difference between the Government and the Conservative party on that policy was how far and how fast it could be managed.”—[*Official Report*, 23 May 2007; c 59.]

It is clear now that the Government will go nowhere fast unless it gets out of neutral gear. It has been almost six months since the election, but no progress has been made on the promise of 1,000 new police officers, although there has been skirting round the issue and shirking of responsibility by the SNP Administration.

Pauline McNeill: Does the member agree with the Labour Party that an SNP promise is simply not worth the paper that it is written on?

John Lamont: I could not agree more. What is the point of voting SNP if, six months later, the pledges are all in the bin?

A further issue with the police force is the loss of officers to retirement, which Nigel Don mentioned. ACPOS reports a continued rise in officers retiring and a significant loss of talent and expertise. It has also highlighted the importance of recruiting and retraining officers, which it states is essential to achieving justice in local communities and the continuing presence of local officers. Once officers are recruited, it takes 18 to 20 weeks until they are out on the streets. The process is time consuming and should begin immediately if we are to solve the urgent and pressing problem.

A report prepared for the Scottish Police Federation by Professor Arthur Midwinter compares police spending in Scotland with that in the rest of the United Kingdom and with spending on other major public services in Scotland. The report reveals that police expenditure per capita is significantly lower in Scotland than it is in the rest of the United Kingdom—the expenditure is 20 per cent higher in England and 12 per cent higher in Wales. With other major public spending, Scottish spending levels are much higher than the UK spending average, which reflects Scotland's higher levels of social need, as shown in the measures of poverty, deprivation and poor health. The report shows that the need factors drive police expenditure, which begs the question why Scotland has such a low level of funding for its police forces. In addition, the report notes that funding is not dependent on the comprehensive spending review or the budget. Professor Midwinter concludes that that is a direct result of the Government's decisions. Police funding in local budgets has grown in line with other services, but the rate of growth is below the average, because of the Scottish Government's political priorities.

As we heard from Bill Aitken, in the SNP election campaign in April, at the Scottish Police Federation conference, Alex Salmond promised to allocate an SNP Government's funds to health, education and policing and said that, if need be, more funds would be allocated to achieve the commitment to increase police numbers. He went further by adding that £78 million would be allocated specifically for the addition of the promised 1,000 police officers. In May 2007, Alex Salmond again promised the additional officers and compared the SNP's approach favourably with Conservative party strategy.

The Conservative party is the only party that has any credibility on the issue. The Scottish Conservatives have campaigned consistently for 1,500 extra police officers in Scotland, and for them to be out on the streets, not stuck in their offices doing desk work. The Scottish Conservatives believe that an increased number of police officers—1,500 on the street—would be a visible deterrent to crime and would build trust in

the local community, while reducing the fear of crime in neighbourhoods.

Margaret Smith: Will the member take an intervention?

The Presiding Officer (Alex Fergusson): No, he will not, I am afraid.

John Lamont: I am in my last minute—sorry.

The Scottish Conservatives have devised a strategy for achieving that goal, which consists of retaining serving officers, ensuring that time is used more productively and providing enough funding for the extra 1,500 officers. We have campaigned consistently for 1,500 additional police officers in Scotland and created a strategy with which to achieve that attainable goal. The SNP has promised an increase of 1,000 police officers but, in nearly six months since the election, it has provided nothing to achieve that—the strategy has been shirked and ignored. The Government must act now to deliver its election promise and make Scotland's streets safer. It is time for the Government to produce the extra police officers.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:42

Young People

1. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): To ask the Scottish Executive what its priorities are for young people. (S3O-923)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): Improving the health and education of our young people lies at the heart of our priorities. Our young people should have every opportunity to learn from their early years onwards and to develop skills to help them fulfil their ambitions and potential as citizens of Scotland. Early intervention will be a hallmark policy of the Government, particularly when young people may be vulnerable or at risk.

Cathy Jamieson: When will the £10 million additional support fund to improve services for children with additional support needs be in place? How much of the fund will go directly to families and carers and how much will be used to support the transition from childhood to adulthood?

Fiona Hyslop: I think that the member asks about additional support for learning funding. I have concerns about that, because it is important that the funds are released and reach front-line services. I raised concerns with the previous Administration about whether the £10 million of funding was for delivering the administration of the additional support for learning legislation. That is a concern, so I am more than happy to investigate how we can ensure that more resources reach the front line for classroom assistants and teachers who support young pupils who have additional support needs, rather than just backing up the administration of the legislation, which was the funding requirement of the previous Government.

Orkney Public Transport

2. Liam McArthur (Orkney) (LD): To ask the Scottish Executive how it plans to ensure that Orkney Islands Council is able to maintain Orkney's internal public transport services. (S3O-961)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Orkney Islands Council has asked the Scottish Government for substantial additional financial support towards the capital costs of a long-term

programme to improve its interisland transport services. We are considering that request as part of our current spending review and we will be in touch with the council in due course.

Liam McArthur: The minister has referred to the Scottish transport appraisal guidance appraisal—STAG appraisal—of Orkney's internal transport needs, which is likely to lead to major expenditure of more than £100 million on new ferries and infrastructure. However, until that work is completed and the funding is secured, the problem remains of funding the current internal ferry and air services, which have experienced large cost increases as the result of factors that are beyond the council's control. Will the minister therefore urgently consider Orkney Islands Council's request for a continuation of the special transport grant of about £1 million, which previous transport ministers provided to keep those vital lifeline services running? Will he give the council the reply that it seeks and needs?

Stewart Stevenson: The First Minister, the Cabinet Secretary for Finance and Sustainable Growth and I have all visited Orkney in recent months and we have discussed the issue with the council, so we are clearly aware of the difficulties that it faces. I regret to say that until the comprehensive spending review is complete, I cannot make new commitments, but I assure the member that we are aware of the council's position.

Barra Runway

3. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Executive what plans it has to provide Barra with a purpose-built airport runway. (S3O-920)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I expect advice before the end of the year on the future of air services to Barra, including the potential for a hard runway.

Rhoda Grant: When the minister considers Barra airport's future, I urge him to ensure that air services continue. They are incredibly important to the people of Barra for social reasons. People who are going to hospital in Glasgow need to access those services, which are also important for the island's economic growth. I urge the minister to ensure that air services continue by providing a purpose-built runway with a cross-runway on which aircraft can land.

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

Rhoda Grant: Will the minister assure me that he will fight for that important service in that small community?

Stewart Stevenson: I assure the member that I am absolutely aware of the need to continue the air service to Barra. However, the basis for providing a hard runway, rather than continuing to use the three runways that are available at Tràigh Mhòr, is not yet clear and I await further advice. A hard runway would be aligned in one fixed direction, so it is likely that there would be more diversions from Barra than there are with the current provision of three runways on the beach.

Another issue is that the aircraft that operate the service are reaching the end of their lives, but the good news is that that aircraft type is entering remanufacture. An alternative option may be to acquire two further aircraft.

Alasdair Allan (Western Isles) (SNP): In the light of what the minister has said, will he give a long-term commitment to supporting air transport in Barra, no matter what type of runway—whether man-made or natural? On the other option that he outlined—acquiring new aircraft—what stage has consultation with the community and other interests reached?

Stewart Stevenson: The community's opinions and views are important in reaching a decision. Serious concerns are felt about the environmental impact of building a hard runway on the environmentally vulnerable machair that is adjacent to the present runway. That is one factor that will be considered, in addition to the fact that a hard runway would be likely to be substantially more expensive than purchasing two additional aircraft to operate the service from the beach at Tràigh Mhòr.

The Presiding Officer: I call Tavish Scott. He should bear it in mind that the question is about the runway at Barra.

Tavish Scott (Shetland) (LD): Of course, Presiding Officer. The minister will be well aware of today's news, which affects Barra, that the franchise arrangement between Loganair and British Airways will end in October next year. When he considers that announcement, which does indeed affect Barra and many other parts of the Highlands and Islands, will he take it into account that Loganair's statement says that the change will have no impact on the air discount scheme, which of course assists Barra, and that the scheme should continue? Will he give an assurance that the scheme will continue for the rest of the parliamentary session?

The Presiding Officer: That was a lesson in opportunism.

Stewart Stevenson: Today's announcement from British Airways and Loganair in no way affects the air discount scheme's operation. The member will know that we are considering where to take that scheme.

I have met Loganair in the past fortnight, and one issue that we discussed was the future of the franchise arrangement. Loganair is confident that, under the code-share arrangement that is in place, people will continue to be able to book flights with the BA prefix through the British Airways booking system, so customers will experience little change, although the relationship between Loganair and British Airways is about to change. That will affect the member's constituency as well as Barra.

Anthrax Case (Crown Office)

4. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what the latest position is on the handling by the Crown Office of the anthrax outbreak in the Scottish Borders which led to the death of Pascal Norris. (S3O-983)

The Solicitor General for Scotland (Frank Mulholland): The investigation into the death of Pascal Norris by the procurator fiscal for the Scottish Borders is on-going. The procurator fiscal has sent a detailed report about the death to the Crown Office, so that Crown counsel can decide whether criminal proceedings or a fatal accident inquiry should be held. A final decision will not be made until the report from the director of public health for NHS Borders is available. That report is expected to be finalised in December. *[Interruption.]*

The Presiding Officer: I ask whoever has a mobile phone on to turn it off.

Christine Grahame: I do not need introductory music.

I thank the Solicitor General for his answer, which provided much more clarity than I have had in correspondence from the Crown Office. It is difficult to see how a prosecution can be made when most of the available information shows that—unfortunately and tragically—Mr Norris came into contact with contaminated badger pelt.

Why were the samples that were taken from Mr Norris sent to England for analysis, which caused a six-week delay? I have received information from a senior veterinary level that those samples could have been tested equally well in Scotland, which would have reduced the timeframe for confirmation and the potential risk to other individuals.

The Solicitor General for Scotland: When determining whether a fatal accident inquiry should be held, Crown counsel will take into account that matter and others, including what the source of the anthrax was.

Green Spaces (Glasgow)

5. Robert Brown (Glasgow) (LD): To ask the Scottish Executive what action it will take through the planning system to protect parkland and other green space in Glasgow. (S3O-971)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): National planning policy on open space is set out in national planning policy guideline 11, which is on sport, physical recreation and open space. That is under review and will shortly be replaced by Scottish planning policy 11, on open space and physical activity.

Robert Brown: I welcome the review of the national planning policy guideline. The minister will be aware of the furore over the plans for a nightclub in Glasgow's botanic gardens, which have—rightly—caused outrage throughout the city, not least because of the lack of consultation or even public information before Glasgow City Council agreed a lease. Is he also aware of the local campaign against the loss of green space at Broomhill Avenue and at Turtle park and Stepping Stones park in Pollokshields? My good friend the Deputy First Minister supports the campaign on the latter.

Will the minister consider earlier implementation of the changes in the Planning etc (Scotland) Act 2006 to strengthen community consultation and provide ministerial scrutiny when councils have a conflict of interest? Will he also examine whether changes to public consultation on the lease and sale of public land could play a part in supporting local communities and in preventing outrages such as the botanic gardens proposals from happening again?

Stewart Stevenson: I am very much aware of the botanic gardens and Broomhill Avenue issues to which the member refers. I note the concerns that he and local people have expressed about the Broomhill Avenue proposal. I am aware of no planning application at this stage. As the council owns the land, the matter may come to the Scottish ministers for determination, so I will not be specific.

SPP 11, which we will publish shortly, will require all Scottish local authorities to undertake an open space audit and prepare an open space strategy. The member raised other issues in relation to planning and open spaces. He can expect those matters to be addressed fully in a number of statutory instruments that will shortly come forward for consultation. If they are not, I expect that I will receive a response from the member.

Sandra White (Glasgow) (SNP): The minister will be aware that the Planning etc (Scotland) Act 2006 placed great emphasis on public

consultation. Is he aware that the proposal for sale of land in the Broomhill area has never been put out to public consultation and that the local councillor was never consulted on it? Does he agree with local people, a local councillor and me that the land should not go on sale until proper consultation has been carried out?

Stewart Stevenson: I will make no specific reference to the merits of the proposal, which is at an early stage. However, I agree with the member that an important part of a council's responsibility in considering developments of that kind is that there should be full and frank consultation with the local community and all interested parties. I support all efforts to achieve that.

VisitScotland (Meetings)

6. Gavin Brown (Lothians) (Con): To ask the Scottish Executive when it last met VisitScotland and what issues were discussed. (S3O-972)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government meets VisitScotland regularly. Among the issues discussed are the promotion of Scotland as a successful tourist destination and how we can support the industry in our shared ambition to grow tourism revenue by 50 per cent in the decade to 2015.

Gavin Brown: The minister will be aware that in his statement of 26 September Mr Swinney announced that he intends to cut the number of VisitScotland hubs to just six, renewing concerns about a loss of local control. Can the minister use this opportunity to spell out in more detail exactly what his plans for the restructuring of the network are?

Jim Mather: I can. On 27 August, we met the tourism community in plenary session; 70 people contributed to that debate. We will meet the community again on 19 November. We have created a situation in which local groups and area tourism partnerships will flower in Scotland. They will operate within the framework that has been delivered and will create the vibrancy that we seek, to achieve the revenues that we want and to ensure that the year of homecoming takes Scottish tourism to a totally new level.

Iain Smith (North East Fife) (LD): Following John Swinney's announcement of the further centralisation of VisitScotland in the statement to which Gavin Brown referred, I asked the minister what consultation he had conducted with the tourism industry in Fife and what consultation he intended to hold on the proposed changes. The answer was none. What assessment has the minister made of the impact of the changes on tourism in different parts of Scotland? Why does he treat with contempt tourism businesses such as

guest houses, hotels, shops, museums, visitor attractions and water activity centres, many of which are based in my constituency and are the backbone of the tourism industry in Scotland? He appears not to want to seek the views of those businesses or to listen to them.

Jim Mather: I would like to thank the member for that question, but it was such a negative perversion of reality that I cannot do so. The session of 27 August included representatives of the types of businesses that he mentioned. Those who put themselves forward to me were invited to that event. There will be a second meeting on 19 November. If the member and others, including his constituents, want to come along, they should do so and be involved. The industry is being listened to as never before and the Government will deliver a future for it as never before.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Does the minister realise that tourism in Edinburgh generates £1.6 billion annually and sustains more than 30,000 jobs? Recently, it has been promoted successfully by VisitScotland Edinburgh and the Lothians, which was set up only two years ago. Did the minister notice the comment that the director of city development in Edinburgh made this week on the proposed reorganisation? He said:

"We have a real concern that the strength of Edinburgh's tourism promotion may be diluted by this new wider approach."

Will the minister enter into discussions with the City of Edinburgh Council, so that he may understand its concerns about the reorganisation and reflect further on whether it is necessary, after only two years?

Jim Mather: I will certainly ensure that the council is invited to our session on 19 November. We are conscious of the central role that Edinburgh plays in generating tourism and tourism revenues in Scotland. We are throwing no babies out with the bath water; rather, we are energising the babies in the Scottish tourism bath. We are putting tourism at the centre of our economic policy. VisitScotland will sit in the strategic forum. It will be the focus of the drive forward, not just to boost revenues from tourism but to use tourism as the hook that gives people a greater awareness of Scotland and of the potential within Scotland.

First Minister's Question Time

12:00

Engagements

1. Ms Wendy Alexander (Paisley North) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-211)

The First Minister (Alex Salmond): With the Presiding Officer's permission, I welcome the presence of Aung Moe Zaw to the chamber. He is a senior colleague of the jailed Burmese democracy leader, Aung San Suu Kyi. I am sure that the entire chamber will want to welcome the chairperson of the Democratic Party for a New Society. [*Applause.*]

Later today, I will have a number of meetings to take forward the Government's programme for Scotland, including one to consider the potentially serious implications for the Parliament of the House of Lords' Somerville judgment.

Ms Alexander: I echo the warm welcome that the First Minister has just given to our visitors.

The previous time the First Minister and I met at First Minister's question time, he was asked about his promise to recruit an additional 1,000 police officers. In his answer, he claimed to be quoting directly from the Scottish National Party manifesto when he said:

"We will fulfil our commitment to putting the equivalent of 1,000 extra officers in the communities of Scotland."—[*Official Report*, 4 October 2007; c 2468.]

However, as Robert Brown has highlighted, the word "equivalent" does not appear in that section of the manifesto, so I will now give the First Minister the opportunity to clarify his earlier statement to the chamber and to confirm that he will meet his actual manifesto promise to deliver an extra 1,000 police officers.

The First Minister: The point I was making was that we said on page 58 of our manifesto that we would set out our plans in our first budget for Scotland. Our first budget for Scotland will be on 14 November. When we set it out, including our plans for recruiting additional police officers, we will realise the commitment of the SNP against the commitment of the Labour Party, which I remind Wendy Alexander was for zero police officer recruitment in Scotland.

Ms Alexander: I think that we have all now learned that the First Minister's house style is an attack over an answer—every time. Has he read the comments this morning from Les Gray, the chairman of the Scottish Police Federation? The

First Minister will recall that, earlier this year, during the election campaign, he attended the police federation's annual conference. While there, he explicitly said that the SNP was setting money aside to pay for the extra 1,000 police officers—and that that was new money and extra officers and not a play on words. I ask the First Minister again whether he intends to keep that promise to recruit an extra 1,000 police officers—yes or no.

The First Minister: A glance at the *Business Bulletin* will tell Wendy Alexander exactly what the Scottish National Party will do. We

“will deliver an additional 1,000 police officers in our communities through increased recruitment, improved retention and redeployment.”

As soon as we recruit the first police officer, that will be one more than the Labour Party promised in the election campaign.

Ms Alexander: The First Minister appears to be refusing to honour the promise of 1,000 extra police officers. There is another promise that he seems to be backing away from. In September, he told the chamber that he would deliver class sizes of 18 in primaries 1, 2 and 3 by 2011. This afternoon, his cabinet secretary, John Swinney, is meeting the Convention of Scottish Local Authorities. I presume that he will ask councils to deliver on that promise.

Will the First Minister assure us that he will at least honour the pledge of reducing class sizes to 18 by 2011 and meet the full costs of doing so? Yes or no.

The First Minister: The outcome agreements that we are seeking with local government are precisely designed to allow the Government to meet the commitments in our manifesto. That is exactly what we are doing.

Let me point out as gently as I possibly can to Wendy Alexander that, as opposed to police numbers, where the announcements in our budget on 14 November will contrast our recruitment against the Labour Party's non-recruitment, we do not have to wait for the budget for teachers: 250 more teachers have been recruited in Scotland than would have been if the Labour and Liberal parties had remained in office.

Ms Alexander: I think that we have to take that as a no, or at least as just another broken promise. Police numbers, student debt, school buildings, first-time buyers: all broken promises. Let me offer the First Minister one final chance to answer the question. Does his class-size pledge, made in this chamber in September to the pupils and parents of Scotland, still hold, and will John Swinney provide councils with the full funding required? Yes or no.

The First Minister *rose*—

Ms Alexander: Let me say in conclusion that the First Minister is boasting to his conference delegates this weekend about a can-do attitude in Scotland because the SNP is in government. Of course, the real truth is that what the SNP can do is make promises; what it cannot do is keep them.

The First Minister: Wendy Alexander's questions are longer than my answers. *[Interruption.]*

The Presiding Officer (Alex Fergusson): Order.

The First Minister: It is traditional when someone asks for a yes or no answer to stop at that point, not to go on to a longer ramble.

That is exactly what John Swinney will do when he meets COSLA to discuss the outcome agreements. When I speak to delegates at the first SNP conference in history to celebrate an SNP Government in office, I will talk about 160 days of achievement: allowing councils to employ additional teachers already in Scotland; abolishing the Labour-Liberal student fees in the graduate endowment; removing tolls on the Tay and Forth bridges; reversing Labour's plans to close accident and emergency units at Monklands and Ayr hospitals; and, finally, already investing in the prison estate so that we do not leave ourselves vulnerable to judgments such as Somerville, which will cost the Scottish public dear in the next few years.

The Presiding Officer: I point out to members that they always listen to questions reasonably courteously; I ask them to reflect on how they listen to answers.

Secretary of State for Scotland (Meetings)

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

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-212)

The First Minister (Alex Salmond): I have no immediate plans to do so. I last spoke to the secretary of state on the matter of the comprehensive spending review. I look forward to discussing other subjects with him, including the full implementation of the Gould report in terms of the running of future Scottish elections.

Annabel Goldie: Presiding Officer,

“education, health and policing are top three priorities ... hugely important ... top of the public's concerns.”

Those were the First Minister's words at the Scottish Police Federation conference in April. I should know—I was there and, yes, I agreed. So how do the deeds of Alex Salmond compare with the words of Alex Salmond?

Last week we saw a crisis in the care of the elderly, and then there was the continuing fiasco

about the broken police pledge, but what were the First Minister's top priorities? He was planning an emergency statement on his holidays in America. *[Interruption.]*

The Presiding Officer: Order.

Annabel Goldie: Not content with that, he was busy writing to dictators in Iran and Zimbabwe on issues that have nothing to do with his devolved Government. I remind the First Minister that his political duty to Scotland begins at home.

Will the First Minister finally admit that the cast-iron promise on policing that he made in the SNP manifesto has been broken and that when he pledged 1,000 more officers and described them as new, that was simply not true? Will he admit that when he said at the Scottish Police Federation conference in Peebles that he will

"allocate funds to policing if more funds are needed in addition to the thousand extra officers",

he was just spinning a line?

Will the First Minister come clean and admit that the SNP cannot be trusted and that he has betrayed the public and our police?

The First Minister: What I was doing in America was working to bring jobs and investment to Scotland. I hope that Annabel Goldie will have the grace to acknowledge that if the plans come to fruition. What I did not do in America was meet David Cameron, who was on the west coast meeting the governor of California. I do not know whether he was on holiday, but I do not think that he was working to bring jobs and investment to Scotland.

We will deliver an additional 1,000 police officers in our communities through increased recruitment, improved retention and redeployment. We will set out our plans, as we always intended to do, in our budget on 14 November.

Annabel Goldie: David Cameron was doing something important in America. He was preparing to do something that the First Minister will never have to do—to be Prime Minister of the United Kingdom.

I have to say that the First Minister's response to my question was a distasteful display of wriggling, squirming and writhing. The First Minister does not fool me and he does not fool the police, but I will offer him one last chance of redemption. He promised 1,000 extra police. Scotland currently has 16,261 officers. When will we have 17,261? Is the truth that, under the SNP, the answer is never? Let the First Minister come clean, tell the truth, own up, and apologise.

Alex Salmond: I exclusively reveal to Annabel Goldie that I have no plans or ambitions to be the Prime Minister of the United Kingdom.

On 14 November, Annabel Goldie will see our plans to have an additional 1,000 police officers in our communities through increased recruitment, improved retention and redeployment. Once upon a time, the Tories were in favour of the three Rs. Annabel Goldie should back our plans for recruitment, retention and redeployment of officers to make the streets of Scotland safer.

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-213)

The First Minister (Alex Salmond): The next meeting of the Cabinet will discuss issues of importance to the people of Scotland.

Nicol Stephen: During the recess, we were told that the First Minister had written to the states that are party to the nuclear non-proliferation treaty to ask for their help to get him observer status at their meetings. Did a shiver run up his spine as he signed letters to the Governments of some of the most despotic, repressive, undemocratic, villainous regimes in the world: Iran, Burma and Zimbabwe?

The First Minister often talks about an arc of prosperity, but he has just written letters to countries in an arc of repression. The situation in Zimbabwe gets worse and worse. Just as the whole world is moving to cast out President Mugabe as a pariah, Scotland's First Minister invites him back in. Dear Robert, he writes,

"I would hope we would be able to count on your government's support ... Please do not hesitate to contact me if you or your government wish to discuss these issues further."

Best wishes, Alex.

Is the First Minister so obsessed with getting a seat in the ante-room at the United Nations? Did he write to Iran, Zimbabwe and Burma? Is there any regime, dictatorship or one-party state to which he will not beg to help the cause of Scottish independence?

The First Minister: Nicol Stephen has just destroyed any pretension of the Liberal party to moderation. The many people throughout Scottish society, the Scottish Trades Union Congress and the churches who oppose Trident and its replacement will look at Nicol Stephen's question and wonder whether the Liberal party's commitment remains or whether it has joined the Trident bandwagon. *[Interruption.]* Finally, yes: I wrote to all countries in the non-proliferation agreement. I remind Nicol Stephen that it is held under the auspices of the United Nations. Is he seriously suggesting that that is not a legitimate organisation to write to?

Nicol Stephen: The First Minister rightly complained in June that the United Kingdom Government had broken the concordat as it had failed to consult him on its discussions with Colonel Gaddafi involving the Lockerbie bomber. Now, without consultation, he has sent a letter to more than 100 Governments. His letter opens up discussions with some of the most vilified and dangerous regimes in the world. It is a clear breach of the agreement. Constantly picking fights with London is bad enough, but this goes way beyond that.

Not just British interests are being put at risk: the European Union is conducting delicate negotiations with many of those countries. The whole world is moving to cast out President Mugabe and to condemn General Than Shwe in Burma, yet Scotland's First Minister asks for their support. I again ask the First Minister whether there is any regime, however wicked, that he will not call on to help the cause of Scottish independence?

The First Minister: The letter was looking for support from Governments and organisations, under the auspices of the United Nations, to help what I think is a majority opinion in Scotland to stop the proliferation of nuclear weapons. I will make two points to Nicol Stephen. First, at the highly successful anti-Trident conference, a wide range of opinion, delegates and representative organisations in Scottish society applauded our initiative in looking to end the evil of nuclear weapons on Scottish soil and in Scottish waters. Secondly, that should not have come as a major surprise to anyone, given that it was one of the key commitments in the Scottish National Party manifesto—a manifesto that I intend to honour.

The Presiding Officer: I have some brief constituency questions.

Alasdair Morgan (South of Scotland) (SNP): The First Minister will no doubt be aware that P & O and Stena Line have cancelled their joint project to develop the port of Cairnryan. Given the potentially negative effect that that will have on the project to develop the waterfront at Stranraer—which is a vital project for the economy of the west of Wigtownshire—will the First Minister ask the appropriate cabinet secretary to liaise with Stena as a matter of urgency to see what alternative proposals can be brought forward for the development?

The First Minister: I share the member's concern about that development and the implications it has for the planned developments in Stranraer. I undertake to ask the appropriate minister to contact the companies concerned to see how the best interests of the south-west of Scotland can be protected.

Elizabeth Smith (Mid Scotland and Fife) (Con): Does the First Minister agree with me and with the local community that, in light of the fatal road accident that occurred two weeks ago at the Blackford junction of the A9, urgent action must be taken to upgrade the dangerous junctions? Will he now instruct his transport minister to bring forward the strategic transport projects review to implement major safety improvements at junctions on the A9?

The First Minister: They are dangerous junctions, and it is a matter of serious concern. The member will be aware that safety improvements are currently taking place on the A9. The cabinet secretary will write to her about her specific concern.

Karen Whitefield (Airdrie and Shotts) (Lab): Is the First Minister aware of the anger of my constituents in Plains, who have been betrayed by his Government? Does he agree with the decision of his transport minister, who has overturned the previous Government's commitment to provide an additional station at Plains as part of the Airdrie to Bathgate rail link?

The additional station at Plains was the recommendation of a committee of the Parliament, which responded to the economic and social case that was made by the local community. Is it not a nonsense that my constituents will suffer all the inconvenience that comes with a major construction project but, at the end of it, will be able only to wave at the trains, not to step on board? Will he act today to reconsider the matter? Will he listen to my constituents? Will he—as the previous Parliament and Government did—overturn this ridiculous decision to deny the people of Plains a station?

The First Minister: I remind the member that the previous Administration's commitment was to have a study undertaken, not to go ahead with the project. The study has been completed and—unfortunately for the member—has not demonstrated the economic benefit of the proposal. I am happy to make the study available to the member and to have further discussions with her, but she should remember that the previous commitment was to the study and that the implications and findings of that study must be addressed.

Asbestos-related Pleural Plaques (Compensation)

4. Bill Butler (Glasgow Anniesland) (Lab): To ask the First Minister what the Scottish Government's view is on the ruling by the House of Lords on 17 October 2007 removing the right to compensation for victims of a certain asbestos-related condition. (S3F-215)

The First Minister (Alex Salmond): The Scottish Government is acutely aware of the concerns that the judgment will have raised among those with pleural plaques and it is urgently examining the position in the light of the judgment to consider what implications it has for people in Scotland.

Bill Butler: I thank the First Minister for his sympathetic reply, but I ask him to go a little further today. He may be aware that the scandalous and unjust ruling by the House of Lords regarding pleural plaques has left 214 people whose cases are in court and 420 others whose cases have still to be heard in a judicial no man's land. They are our fellow citizens who spent their working lives in the shipbuilding, construction and fishing industries, yet their right to have their cases heard in respect of compensation for their condition has been removed.

Given the fact that the previous Executive found space in its legislative programme to pass the Rights of Relatives to Damages (Mesothelioma) Scotland Act 2007—which, rightly, attracted the unanimous support of Parliament—will the First Minister pledge today to find time in his Government's programme to adopt the bill that has been prepared on behalf of Clydeside Action on Asbestos, which was sent to Mr MacAskill on 17 October, so that this wrong can be righted as quickly as possible? Asbestos victims and their families simply want the First Minister to answer, "Yes" today.

The First Minister: The whole chamber will have great sympathy for asbestos victims and their families. We are aware that pleural plaques have been regarded as unactionable for 20 years and that the judgment will be disappointing for, and of great concern to, those with the condition. I am sure that that view is shared by all members. However, it is important to make it clear that the judgment relates only to pleural plaques and does not affect actions regarding other asbestos-related conditions.

There is a factor in our consideration of a response to the judgment of which the member should be aware. As the ruling was made in the context of an English appeal, it is not binding at present in Scotland. We must consider that in evaluating our response and how we might secure the position of those who suffer from asbestos-related conditions.

The Presiding Officer: I will take two supplementary questions, but I ask that they be kept as brief as possible.

Robert Brown (Glasgow) (LD): Given the First Minister's sympathetic response, I hope that he will not go too far down the alleyway of the House of Lords' jurisdiction across Scotland or England.

Does he accept that there is an urgent need not just to get support for legislation, but to introduce legislation on the issue as soon as possible, to prevent the 200 existing claimants Bill Butler mentioned from losing their rights? Can he give any indication of how soon that can be done and how soon a decision will be made? I invite him to meet—or to have the cabinet secretary meet—Clydeside Action on Asbestos, me and other interested MSPs in early course and to have officials attend the briefing that we will have on 7 November in the Parliament.

The First Minister: Of course I will arrange for the minister to take part in such a meeting.

The point that I make about the judgment being on an English appeal is not merely a legal and academic nicety; it means that the judgment does not at present apply in Scotland. However, the member is perfectly correct, and we are examining the issue and making preparations in the expectation that if a case is brought or an appeal heard in Scotland, the courts might well respond as the House of Lords has. That is why we are considering the matter. I will be delighted to have the relevant minister take part in the meeting.

Des McNulty (Clydebank and Milngavie) (Lab): One of the concerns of the people who work on behalf of asbestos victims is that the next step after pleural plaques is to move on to asbestosis sufferers. That is why it is so important to get some resolution now. I highlight the work of the trade unions, particularly Unite, which brought the case in the House of Lords. I understand that Mr MacAskill will meet the STUC and the trade unions next week. Can the First Minister ask him to discuss with them how the Government, the trade union movement, and the campaign organisations will all work together to ensure that we get the right resolution for asbestos victims and the right resolution for Scotland in the context of the cross-party consensus that we have built on this issue?

The First Minister: I am delighted to take the matter forward in a consensual and cross-party way. The meeting about the issue should be specifically about the legal terms of the response that we are considering and about our seeking agreement with Parliament.

As the member notes, it is important to make clear that, at this juncture, the judgment is on an English appeal, and that it refers to pleural plaques only. The member is correct to say that we have to proceed in a way that anticipates that problems might occur with a specific case in the Scottish courts, and that we have to consider that there might be a danger of such a judgment affecting people with other asbestos-related conditions.

Comprehensive Spending Review 2007

5. Bob Doris (Glasgow) (SNP): To ask the First Minister whether the outcome of the 2007 comprehensive spending review places constraints on the Scottish Government's ability to deliver for the people of Scotland. (S3F-222)

The First Minister (Alex Salmond): Members will be aware that this is the lowest settlement for Scotland since devolution and that the real-terms increase amounts to an average of 1.4 per cent compared with slightly more than 2 per cent for the United Kingdom. Indeed, next year our allocation increases by 0.5 per cent.

We will publish our own budget and spending review next month. Members can be assured that we will deliver on the aspirations of the people of Scotland even in these tough financial times.

Bob Doris: Further to the massive let-down that was Scotland's settlement as part of the comprehensive spending review, will the First Minister comment on the reports of earlier in the week that the Scottish block is losing out on an additional £100 million as the result of a deal that the previous Administration made on council tax and housing benefit?

The First Minister: Yes, I will. Confirmation of that decision was in the Secretary of State for Scotland's letter about the comprehensive spending review. Members should be aware of the previous Administration's appalling surrender when a mechanism that had been in place since devolution, and that would have benefited Scotland to the tune of £100 million per year, was surrendered in 2005. I have read some comments in the press that suggest that that is not correct, or that it might be an exaggeration, so I undertake to put the full information about our predecessors' surrender into the Scottish Parliament information centre so that every member of the Parliament can read it. I see that Andy Kerr is nodding; that is another fine mess he got the Parliament into.

Patricia Ferguson (Glasgow Maryhill) (Lab): The First Minister and his Government have made much of their inability to announce the detail of the funds that they will make available until after the comprehensive spending review, and that inability even extends to vital local services such as those delivered by the community regeneration fund. Is the First Minister aware that his ministers have remained silent when asked whether they will give at least in-principle support to that vital fund? Will he commit his Government today to the continuation of the community regeneration fund?

The First Minister: We have set out our position on the comprehensive spending review and I remind the member that our budget will be published on 14 November.

We are exceptionally sympathetic to many worthy causes and funds in Scotland. I hope that when Labour members ask for support for causes and funds they will remember the figure of 0.5 per cent in real terms, which is the Scottish spending increase for next year that the Labour Government in London considers appropriate.

Free Personal Care

6. Mary Scanlon (Highlands and Islands) (Con): To ask the First Minister what action will be taken following the ruling by Lord Macphail on the provision of free personal care. (S3F-225)

The First Minister (Alex Salmond): There has been widespread misreporting of the case. We will continue to reassure older people and their families that Lord Macphail's ruling reflects the Scottish Government's current guidance and does not impact on their entitlement to free personal and nursing care support. Before the ruling, we had already committed to taking positive action to maintain and strengthen the free personal care policy. Next April, we will uprate payments in line with inflation for the first time for five years; we have commissioned Lord Sutherland to review the funding that is provided to implement the policy; and we are taking forward dialogue with the Convention of Scottish Local Authorities to ensure the effective implementation of the existing policy and to address fundamental issues such as charges for food preparation and waiting lists.

Mary Scanlon: Given that Lord Macphail expressed his disappointment that he was not afforded assistance by the SNP Government to interpret the legislation in the public interest, will the First Minister give an assurance that if a similar circumstance arises in future his Government will assist and co-operate with the Court of Session?

The First Minister: We did not join the case for—I presume—the same reasons that the previous Administration decided not to become a party to it in February and March.

We intend to discharge our obligation and duty on free personal care by uprating benefits and, in particular, by looking to Lord Sutherland to give us guidance that I hope every member will support so that we ensure that the Parliament lives up to its promise to older people in Scotland to deliver genuine free personal care.

Margaret Curran (Glasgow Baillieston) (Lab): On a point of order, Presiding Officer. The First Minister may not have listened to this morning's debate on free personal care, but he should do so so that he is not in danger of misleading the chamber. He should be clear that the previous Executive was not asked to go to court or to see the ombudsman. He should withdraw his remark.

The Presiding Officer: I am sure that the member is aware that that is not a point of order.

14:15

On resuming—

12:32

Meeting suspended until 14:15.

Question Time

SCOTTISH EXECUTIVE

Rural Affairs and the Environment

Foot-and-mouth Disease (Livestock Industry)

1. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Executive what new measures it will take to promote a sustainable livestock industry after the foot-and-mouth disease outbreak ends. (S3O-982)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): We recognise the difficulties for the livestock industry, especially the sheep sector, which has been particularly badly hit by foot-and-mouth disease. The package that I announced yesterday will assist the industry, both in the short and in the longer term.

Rob Gibson: I am delighted that the settlement for Scotland—whose agricultural sector is half the size of England's sector—is much larger than the rescue package down south. Does the cabinet secretary agree that, after the analysis of Professor Scudamore's review of the foot-and-mouth crisis, it will be in Scotland's best interest to maintain livestock production throughout the country; that we must adopt principles for our livestock industry that include fair prices for producers and consumers, growing tasty food that is good to eat and ensuring that our food does not pollute or incur unnecessary food miles; and that those principles can be summed up as a food sovereignty policy for Scotland?

Richard Lochhead: I agree with everything that the member said, and that is why the Scottish Government is determined to take forward the concept of a Scottish food policy, which is attracting widespread support throughout Scotland. The foot-and-mouth crisis over the past two or three months has highlighted a number of issues that should be taken into account by a food policy to help to localise food production in Scotland.

Peter Peacock (Highlands and Islands) (Lab): One of the concerns in the Highlands and Islands is the reduction in sheep and cattle numbers because of changes in common agricultural policy payments. There is a concern that the reduction will accelerate because of the recent difficulties in the marketplace. The loss of cattle in particular in certain areas will affect the very rich habitat there. What is the minister doing to assess the potential

impact of those changes in the countryside? What measures will he consider taking to help to counteract the adverse changes that might take place, and when might he be in a position to report to Parliament on those matters?

Richard Lochhead: We are extremely keen to take forward the issues to which the member referred and to debate them in the chamber, while also taking into account the industry's interests. The package that was announced yesterday is partly intended to instil confidence in the livestock sector that the Scottish Government cares about the future and believes that there is a bright, prosperous future for the sector in Scotland. That is why we brought forward the £25 million investment.

With CAP reform around the corner, I agree that it is important that we look at ways to maintain livestock numbers in Scotland, both for our food policy and for our rural economy. I hope that we can work together to achieve that objective.

Alasdair Allan (Western Isles) (SNP): We all recognise the benefits of the islands' unique biosecure position. However, in the circumstances of a food-and-mouth outbreak occurring again at a similar time of year—I hope that it does not—would the cabinet secretary consider measures to accelerate the timescale during which breeding rams could be brought to the islands, if that proved necessary, during the final stages of movement restrictions?

Richard Lochhead: The short answer is yes. Professor Scudamore's review of Scotland's response to the foot-and-mouth crisis will take into account the issues to which Alasdair Allan referred. I urge him and other members to contribute to the review.

The islands, of course, had special treatment during the recent outbreak, because we were able to relax some restrictions there earlier than on the mainland. However, there are more lessons to be learned, and we must have a different response next time to give even more favourable attention to the islands.

Jim Hume (South of Scotland) (LD): I welcome the package, which rightly focuses on sheep. However, is the cabinet secretary working on a package for cattle and pigs, which have also been badly affected by the foot-and-mouth disease outbreak?

Richard Lochhead: We continue to have virtually daily contact with all the livestock sectors in Scotland, given that there have been ramifications for cattle, pigs and sheep. The purpose of the package that was announced yesterday is to target assistance where, given the circumstances, it is most desperately needed, which is the sheep sector. There is widespread

support for targeting the package at that sector. However, we are maintaining a close dialogue with the cattle and pig sectors. I have already agreed to meet the pig industry leaders next week to see how we can assist it.

Lanarkshire Flooding

2. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive how much additional funding has been made available to address flooding in Lanarkshire. (S3O-933)

The Minister for Environment (Michael Russell): A total of £42 million has been made available to local authorities for 2007-08 to support their flood prevention and coast protection programmes. It is for the local authorities in Lanarkshire and elsewhere to come forward with suitable schemes to take up those resources.

Michael McMahon: The minister may or may not be aware that a new grammar school is being built in Uddingston, in my constituency, under the previous Executive's proposals to refurbish and rebuild dilapidated schools. The local community will very soon benefit from the building of the new high school, but prior to it being built some of the minister's colleagues in the Scottish National Party have been scaremongering in the local community. They claim that the development will create flooding. Can the minister assure me that that is not the case? Does he have any evidence from the Scottish Environment Protection Agency that there will be flooding as a consequence of the development? If he does, can he assure South Lanarkshire Council that he will make additional funding available to rebuild the bund, which would address the problem of any potential flooding?

Michael Russell: It is for the planning authority to decide whether a building or a scheme will create additional flooding problems or be subject to flooding. I would have expected the local authority—which, if my memory serves me correctly, I believe is controlled by the party of the member who asks the question—to have taken those matters into account before it gave permission. If it did so, there can surely be no question of additional resources being required for flooding. If it did not do so, and such resources are required, the local authority will be required to apply in the usual way.

Sites of Special Scientific Interest (Designation)

3. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Government whether it has any plans to review the procedure for designating sites of special scientific interest. (S3O-985)

The Minister for Environment (Michael Russell): The sites of special scientific interest system in Scotland was thoroughly reviewed by the previous Administration prior to the introduction of the Nature Conservation (Scotland) Act 2004. There are no plans for a further full review, but I continue to have discussions regarding designation and public involvement in the process—issues about which I am profoundly concerned.

Michael Matheson: I draw the minister's attention to the problems experienced by a constituent of mine in the Bonnybridge area. During the assessment period used by Scottish Natural Heritage to consider whether to designate part of his land as an SSSI, it used a battery of experts to put the case together to support the application. However, as an individual landowner, he had no support or advice from any experts. Does the minister agree that there is a need to ensure that there is equality of arms in dealing with such issues? Finally, can the minister confirm that a compensation system is available to farmers who lose access to part of their land?

Michael Russell: I am familiar with the issues raised by Mr Matheson; indeed, I have made a commitment to meet him and his constituent shortly to discuss the matter. There is considerable concern where there is no equity in the process. It will be necessary to consider that point as we have that discussion.

I confirm that a goose scheme is in operation on the island of Islay and in the Outer Hebrides. I am not aware whether it could apply to his constituent, but there is of course precedent for compensation where land cannot be used because of goose depredation.

Agri-environment Management Agreements

4. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive how it reached its decision not to provide funding in 2007 for agri-environment management agreements expiring this year. (S30-917)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): After careful consideration of all possible solutions, it was clear that an absence of applicable European Union and domestic legal powers meant that any extension of the agreements would not be legally competent.

Karen Gillon: I am sure that the minister will appreciate the seriousness of the concerns expressed by all rural interests about the hiatus in agri-environment funding. Can we be assured that the Administration has explored every avenue to find a solution to the problem, including approaching the European Commission to amend

the inadequate transition arrangements, which allowed only a one-year extension to agreements that expired in 2006?

Richard Lochhead: We agree that this is a serious issue. Our farmers have a key role to play in protecting and enhancing our environment. The agri-environment schemes that have so far been introduced have been popular and effective, which is why the new rural development programme will contain considerable resources for successor schemes.

Notwithstanding my initial answer, I assure Karen Gillon that we continue to explore all the options with the European Commission. We hope that the new programme will be in place as early as November, but December is more likely. Should it be delayed further, we might have to implement contingency plans, depending on the timescale of the new successor programme. We are exploring all the options.

Liam McArthur (Orkney) (LD): The cabinet secretary will recall that I wrote to him on this issue earlier this month. I have noted his comments in response to Karen Gillon's questions. Does he recognise the real risk of many farmers who have achieved a great deal in maintaining and enhancing the environment in Orkney and elsewhere losing confidence in the agri-environment schemes as a result of the situation? What contacts has he had with his counterparts in Europe, who, I understand, have been able to make payments in advance of rural development programmes being approved?

Richard Lochhead: We must be certain of two things. First, we would need a legal basis if we were to extend existing programmes and, as I said in my initial answer, we do not have that at the moment. Secondly, we must take into account the huge diversion of resources that would occur within the Scottish Government if we continued some of the schemes and reopened the existing agri-environment schemes for one-year extensions. My officials and their resources are currently dedicated to ensuring that the new rural development programme comes into play as soon as possible, and we do not want it to be delayed further. We also have single farm payments and less favoured area support scheme payments to arrange and, of course, we now have the emergency aid package for the sheep sector to implement.

We must take a range of factors into account, but we are well aware that the schemes are important. We want them to continue and to get back in train again as soon as possible.

John Scott (Ayr) (Con): The cabinet secretary stated that he is optimistic that the new rural development programme will shortly be approved.

However, even if it is, farmers will not receive funding until late 2008. Does he agree that that is an unacceptable gap for an industry that is suffering a great deal of financial uncertainty? Can he not make at-risk payments as continuation funding for the projects, as he is considering doing with the LFASS?

Richard Lochhead: John Scott will be aware that we inherited a situation in which the delay was occurring anyway due to the European Parliament not agreeing the voluntary modulation package. The situation has been unavoidable for the Scottish Government, but we are keen to explore all avenues to avoid any more inconvenience for farmers who are affected by any potential delay in getting the schemes up and running again. We will continue to explore the options.

Recycling Targets

5. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive whether it will set increased recycling targets. (S3O-967)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The existing target in the national waste plan, which we inherited, is to recycle or compost 55 per cent of waste by 2020. We are considering the way forward on waste management as part of the spending review and in light of the recent waste summit. We are committed to increasing recycling and to waste prevention.

Margaret Smith: I am sure that the cabinet secretary agrees that it is important to work with local authorities to do that. He may be aware that the City of Edinburgh Council has set its own target of recycling 75 per cent of waste by 2020. Will he confirm that the Government will work with councils that set individual targets, thereby allowing councils and the Government to take specific local issues into account? Will the Government continue to assist councils such as the City of Edinburgh Council that have high numbers of tenements and high-rise flats to extend and improve kerbside recycling?

Richard Lochhead: I welcome the ambitious target set by the City of Edinburgh Council and I hope that other local authorities in Scotland will follow suit. We will continue to work closely with local authorities in Scotland. It is in all our interests and the interest of the environment that we increase recycling as soon as possible to preserve our precious resources.

Many local authorities in Scotland attended the waste summit. As far as I can tell, the feedback from all those who attended—there were councillors from throughout Scotland—was extremely positive. We hope to maintain that positive partnership with local authorities. Of

course, the provision of future assistance to local authorities for recycling will depend on the outcome of the spending review, but we must recognise that there is a funding issue.

Des McNulty (Clydebank and Milngavie) (Lab): The minister may be aware of recent research that suggests that, in different local authority areas in Scotland, there is a strong correlation between disadvantage and the lowest carbon use, but that the reverse applies to recycling.

Will the minister re-examine how resources are channelled towards recycling and boost the resources that are given to local authorities that need support to improve their recycling rates, such as Glasgow City Council and West Dunbartonshire Council? Will he consider introducing differentiated targets, so that more affluent areas—which are achieving better recycling outcomes—consider not just recycling but their overall carbon footprint?

Richard Lochhead: I agree that we need to give greater prominence to the carbon footprints of each local authority in Scotland. The Scottish Government has to work in partnership with local authorities to do what we can locally to reduce our national carbon footprint.

If there are specific issues in relation to the local authorities that the member mentioned, I would appreciate it if he wrote to me with the details, because I am not wholly familiar with where he is coming from. However, I agree with the sentiments of what he said.

Foot-and-mouth Disease (Farmers and Crofters)

6. Tavish Scott (Shetland) (LD): To ask the Scottish Executive what the latest position is on the action it is taking to minimise the impact on farmers and crofters of the outbreak of foot-and-mouth disease in Surrey. (S3O-964)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I am extremely concerned about the serious financial difficulties that the livestock sector is experiencing as a result of foot-and-mouth disease in Surrey, which is why I announced yesterday a package of measures that is designed to support the industry through these difficult times and beyond.

Tavish Scott: Will the cabinet secretary reflect on the remarks that he made yesterday about the state of the welfare crisis that exists not just for light lambs but for other classes of sheep? Does he accept that the president of the Shetland branch of the National Farmers Union Scotland, the chairman of the Crofters Commission and the chairman of the Shetland Livestock Marketing Group—who are all practical farmers and crofters—consider that there is a significant issue

with the welfare of hill ewes and cast ewes in the islands? I have no doubt that that is also true in other parts of Scotland.

Will the cabinet secretary reflect on that in the context of the underspend that is likely to happen in the welfare scheme? Will he consider whether he can extend the scheme as soon as possible and use the Shetland abattoir to progress the matter quickly?

Richard Lochhead: The member has raised the issue with me several times. The farmers on Shetland are making strong representations to him and, indeed, to me as cabinet secretary.

I reflect daily on the situation that faces our livestock in Scotland and its welfare implications. I am sure that the member and the Parliament appreciate that livestock welfare schemes are a last resort. The introduction of the light lambs scheme is an exceptional event. The light lambs were reared for an export market that was closed, and they faced starving to death on our hills due to a lack of feed.

I have to take the professional advice of the chief veterinary officer in Scotland, who tells me that many of the cases that are being made for extending the welfare scheme to include other animals are based on economic issues. If the situation changes, we will react to it. I am keen to maintain dialogue with the member for Shetland and I am happy to have my chief veterinary officer discuss the issue with him directly.

Sarah Boyack (Edinburgh Central) (Lab): I ask the cabinet secretary to comment in detail on the tiering and structure of the headage payment scheme for ewes that he announced yesterday. I raised the matter in my speech in the agriculture debate yesterday. When I met crofters yesterday, they were most concerned that, without tiering in the scheme, crofters and farmers in our most fragile rural areas might lose out. Will the cabinet secretary take the time to outline his thoughts on that to the Parliament today?

Richard Lochhead: That is an important point. I am well aware of the crofters' representations on the issue. The scheme that we are introducing provides a headage payment of £6 per breeding ewe and gimmer. That is a flat rate—there is no banding. We decided on that approach because it is an emergency scheme and we had to opt for the scheme that we could put in place most quickly. We had many representations from different sectors of the livestock industry, and I am afraid that it was not easy to keep everyone happy. I am sure that the member understands the pressures that we are under, given the background to the foot-and-mouth crisis in Scotland. We believe that we put forward the best, most effective scheme in the time that was available.

Foot-and-mouth Disease (Sheep Sector)

7. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive what additional support it can provide for the sheep sector to help it recover from the foot-and-mouth disease outbreak. (S3O-949)

The Presiding Officer (Alex Fergusson): Without repeating yourself, minister.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I am extremely concerned about the serious financial difficulties that the sheep sector is experiencing as a result of foot-and-mouth disease. I will leave it at that.

Jamie McGrigor: In the light of the measures that were announced yesterday, which have been welcomed by the farming community but which many people feel offer only partial compensation, will the minister pursue the Department for Environment, Food and Rural Affairs for further compensation? Also, in the light of the threat of bluetongue disease, will the minister update the farming community on what progress is being made on developing a vaccine for bluetongue? When will it be ready? Will he advocate a nationwide vaccination programme for Scottish livestock?

Richard Lochhead: I thank the member for those two questions. The first related to compensation. I make it clear to the chamber that we are making the strongest possible representations to the United Kingdom Government—yet again—to persuade it of its moral and financial responsibility to compensate Scotland's farmers for this crisis. The crisis is having a huge and devastating impact, and is, of course, outwith the control of the farmers. We are making representations, not only that Scotland should be reimbursed for the emergency schemes that we introduced yesterday, but that the compensation case put forward by Scotland's farmers should be addressed.

The member's second question related to another development elsewhere in Great Britain—the outbreak of bluetongue disease. There is no immediate threat to Scotland, but we all acknowledge that south of the border the disease is developing and appears to be spreading. We have to be realistic about the situation and make the best possible preparations. There is a contingency plan in Scotland for responding to any potential outbreak of bluetongue in Scotland.

I am sure that we all agree that it is in all our interests that a vaccine should be made available as soon as possible. We do not have a precise date, but the current timescale suggests that it will happen next year. We are closely monitoring the

development of the vaccine. The sooner it is available the better.

Health and Well-being

Fuel Poverty (Backcharging)

1. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive what action it has taken, or will take, to address fuel poverty resulting from the policy of energy suppliers to backcharge prepayment meter customers. (S3O-905)

The Minister for Communities and Sport (Stewart Maxwell): Our fuel poverty programmes continue to help thousands of Scots to improve the energy efficiency of their homes, making them warmer and more affordable to heat.

Regulation of energy supply companies is a matter for the Office of Gas and Electricity Markets. Ofgem monitors compliance with supply licence conditions that oblige energy suppliers to take all reasonable steps to ensure meters are recalibrated in a timely manner following price changes. I intend to meet Ofgem shortly and will raise the matter with it.

Jackie Baillie: The minister will be aware that Scottish Power in particular continues to target prepayment meter customers by collecting backcharges that have arisen through the company's inability to reset meters following 13 price rises. That has plunged many vulnerable people into debt.

Is the minister aware that Scottish Power, which contributed €320 million to Iberdrola in profits, is now discriminating between its very own customers? If people live in central Scotland, the west of Scotland or the south of Scotland—in whole swathes of Scotland—they will continue to be pursued for their debt. However, if they live outwith those areas, their debt will be wiped out. Their debt will be cancelled—not on the basis of their ability to pay but on the basis of where they live. That is completely scandalous. Does the minister agree?

Will the minister talk directly to Scottish Power and do so urgently—perhaps when he sees the company at his party's conference later this week? Will he urge the company to end the scandalous practice of targeting vulnerable people and discriminating against people in Scotland?

Stewart Maxwell: I understand those comments and I understand the emotions raised by this issue. On the face of it, it is difficult to understand why debts have been written off in some areas but not in others.

The issue has arisen because of the way in which Scottish Power manages meters across the United Kingdom. For in-area customers—

customers in areas in which Scottish Power employs the metering staff—the company has greater control over debt recovery practices. However, debt recovery and meter calibration for out-of-area customers are more difficult for Scottish Power to control, as it relies on a third party to manage the meters. However, I take on board what Jackie Baillie says and I will certainly carry on from where previous ministers with responsibility for communities left off.

I will meet the three main energy suppliers in Scotland to raise issues of concern for all their customers. However, I am aware that the two other main energy suppliers have stopped the practice to which Jackie Baillie refers. I urge Scottish Power to move as quickly as possible to do the same.

Health Needs (Ethnic and Religious Minorities)

2. Bashir Ahmad (Glasgow) (SNP): To ask the Scottish Executive what importance it places on the specific health needs of ethnic and religious minorities. (S3O-975)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Improving the health of all Scotland's people and tackling health inequalities wherever they exist is at the top of our priorities.

In the five years since NHS Scotland's fair for all programme was launched, a lot has been achieved to overcome the inequalities experienced by people from ethnic minority communities. Although we must guard against complacency, I believe that the work of the national resource centre for ethnic minority health—whose conference I will address later this afternoon—and its partners in boards and local community organisations across Scotland will help us to achieve our goal of delivering local health services that meet the distinctive needs of people from ethnic and religious minorities.

At the conference, we are launching checking for change, which provides a race equality audit framework to help NHS boards ensure that they are meeting their race equality targets and legal obligations.

Bashir Ahmad: Is the minister aware of the current gap in the service that the national health service provides for parents who wish to circumcise their children for religious reasons? In my constituency, the waiting list for the service can be as long as two years. That often leads Scottish parents either to travel down to England or to pay a higher price for the service to be carried out privately. Clearly, that is a difficult situation for parents to be in. Is she prepared to discuss the issue further with me to examine how the current service can be improved?

Nicola Sturgeon: I am well aware, not least because of my constituency interest, of the importance of the issue to the Muslim community. I absolutely agree that waiting times for the procedure have been excessively long—indeed, they are up to three years in some cases in Glasgow. The main reason for those waiting lists was that availability status codes were applied to the procedure. The fact that the Government is abolishing availability status codes will mean that all patients will now be treated within the maximum waiting time guarantees. We will also work to improve referral patterns, which will help to reduce waiting times further. We are working to raise awareness of the procedures in the Muslim community and to ensure that NHS staff are properly trained so that they can give appropriate advice to parents.

I am very happy indeed to meet Bashir Ahmad, whose interest in the issue is noteworthy, to discuss what further we can do to improve services.

Margaret Curran (Glasgow Baillieston) (Lab): I thank the minister for her answer to Bashir Ahmad's question. We will be watching to ensure that those waiting lists decline as she has promised that they will.

My question is slightly different, as it is on the theme of equalities more generally. The previous Executive was committed to ensuring that equalities issues were mainstreamed across the Executive. We ensured that the equality unit had key links with all departments. Does the equality unit still have those key links? Are equalities being mainstreamed across the Executive? Will women's health be a particular priority for the minister? How will she address the inequalities that women face within the health service?

Nicola Sturgeon: I can give Margaret Curran an absolute assurance that the Government will continue the previous Executive's commitment to ensuring that equalities are mainstreamed across the whole Executive. The equality unit is indeed central to ensuring that that happens. As she will be aware, I represent the constituency with the biggest ethnic minority population in the country so, both as a constituency member and as Cabinet Secretary for Health and Wellbeing, I am acutely aware of the importance of equalities.

Margaret Curran is right to raise the importance of women's health. Although our job must be to ensure that the health service provides high-quality health services for all, if we are to do that we must recognise the distinctive needs of particular groups in the population. Women's health is extremely important. Our announcement on the cervical cancer vaccine, for example, is important in that context. I will always work to

ensure that we are doing everything that we can to ensure that those needs are given priority.

Hospitals (Access)

3. Hugh Henry (Paisley South) (Lab): To ask the Scottish Executive what action it is taking to ensure access to hospitals for all sections of the community. (S3O-922)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Our discussion document "Better Health, Better Care" is generating debate on how we can put the expectations of people and patients at the heart of decision making in NHS Scotland. It will lead us to publish an action plan by the end of this year that sets out our priorities for health and well-being. Discussion is focusing on how we can help people to sustain and improve their health, especially in disadvantaged communities, and on how to ensure better, local and faster access to health care.

Hugh Henry: The minister will be aware of the furore among employees and communities about Greater Glasgow and Clyde NHS Board's car parking charge proposals. Does she agree that the proposals discriminate against lower-paid employees and those sections of the community who need treatment or want to visit people in hospital but cannot afford to pay the charges? Will she give a commitment to take action to prevent the health board from imposing this punitive levy on people who will not be able to access hospitals if it is introduced?

Nicola Sturgeon: I am aware of what Hugh Henry describes as the furore that NHS Greater Glasgow and Clyde's proposals have caused. I am also aware that national health service boards, including NHS Greater Glasgow and Clyde, are operating within the guidance that the previous Administration issued on car parking charges. I have expressed openly my concern about aspects of car parking policy. That is why I have set up a review group to examine the guidance and to submit recommendations for change to me. I hope that that will produce a much better balance between the pressures that NHS boards face and ensuring fairness and equity for patients, visitors and the wider public.

School Nurses

4. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive whether it still intends to implement the 2007 Scottish National Party manifesto pledge to double the number of school nurses. (S3O-959)

The Minister for Public Health (Shona Robison): We are currently examining options for taking forward that manifesto pledge.

Jim Tolson: Here we go again. The SNP made a clear and unambiguous commitment to double the number of school nurses, just as it committed itself to providing an additional 1,000 police officers. It is backtracking again. Can Scotland's schools anticipate even the equivalent of twice as many school nurses? Is this the unveiling of the Government's latest broken promise?

Shona Robison: We have a bit of a rent-a-speech going on here. We are currently considering options for delivering our manifesto commitment. We are looking at the best model for delivering the increased school-based health resource that we want in order to improve our children's health. We want to give priority to children in the most disadvantaged areas. I am sure that members will appreciate that it is important to ensure that the model is correct before we roll out the policy. I assure Jim Tolson that we will take it forward—something that the previous Administration, of which the Liberal Democrats were part, did not do.

Affordable Housing

5. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive what plans it has to assist local authorities to meet sustainable targets for the construction of affordable housing for purchase and rent. (S3O-947)

The Minister for Communities and Sport (Stewart Maxwell): Proposals for improving the supply of affordable housing will be set out in our forthcoming discussion document on the future of housing in Scotland.

David Whitton: I am sure that the document will give a warm welcome to an initiative by Prime Minister Gordon Brown, who earlier this year announced plans to build five new eco-towns. The PM hoped that one of those towns—offering 20,000 new homes, each constructed to environmentally zero-carbon standards—would be built in Scotland. A Scottish National Party spokesman welcomed the announcement, but since then we have heard nothing. What steps has the minister taken to encourage Scottish councils to bid to host an eco-town? If, as I suspect, the answer is none, will he join me in encouraging East Dunbartonshire Council—my local authority—to do so, given the severe shortage of housing for rent in my constituency?

Stewart Maxwell: Councils are free to bid to host one of the eco-towns that the United Kingdom Government has proposed. I cannot discuss the contents of the forthcoming housing consultation document, but I am sure that David Whitton and many other members from all parties will be interested in what it contains and will take part in the consultation that will follow its publication. I am sure that many aspects of the paper will be of

great interest not only to David Whitton but to his constituents.

Margo MacDonald (Lothians) (Ind): I sincerely hope that the paper will not be of interest only to David Whitton's constituents, although I am sure that they are lovely people. In Edinburgh 25,000 of my constituents are waiting on the council housing list. In Edinburgh, we are very good at building houses, but will the Government make it easier for the City of Edinburgh Council to build council houses, as Midlothian Council is doing? Will the Government explain to Gordon Brown and Alistair Darling that they must give the same opportunity to the City of Edinburgh Council that they have given to Midlothian Council, by cancelling the council housing debt that Edinburgh still carries because tenants voted against stock transfer?

Stewart Maxwell: As I have said before in the chamber, the Cabinet Secretary for Finance and Sustainable Growth wrote to the Treasury on 26 September to ask about the circumstances—other than housing stock transfer—in which it would consider writing off local authority housing debt. We have not yet received a response from the Treasury.

On the wider issue, we have high ambitions for house building in Scotland. We will bring forward proposals in the next wee while and publish the document that I mentioned. I am sure that the member will be involved in the consultation on behalf of her constituents in the Edinburgh area.

Johann Lamont (Glasgow Pollok) (Lab): I preface my remarks by saying that I know that the minister is not John Swinney and that he will not be making comprehensive spending review decisions. However, I want to ask him about his responsibilities.

The minister will be aware of the work of the housing coalition and its affordable housing demands, which we will no doubt discuss next week. I am sure that he is also aware that the housing coalition commended as an important turning point the budget allocation for housing in the previous comprehensive spending review, in 2004. Will he confirm that he is arguing for at least the same allocation share for housing in this comprehensive spending review as there was in 2004? Will he acknowledge that that would display a real commitment to the affordable housing programme by his Administration?

Stewart Maxwell: Our commitment to the affordable housing programme in Scotland will be shown by our real commitment to dealing with the crisis that we have been left, which was created by what the previous Administration did over the past eight years. I guarantee that, with the Cabinet Secretary for Health and Wellbeing, I have made strong representations to ensure that housing is a

Government priority. We have made that clear. I am sure that when the spending review is published in November and when the housing consultation document is published in the next week or two, our commitment to housing will be clear.

Health Spending Priorities

6. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what spending priorities have been allocated to health in the 2007 strategic spending review. (S3O-924)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Spending plans to deliver our purpose, objectives and commitments will be announced in the late autumn.

James Kelly: I thank the cabinet secretary for her brief answer.

The cabinet secretary will be aware that, in Lanarkshire, the previous Administration committed to an extensive £323 million programme of developments under the picture of health initiative, which included primary and cancer care developments. Will she give a commitment that that programme will be included in full in the Scottish budget? Its omission would sell the people of Lanarkshire short.

Nicola Sturgeon: Of course, NHS Lanarkshire also proposed to close the accident and emergency unit at Monklands hospital, which many Labour members intensely opposed. I am proud that the Government decided to reverse that wrong-headed move and to save the unit. Many people in Lanarkshire are delighted with that decision. I repeat what I said when I made an announcement about that: I expect NHS Lanarkshire to ensure that, as well as retaining accident and emergency services, it invests in primary and community services, because there was underinvestment in those services in that part of Scotland under the previous Administration. As a new minister with responsibility for health, I do not intend to repeat the mistakes made by the previous Administration.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am grateful to be able to raise a constituency matter by means of a supplementary question.

There is growing concern in my constituency about the level of ambulance cover in Sutherland in particular. The problem is probably associated with manning levels. In the context of considering budgets, will the cabinet secretary look into that problem? It is impacting directly on my constituents and could lead to a diminution of service.

Nicola Sturgeon: I am aware of Jamie Stone's concern about ambulance cover in Sutherland. During its annual review, I discussed with the Scottish Ambulance Service the many challenges that it faces in delivering sustainable ambulance services in remote and rural areas. I will continue to discuss those issues with it, and I am more than happy to discuss them further with Jamie Stone.

Mary Scanlon (Highlands and Islands) (Con): Mental health was a priority of the previous Executive. Is it still a priority? How will the Cabinet Secretary for Health and Wellbeing ensure that the strategic spending review reflects that priority?

Nicola Sturgeon: As Mary Scanlon knows, I cannot go into detail about the spending review, but all those matters will become clear over the next few weeks. Mental health remains a priority for this Government; indeed, the Minister for Public Health will speak at a World Health Organization conference on mental health later today. One of our manifesto commitments was to reduce the prescription of antidepressants, which is one of many important aspects of ensuring that we have the right range of services for people with mental health difficulties.

When I chaired the annual review of NHS Forth Valley earlier this week, I had the privilege of speaking to some mental health service users who were able to point out to me some of the improvements that have been made to services, particularly around recovery. They also made me aware of the further developments that they think are needed. I look forward to working with the Minister for Public Health to ensure that we make those improvements.

Alcohol

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-681, in the name of Kenny MacAskill, on alcohol. I invite members who wish to take part in the debate to press their request-to-speak buttons now.

14:56

The Cabinet Secretary for Justice (Kenny MacAskill): I say at the outset that I will be happy to accept Pauline McNeill's amendment. We are seeking to address underage drinking and although we have laws, they must be enforced. She raises an appropriate point that other cultural matters that relate to the problem should also receive great consideration. We are more than happy to take that on board.

It is timely that we are having the debate during alcohol awareness week. We should recognise the valuable work, led by my colleague Shona Robison, in partnership with the alcohol industry, to tackle Scotland's complex relationship with alcohol. She will explain more about that later.

Although we are determined to tackle the problems of alcohol misuse, we are not prohibitionists—alcohol alone is not the problem. We are rightly proud of our brewers and distillers and the significant contribution that they make to the Scottish economy. Pub culture has been an important element of social life in Scotland for hundreds of years. However, the major problem now is our relationship with alcohol. It is not the drink but how we drink and, sadly, the balance is completely out of kilter. Drinking to get drunk is seen as acceptable behaviour. Alcohol is promoted, sold and accepted as just another ordinary commodity, and it is sold at an unacceptably low price—strong cider can cost less than bottled water.

I have said it before and I repeat it today—nothing is off the agenda in consideration of proposals to tackle alcohol misuse. The Government is serious in its commitment to tackle the problem head on. I make no apologies for that. Voluntary measures are an important part of the solution but so, too, are tough legislative measures and direct action. We must be prepared to consider new and innovative ideas. The problem cannot be solved overnight, which is why we are working across Government to develop a long-term strategy.

It will take time to change the culture, and the extent of our problem with alcohol means that we have no time to lose. We need to shake ourselves out of the complacency that surrounds alcohol. The figures are stark: one Scot dies every six

hours as a direct result of alcohol. We have the fastest-growing cirrhosis rates over the past decade of 41 countries that were surveyed. Over 40 per cent of those who are accused in homicide cases were drunk at the time of the offence. The overall financial cost to Scotland of alcohol misuse is estimated at £1.1 billion.

Statistics do not show us the whole picture: behind them lie the personal experiences of families and communities that have to deal with the consequences of alcohol misuse—family breakdown, acute illnesses, absence from work and violence. In addition, front-line services such as the police and the national health service have to deal every day with the aftermath of alcohol misuse in our towns and cities, which places them under an enormous burden.

As well as the development of a long-term strategy, we can quickly put some measures in place. I have introduced regulations, instigated by the previous Administration, that will require off-sales premises to have separate areas for the display of alcohol. That means that there will be no cross-merchandising, no beer beside the barbeque charcoal, no wine by the pizza counter and no gin and tonic in the chiller cabinet alongside the lunch-time sandwiches. We are not yet talking about having shops within shops or separate check-outs—we are talking about dedicated areas for the display of alcohol in order that we can begin to shift attitudes.

David Whitton (Strathkelvin and Bearsden) (Lab): Does the cabinet secretary share my concern that alcohol can be bought in garages and chip shops? Surely making it so easy to purchase alcohol increases the problems that he has just described.

Kenny MacAskill: Absolutely. The matter was flagged up by the previous Executive, and this Government will continue to move in the same direction.

The fact is that we have to change perceptions, which brings us back to Mr Whitton's point that alcohol has become no different to other products in shops. Where breaches of conditions occur, I will expect the licensing board to take tough action in determining whether the premises involved should continue to enjoy the right to sell alcohol.

At a recent meeting with a number of licensing board conveners, I re-emphasised that very point and set out our expectations with regard to tough and effective enforcement. As part of the culture change, the licensed trade must recognise that selling alcohol is a privilege, not a right. It must face up to its corporate social responsibilities and recognise that it is part of the problem, as well as being part of the solution.

Of course, moving alcohol to one part of a store will not affect how it is priced and promoted. We are all aware of the rising trend of front-loading, in which people buy a large amount of alcohol to consume at home before setting out for the pub or club. There have been many calls for meaningful action to prevent problematic off-sales promotions. We are all familiar with the multibuy offers that slash the price of alcohol to incredibly low levels and encourage people to buy incredibly large amounts. Recent promotions in which beer has cost less than water have been described as offering great value; however, in my view, they can also be described as irresponsible. Is it any wonder that people front-load when a pint can cost 43p at home but £2.50 in the pub? There has been speculation about a cut-price bonanza this Christmas to shift piles of extra stock that have been left unsold after the poor summer. That could mean prices being cut to the lowest possible levels.

Although retailers are to be congratulated on their efforts through initiatives such as challenge 21—which is increasingly becoming standard practice—I am not convinced that anything other than a regulatory approach will change for the better the promotion of alcohol.

Margo MacDonald (Lothians) (Ind): Should we infer from the tenor of the cabinet secretary's comments that the Government wants the whole Parliament to urge the Chancellor of the Exchequer to increase the tax on alcohol?

Kenny MacAskill: This Government feels that we should have those powers because they are, after all, powers that any normal independent nation has that allow it to act appropriately to look after its interests. However, the Government has to take action under its current powers. We will do so and will make representations when we need to. The fundamental point is that if we want to change our country, improve our economy or change our drinking patterns, we need fiscal powers.

I will introduce regulations under the Licensing (Scotland) Act 2005 to end irresponsible off-sales promotions. Premises will not be able to have promotions that offer alcohol free or at a reduced price on the purchase of one bottle or more. Moreover, the regulations will apply to all premises that sell alcohol, regardless of whether they are supermarkets, convenience stores or corner shops. These measures will bring the off-sales sector into line with the on-sales sector, which is banned under the 2005 act from offering certain types of irresponsible promotions.

Of course, banning irresponsible promotions does not necessarily affect prices. Even though it will not be possible to offer multibuy promotions, the measure will not prevent premises from selling

alcohol very cheaply. It would still be possible, for example, to sell beer at a lower price than water, and alcohol could still be sold at below cost price to tempt customers into a store. I have made it clear on many occasions that I do not think that that is acceptable, and I hope that every member agrees.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am not sure that every member does agree. In other European Union countries, such as Italy, people spend a lot of money on alcohol and wine, and beer and spirits are sold very cheaply in supermarkets and as part of promotions, but they do not have the social problems that we have. Are we missing the target? Is the Government concerned only about the price of alcohol?

Kenny MacAskill: We said at the outset that although price is not the only issue, it is a pivotal factor. We want to address the culture of price promotion and a variety of other matters. It is not rocket science—if alcohol is piled high and sold cheap, more will be bought, more will be drunk and more problems will arise.

The Licensing (Scotland) Act 2005, which was put in place by the previous Administration, already deals with pricing, but I have asked for advice on what we could do to end deep discounting of alcohol. I want to progress that as part of a wider alcohol strategy.

I will not pretend that taking tough action on pricing will be easy, but there is evidence and a wealth of opinion that says that controlling price and availability can be key to achieving the cultural change that we require. I will examine those arguments carefully.

In our recent consultation on licence fee levels, I asked for views on whether local authorities should, on the polluter-pays principle, have a new power to apply an additional fee. The aim would be to offset the costs that pile up, whether for policing or anything else. Such revenue could be used for taxi marshalling, late-night transport or whatever the local authority thinks appropriate. I have also floated the idea of introducing places of safety in towns and city centres to ease pressure on police and accident and emergency departments. I want to explore the potential of those and other such schemes.

Let me be clear: selling alcohol is not a right. It is reasonable that the people who profit from it should be expected to meet some of the costs of the ill effects of alcohol. The Government does not seek to take all the credit—some measures were proposed by Paul Martin and the previous Administration, while others have been implemented south of the border. We will work with all parties to take up ideas, regardless of

where they come from, that will ensure that we address cultural and other specific problems.

Whatever doubts some members may have, it is clear that it is time for comprehensive action. We must take direct action now, coupled with a long-term strategy. Sustained action is required to turn round our relationship with alcohol. Such action will produce a safer and healthier Scotland. We are all aware of the problems and the consequences of doing nothing. Can we all share a commitment to change our drinking culture for the better? I trust that members will support the motion.

I move,

That the Parliament notes Scotland's first Alcohol Awareness Week and endorses the partnership approach between the government, industry and the voluntary sector to educate consumers about alcohol units, while recognising that further work is needed to ensure that alcohol is accepted as different to any other product for sale; further agrees that tackling the problems surrounding the misuse of alcohol is one of the great social and public health challenges of our time, requiring direct, innovative, long-term and sustained action; recognises that this includes tougher enforcement action against those who sell and promote alcohol irresponsibly; notes the importance of close co-operation with, and support of, Scotland's police forces and licensing boards in this respect; welcomes the recent commitments by the Scottish Government to regulate the display and promotion of alcohol in off-sales premises and to find a method of ensuring that those licensees who profit from Scotland's alcohol culture help offset the damage done by that culture, as well as to develop a long-term strategy to tackle the negative effects of alcohol misuse, and further notes the need for the NHS to play its part in early identification and intervention for those individuals drinking at harmful or hazardous levels.

The Presiding Officer: I should have said that we will be extremely tight for time if we are to fit everyone in, so I ask members to watch their time.

15:07

Paul Martin (Glasgow Springburn) (Lab): The Executive is to be commended for having a debate on alcohol during alcohol awareness week. It is important that members put on record our appreciation of the large number of organisations that provide support to people who suffer from alcohol abuse. Particular mention should be made of Alcoholics Anonymous, because the evidence that I receive from constituents is that that organisation performs an invaluable role in communities throughout Scotland. It does not receive—nor does it want—a penny of public subsidy for that work. All credit should go to Alcoholics Anonymous.

We welcome the opportunity to develop policies in partnership with the Executive and would like to comment on a number of issues that the cabinet secretary has raised. First, I will respond to his commitment to deal with licensed premises, such

as supermarkets, that provide unsuitable displays of alcohol. Many of us, particularly those of us who have children, find it unacceptable that the message that is sent out to communities throughout Scotland is that supermarkets are places to buy cheap drink. We commend the minister for proposing measures that we hope can be enforced effectively.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): The most recent "Scottish Schools Adolescent Lifestyle and Substance Use Survey National Report"—a survey of schoolchildren aged 13 and 15, which is conducted every two years—says that 20 per cent of 13-year-olds acquire their alcohol in off-licences, shops or supermarkets, and the figure rises to 44 per cent for 15-year-olds. Does Paul Martin agree that test purchasing, which is only just coming in, must be pursued rigorously and that people's licences should be affected as a result?

Paul Martin: I thank Richard Simpson, who made—as always—a well-informed intervention. I will talk about underage consumption.

On the proposal to ban certain drinks promotions, Labour members condemn retailers who seek to benefit from drinks promotions that encourage irresponsible alcohol consumption. However, we must be careful about how we deliver a ban. We considered the issue carefully during the passage of the Licensing (Scotland) Bill. Some people take advantage of drinks promotions responsibly—I hope that that includes most members—and should be entitled to have the opportunity to do so. We must consider whether evidence backs up the cabinet secretary's proposals. We must place on retailers a social responsibility to ensure that they do not encourage irresponsible consumption. Perhaps the simplest argument that we could put to retailers is that it is not in their interests to shorten consumers' lives by providing opportunities for alcohol abuse. The more we work with the industry to get that message across to retailers, the more successful we will be in implementing our strategy.

We must accept that alcohol abuse takes place in our streets and fuels antisocial activity throughout Scotland. I am sure that all members have heard from organisations in their constituencies who have expressed concern about the consumption of alcohol in public areas, particularly by young people. Such behaviour sets the wrong example for the next generation of young people. I am proud of the measures that were delivered by the Licensing (Scotland) Act 2005 and the Antisocial Behaviour etc (Scotland) Act 2004 to ensure that legal remedies, such as dispersal orders, are in place to tackle unacceptable behaviour in streets throughout Scotland.

The zero-tolerance approach to such behaviour is welcome, which is why we have difficulty in accepting the Liberals' amendment. We support rehabilitation, but we must send a clear message of zero tolerance of irresponsible behaviour on our streets. On many occasions, rehabilitation has been offered and a number of other avenues exhausted before dispersal orders were considered.

There is no doubt that underage drinking presents a serious challenge to many communities throughout Scotland. The Labour amendment urges the cabinet secretary to call a summit of political leaders and relevant stakeholders in Scotland, to provide a framework and to develop not a strategy but an effective action plan to deal with this serious issue. At least 52 per cent of young girls in Scotland get drunk twice a month, which is unacceptable. I am sure that the cabinet secretary wants to work with us to create opportunities to tackle that.

We welcome the minister's commitment to ensuring that the polluter pays, but I will strike a less consensual note by quoting the following comment:

"I argue against the measure because it is punitive, as public house premises and clubs pay the Exchequer substantial amounts of money ... in particular, through non-domestic rates."—[*Official Report*, 16 November 2005; c 20743.]

Those are not my words; they are the words of the Cabinet Secretary for Justice's deputy, the Minister for Community Safety, Fergus Ewing, who is not in the chamber.

I will quote another member:

"The way to address the problem is to deal with it through the bill and the new licensing regime. If necessary, the premises can be shut down. That is what we should do with these places. We should not enable them to bring in other measures as that could legitimise the antisocial behaviour."—[*Official Report, Local Government and Transport Committee*, 3 October 2005; c 2948.]

Bruce Crawford said that when he spoke in opposition to the amendment in my name, which was agreed at stage 2 of the Licensing (Scotland) Bill, the object of which was to ensure that licensed premises pay for the additional policing costs of dealing with any unacceptable activities that may result.

I commend the cabinet secretary for bringing forward a measure that was the subject of a successful Paul Martin amendment. Unfortunately, Fergus Ewing, now the Minister for Community Safety, lodged a stage 3 amendment that resulted in the measure being deleted from the bill. Labour Party members are happy to commend the SNP for emulating Labour Party policy and we look forward to providing the Government with many

other examples of Labour amendments that were unsuccessful because of SNP opposition.

Of course, the Labour Party welcomes the opportunity to tackle the problem. We want to work with the wide range of organisations that have a role to play in tackling alcohol abuse, including Alcoholics Anonymous, to which I referred earlier, all of which have a serious role to play. We have to work together in Parliament on the issue. On occasion, that will mean that the Government will have to adopt policies that its members rejected when they were in opposition in a previous life.

I ask the chamber to support the amendment in Pauline McNeill's name.

I move amendment S3M-681.2, to insert after "product for sale":

"further notes the high incidence of underage drinking and the harm done to those young people and the negative effect that underage drinking can have on Scottish communities; believes that the Scottish Government should call a summit of all relevant stakeholders to develop an effective strategy to tackle underage drinking;"

15:16

Bill Aitken (Glasgow) (Con): The debate is on a reasonably consensual matter; indeed, the Conservatives find the Labour Party and Liberal Democrat amendments acceptable. There is also much in what the cabinet secretary said with which we agree, apart from one item to which I will turn presently.

It is idle to suggest other than that the use of alcohol has been a major part of adult social culture in Scotland for many years but—as we all know—it is possible to have too much of a good thing. Excessive and irresponsible consumption of alcohol is a serious matter that can have devastating effects on individuals and communities. The problems in respect of young people are particularly apparent.

My colleague, Mary Scanlon, will deal with the health issues, but there can be no doubt whatever that things can go terribly wrong as a result of excess drinking. Many young men, and an increasing number of young women, find themselves in accident and emergency units and in the High Court.

In many ways, the portrayal of alcoholic drink in Scottish culture is problematic and that is at the root of the problem. Instead of being characterized as a relaxing social catalyst to be enjoyed only in moderate amounts, alcohol is too often depicted as simply an avenue for abandoning one's inhibitions and having a wild time. That must be changed, and true change must always begin at the fundamental level. It is time to take seriously the notion that in schools, the media and, most of all, the home, the attitude towards alcoholic drink

must be improved. We must change our culture in order to rightly characterise excessive drinking and unruly drunken behaviour as shameful, embarrassing, and socially unacceptable.

The solution for changing public attitudes to drinking is education, not the implementation of rigid alcohol unit systems, which dictate rigid, prohibitive and arbitrary limits on what it is acceptable for someone to drink. They are also ineffective in reaching the public. The people who are involved in promoting them are perceived as preaching and as being self-righteous and condescending, and the systems make no allowance for variable factors such as individual body chemistry or metabolism.

The Minister for Public Health (Shona Robison): Does Bill Aitken not accept that the whole point of alcohol awareness week is that people should know their own drinking limits? Surely each person should assess his or her own drinking and decide whether it meets the guidelines on safe limits. The idea is to get people to look at their own drinking levels, which is exactly the point that the member made.

Bill Aitken: The words to stress are “their own”. We are talking about individual levels. That is the way forward, but we have to recognise that each individual has a different sense of what is good for them and of what may lead to an adverse effect.

Essentially, Scottish people do not need to be told by their Government exactly what volume of alcohol is acceptable and what is not, but they should be prepared to let the Government advise them on how to think about and conceptualise the act of drinking. The way to accomplish that is through effective education and not rigid standardisation.

Other institutional reforms have been proposed recently—the cabinet secretary referred to some. They include the banning of deals on cheap alcohol. That might prove to be an ineffective and possibly unjust solution to the problem. Although it might be easier and more financially convenient for an individual who has a drinking problem to continue drinking if it comes at a low price, it is also perfectly reasonable to infer that, if an individual has a drink problem, the cost will not be material. It is equally reasonable to assume that such sales will usually be utilised by responsible drinkers who simply know a good deal when they see one. The fact that one can buy 12 cans of beer for the price of six does not necessarily mean that one has to drink the 12 cans within the same period of time in which one would normally drink six. Old-age pensioners might utilise such a deal to buy two weeks’ drink, for example, but they will now be prohibited from doing so.

Shona Robison: Does the member agree that the evidence clearly shows that rates of consumption have gone up? Where young people are concerned, there is a direct correlation between consumption and price.

Bill Aitken: I will explain where my concern lies. Suppose a supermarket does a deal that involves selling 12 cans of lager for the price of six. If an old-age pensioner who typically drinks two or three cans at the weekend goes along and buys 12 cans, he will take four weeks to drink them, and he will save money. Is that a bad thing? Of course it is not.

I turn to the question of licensed alcohol distribution. The cabinet secretary was right to point out that there is irresponsibility in how alcohol is sold by some people. We must therefore focus on that irresponsible minority in the licensed trade who are prepared to sell drink, in particular, to underage people. We must make it clear that continued behaviour of that type will result in the loss of licences and we must demand that licensing boards be much more proactive than they have been until now. People must not be able to sell drink to underage people with impunity and retain their licences. That message must be sent out loud and clear.

As I said, there is a wide consensus around this issue. My one objection is that the innocent are being punished along with the guilty. Nevertheless, we will work with the Scottish Government to achieve a tightening up of the existing licensing regime. I am convinced that a happier position can be achieved if we work together.

I move amendment SM3-681.1, to leave out from “notes the importance” to end and insert:

“and underlines the fact that those who do so should face losing their licences; notes the importance of close co-operation with, and support of, Scotland’s police forces and licensing boards in this respect, as well as developing a long-term strategy to tackle the negative effects of alcohol misuse, and further notes the need for the NHS to play its part in early identification and intervention for those individuals drinking at harmful or hazardous levels.”

15:22

Ross Finnie (West of Scotland) (LD): I welcome the cabinet secretary’s securing of this debate on alcohol. I also welcome many of his remarks, particularly those on the importance, difficulties and culture of alcohol in Scotland, together with the alarming and staggering figures that we must face. The Liberal Democrats are clear that tackling alcohol misuse must be viewed as a key public health priority; that is why I, as health spokesman, rather than a justice spokesperson, am leading for my party in the debate.

We welcome the attention that is being devoted to the issue during alcohol awareness week. Like other MSPs who attended last night's event, I was staggered to discover exactly what one alcohol unit really means. It was important to find that out. That relates to the point that Shona Robison made in her intervention about the need to be much more aware of levels of alcohol, and to the point that Bill Aitken made about people knowing their personal limits. We are also clear that we need to change not just the culture but the individual's perception of that culture. It is important that the individual must take responsibility for his or her behaviour when consuming alcohol.

Our concerns about the motion are genuine. The cultural aspect indeed underlies the problem and, although we accept that the criminal justice system has a key and vital role to play, and will be a vital buttress to any societal change on which we embark, we do not view it as providing the essential thrust of how we tackle the problem.

I have two issues with the wording of the Government motion. Having looked for historical precedents, I am concerned about the view that alcohol must be accepted as being different from any other product. Of course it is harmful, as are other products, but history tells us that, when we seek to set a substance apart, that does not effect a cultural change, but has quite the opposite effect.

Kenny MacAskill: Is the member suggesting that the ways in which alcohol is promoted that I mentioned in my speech are acceptable? Is it acceptable that beer is displayed with the barbecue charcoal or that wine is displayed with a variety of other products? Does the member not accept that there is a subliminal message, but that we are talking about a commodity that is vastly different, given its effects?

Ross Finnie: That is not the point that I am making, although I can see where the cabinet secretary is coming from. History shows that there is a danger in the sort of wording that is used in the motion. That is not to say that we do not understand the problem that the cabinet secretary mentioned.

The second difficulty that I have with the motion is one that Paul Martin raised. It concerns the curious notion that we should simply seek to get those who profit from alcohol to deal with the costs. Premises may be run successfully by responsible landlords who choose to take steps to exclude from the premises persons who are not drinking responsibly. Profit is not the criterion that we should use in judging whether to deal with people. We must be clear. Rather than deal with the generality, as stated in the motion, the licensing boards and courts must deal with the people who create the problem.

As the cabinet secretary said, there is no one solution—the matter is complex and requires sustained commitment from everyone involved. We must start with education, as Bill Aitken said forcibly. I cannot recall a single visit to a school in recent years when the question of alcohol abuse did not arise and the pupils did not say how ignorant they were of the effects of alcohol and the impact that it has on them. As Bill Aitken said, we must start with education, both at home and in the education system. We must bring that together, as well as considering what we do in relation to the media.

Producers and retailers have a key role. They have signed up to the responsible drinking agenda, which is helpful. We heard at an event last night that some producers are moving rapidly on the labelling issue, which is to be warmly welcomed. The Liberal Democrats welcome the fact that a range of information will now be included on labels. As a minimum, labels will have unit consumption data, a sensible drinking message and the recommended guidelines. That is important. We also think that we need to do more on alcohol treatment, which Paul Martin mentioned. I hope that the cabinet secretary is making a serious bid in the spending review for increased funding during the next period for rehabilitation and other matters. We need to care for people, notwithstanding the points that Paul Martin made.

Cheap alcohol is a problem, but we must consider the matter carefully. I take the cabinet secretary's point about deep discounting and I certainly wish to exclude that, but it is odd that, as a nation that has one of the highest levels of duty, we still appear to have a major problem with pricing. We need serious research on how we can best tackle the problem, although some of the bans that the Government has introduced will be helpful. We need to extend the test purchasing schemes that have been introduced and review the progress of the challenge 21 scheme.

In changing perceptions, we must begin from the premise that alcohol is a public health and cultural issue. We should use all the resources that are available to us in a co-ordinated way to bring about the right result. We should acknowledge that the criminal justice system is a buttress to that and not the lead party.

I move amendment S3M-681.3, to leave out from first "notes" to end and insert:

"welcomes Scotland's first Alcohol Awareness Week and calls for a co-ordinated approach by all relevant stakeholders to tackle the problems of alcohol misuse that are a key social and public health priority; recognises that tougher action against those who sell and promote alcohol irresponsibly is a necessary step but must form part of a comprehensive strategy that emphasises the importance of education and addresses the social and cultural factors

related to alcohol misuse; believes that this policy framework must strike a balance between state and individual responsibility and must not be overly reliant on the criminal justice system to bring about the changes desired, and calls on the Scottish Government to commit additional investment to treatment and rehabilitation."

The Presiding Officer: We move to the open debate, with speeches of a tight six minutes, please.

15:29

Ian McKee (Lothians) (SNP): We have heard and will hear more about the strategies that have been suggested for educating consumers on the dangers of excess alcohol consumption and about the justice system's role. I will say no more about those aspects of the alcohol challenge, except to make a plea to encourage licensed premises to make available a wide range of attractive non-alcoholic drinks at competitive prices. A glass of orange can occasionally cost more than a pint of beer, which is clearly wrong.

I draw the Parliament's attention to projects such as Albyn house in Aberdeen, to which people whom the police find to be drunken are taken for care and recovery. Regular attenders can be counselled and offered help, which is a far more humane and efficient way of tackling the problem than throwing someone into a police cell and giving them a criminal record the next day.

I will consider the part that the national health service can play in helping individuals who have an alcohol problem through providing appropriate treatment and support to those who wish to have help in giving up alcohol. In 2003, 42,000 people visited their general practitioners with an alcohol-related problem. In my practice, a patient survey some years ago showed that more than one in 10 men over the age of 45 who lived in a particular housing estate had an alcohol problem. There is no reason to believe that the situation is any better today, and the true picture is likely to be even worse, as that survey included only people whose problem was known to the GP, whereas many who have an alcohol problem hide the fact—it is a silent epidemic.

When we consider the ways in which we respond when someone with an alcohol problem seeks help, an immediate obstacle becomes apparent. The voluntary organisations and other organisations that offer help are often poorly co-ordinated and the quality of service varies greatly from one area to another. Unfortunately, the treatment service that the NHS offers is—like many others—top down rather than from the grass roots up. Typically, a huge population may be served by an alcohol problems consultant, who has perhaps a few hospital beds. Below that level will be a few psychiatric nurses who specialise in

alcohol problems. A person who requests help wants it now, not after the many weeks that pass before a referral to the area community psychiatric nurse is rewarded by an appointment.

What is needed is a refocusing of our efforts so that plans are laid to respond immediately a person asks for help. In the health centre or surgery, receptionists, nurses and doctors must know the appropriate response and who to approach for further help. Doctors and nurse practitioners must acquire the knowledge and confidence to initiate brief pharmaceutical detoxification programmes. The specialist CPN can fulfil an educational role as well as providing a second specialist opinion when treatment problems arise. The alcoholic epidemic is too overwhelming for us to pretend any longer that we can rely on a highly specialist service to cope with the challenge unaided. Part of the knowledge that all need to acquire is of services that exist locally, such as Alcoholics Anonymous, and in which circumstances their skills can assist.

The urgency and size of the problem make it unfortunate that, although alcohol screening and brief interventions have been made one of the nine possible services for 2007 to 2009 that are listed in the recently announced Scottish enhanced services programme for primary and community care, health boards and community health partnerships have to choose only three of those services to implement. Furthermore, I gather that some organisations, including NHS Lothian, have chosen not to make alcohol services part of their enhanced services. I have no doubt that they have their reasons, but how they can ignore the most major health problem that faces us is beyond my comprehension.

All is not lost, however. NHS Health Scotland is funding a steering group to develop a co-ordinated national drugs and alcohol strategy. It aims to have an implementation plan in place by spring 2009 and the description that I have read suggests that that plan might achieve some or all of the desirable objectives that I have outlined. Those of us who have worked in the field are used to false dawns, but let us hope that the strategy will succeed—the health and happiness of many thousands of Scots and their hard-pressed families depends on it.

15:34

Trish Godman (West Renfrewshire) (Lab): One of the most harrowing experiences I had as a social worker was taking into care, in the early hours of a morning, a young baby of about six months whose mother and brother had died in a fire. The fire had started after the father had come home from the pub drunk, had been smoking, and

had fallen asleep—members can imagine what happened.

Today, alcohol is a direct factor in more than half the deaths that are caused by fire in Scotland. The tragic accident that I described took place in the mid-1980s, and our drinking culture has changed dramatically since then. Research has been done into the misuse of alcohol in pregnancy—others will speak about that—into alcohol in the workplace and into different types of alcohol culture in Scotland.

The evidence is there, but the question is how we pull it together. How do we introduce education, information and—very important—enforcement strategies that will make the changes that are needed to support those who have a drink problem? Good practice exists: Claire Baker and others will give good examples of it later. However, the statistics are still bleak. Binge drinking remains common. It is clear that many people, especially young people, go out solely to get drunk. They do not go out to have a drink; they go out to get drunk. The most difficult problem for us is in trying to change that culture.

Education, with agencies working together and exchanging information, will help. However, alongside that there must be tougher intolerance of excessive drinking and its subsequent behaviour. How many of us in the chamber can honestly say that we have never encouraged somebody to take that extra drink, particularly if they are a happy drunk? The attitude is that they might not be a good singer, but it is okay to let them have another drink because they are a good laugh. There is a bit of responsibility on us to think about how someone like that got the money to drink and what they might do when they go home.

What can we do to change things? There are some hard political choices to be made. We will be accused of being a nanny state and of the infringement of people's civil liberties and rights. Paul Martin has shown in the Local Government and Communities Committee how Labour tried to pursue the issue of the social responsibility that lies with those who sell alcohol. It appears that the Scottish National Party Government is moving in that direction.

Paul Martin has also spoken about the need for stricter enforcement. We need hard-hitting messages about drink-driving, for example, not only at Christmas but throughout the year. Further, I still have concerns about a drinks industry that spends more than £200 million a year on advertising and sponsorship. I would like to see the end of sponsorship for sporting and entertainment events that target young audiences.

Young people in Scotland have the highest level of drinking and drunkenness in Europe. It is not

just about going out for a drink—they have to get drunk. Alcohol education is patchy and there is a need for a review. We need to explore the contribution that is made by the multi-agency teams and voluntary organisations—I am not sure that we are managing that integration—and ask whether the intervention is happening early enough.

As Dr McKee knows, intervention is difficult. Those of us who have worked with problem drinkers of all ages know that our contribution is worthless if they are not ready to give up the drink, or at least control their drinking. We must recognise that, in some cases, the nature of the work will mean that we will be in legitimate conflict with those whom we are tasked to help. For example, if I had a referral from a court or a children's panel to go out and help someone and give them support, I could talk from then to the next Sunday, but it would be no good if the person did not want to be helped. Believe me, working with problem drinkers is not easy, particularly for those on the front line.

It is not easy, for example, for someone to go into work on a Monday morning to be told that they have a referral for a family in which the father is in hospital because he is drunk and the mother is in a terrible state because she and the kids have been battered. The worker may not have heard of the family before and not know who they are, but they have to make a cold call to the family's door to try to help them and try to get the father to look at his drink problem, which is the last thing that he wants to do. It is all right having all the ideas about enforcement and working together, but at the end of the day somebody will have to do that job—that is where we must put our support.

I am well within my time, because I know my job, so I will ask three or four questions. Will the minister give us an update on the industry partnership agreement? Where does the 2007 alcohol action update sit and does the minister think that it needs more investment? Will the minister consider introducing standardised alcohol education in schools? With regard to health, the motion says that the NHS will play its part; I am not sure what that means. I would also be interested in an update on the national licensing forum.

We can make a difference through strong enforcement; sticking by our commitments; good, sensible multi-agency working with the industry and with Government; and a strategy that we can all sign up to. Judging by what the cabinet secretary has said, we are halfway to doing that. We can go some way towards changing the drinking culture of this nation, but, believe me, it is a hard job and it will take us a long time.

15:40

Kenneth Gibson (Cunninghame North) (SNP):

In August 1994, while I was on holiday in Austria, I got the phone call that no one wants to receive. My mother called me to tell me that my father had died. Although she told me that I did not have to return home to Scotland to attend his funeral, I felt that it was my duty to do so.

My father was a chronic alcoholic, and it killed him at the age of only 57. By then, he was a wreck of a man—the pregnant skeleton that Dr McKee and Dr Simpson would recognise as being the end stage in the life of an alcoholic. In the last 25 years of his life, I do not think that I saw my father sober more than half a dozen times. Over those years, I doubt that anyone in our home had a decent, uninterrupted night's sleep. We had a terror of the clock striking 10, because that was when the pubs closed and my father was due home. As a result of that, my sister left home at 15, and I soon after, at 17. My mother felt that it was her duty to stay, and to stand by my father to ensure that he had a bed at night, and a meal, on the rare occasion on which he was capable of consuming one. Such years of love and devotion demonstrate loyalty that is often unrequited.

Of course, my father did not recognise that he had a problem until he was unable to deal with it. In his view, the fact that he was able to get up for work in the morning meant that there was not really an issue. I have no doubt that my upbringing was not so different from that of many, many thousands of Scots who have had their lives blighted by the problems of alcohol. It is extremely important that the Parliament does whatever it can to change attitudes and behaviours in that important area.

The protection of children from the adverse impact of alcohol is fundamental. At the very least, society must do its utmost to protect those who are the most vulnerable: our unborn children. As members will be aware, on 27 September I submitted motion S3M-561, headed "Alcohol and Pregnancy: A Dangerous Cocktail", to highlight the impact of alcohol on unborn children. I am indebted to Gail Grant of the British Medical Association for providing me with a copy of "Fetal alcohol spectrum disorders—a guide for healthcare professionals". Subsequently, I have received welcome assistance from Paula Evans of Children in Scotland.

Foetal alcohol spectrum disorder covers a wide range of disorders, encompassing everything from behavioural problems to extreme physical and neurodevelopmental disabilities. There is no cure. FASD is a lifelong medical condition that can prevent children from succeeding in school, leading healthy lives and becoming productive adults. It is, by its nature, extremely difficult to

diagnose. Indeed, if we compare figures from other developed countries, not least the United States of America, we can see that it is likely that the condition is seriously underdiagnosed. As a result, it is difficult to ensure that the needs of a child with FASD, and its most severe manifestation, foetal alcohol syndrome, are met. Prevention is the key, which is why it is of some concern that six out of 10 women in Scotland drink during pregnancy.

How much is safe for a pregnant woman to drink? The chief medical officer sensibly suggests nothing at all. The BMA, the Royal College of Obstetricians and Gynaecologists and the Royal College of Midwives support that view. It is vital that that position is promoted by the Scottish Government. No one really knows how much alcohol, if any, it is safe to imbibe in the womb. Each foetus develops neurologically at slightly different rates, and although the pathways are the same, it is not known when a specific development may occur and when a child may therefore be vulnerable to alcohol in the womb. So why take risks?

Down south, the National Institute for Health and Clinical Excellence suggests a maximum of no more than 1 to 2.5 units a day, which is not far short of what is suggested for an adult woman who is not pregnant. What does that mean, though? A card that I picked up in the Parliament at lunch time tells us that 25ml of gin, rum or vodka represents 0.9 units, with an alcohol level of 37.5 per cent by volume, while 175ml of wine, at 12 per cent volume, is 2.1 units. It is extremely difficult for people to get their head around that, which is why I suggest that the Parliament should promote the view that no alcohol should be drunk during pregnancy. In the USA, all bottles containing alcohol display a warning that simply states:

"According to the Surgeon General, women should not drink alcoholic beverages during pregnancy".

I support the BMA's recommendation that further research into FASD be conducted. Guidance and training for health care professionals on the prevention, diagnosis and management of FASD should be implemented at the earliest possible opportunity. Public awareness of FASD and the adverse effects of alcohol in general should be raised.

We need to place a higher priority on dealing with addiction and must increase funding to tackle it. In schools, a comprehensive education programme needs to be introduced, starting at primary school. It is my understanding that education on alcohol misuse is patchy. We need intense public information campaigns to bring home the health and social impacts of misuse. Those must be helped by responsible promotion

by the industry, which must include clear labelling—I have touched on that—and sensible drinking messages.

As the cabinet secretary indicated, we need a crackdown on underage drinking, including action to stop the deep discounting of alcohol—especially alcohol bought in bulk—which is one of the reasons that I welcome the motion. A zero-tolerance approach by law enforcement agencies towards alcohol misuse on our streets is essential.

With a comprehensive, co-ordinated national strategy for the treatment of alcohol addicts and alcohol misuse, we can take a major step towards reducing some of the severe problems that we encounter in the streets and homes of Scotland due to alcohol misuse.

15:46

Claire Baker (Mid Scotland and Fife) (Lab): I welcome alcohol awareness week and its efforts to encourage sensible drinking. However, as other members highlighted, an unhealthy attitude towards alcohol remains across all sectors in Scotland. The abuse of alcohol not only damages the individual concerned but has a major impact on friends, families and communities—Mr Gibson spoke powerfully about that.

It is undeniable that alcohol costs our society dear in many ways. We are witnessing an explosion in alcohol-related health problems, while alcohol-related violence and other antisocial behaviour remain unacceptably high. Underage drinking rates are also worrying. The latest SALSUS national report shows that 36 per cent of 15-year-olds and 14 per cent of 13-year-olds reported drinking alcohol in the last week. However, it would be wrong to think that unhealthy drinking is confined to young people, men, deprived areas or city centres at the weekend. Unhealthy relationships with alcohol exist in families of all backgrounds, in all areas of Scotland and across all age groups.

Those are the problems, but what can we do about them? I will focus on two alcohol-related issues in particular: underage drinking and drinking in pregnancy. I will try not to repeat points that Mr Gibson made, many of which I agree with.

For young people, alcohol can be a gateway to risky behaviour—unprotected sex, violence and, more generally, an air of invincibility. Early alcohol misuse can be an introduction to illegal drugs or to smoking under age. Also, drinking under age can lead to a legacy of misusing alcohol later in life. Many members represent communities where the extreme antisocial behaviour that is driven by underage drinking is threatening and highly disruptive. In the environment of the inevitably macho group mentality of teenagers—boys and

girls—binge drinking can and has become the norm. If binge drinking is acceptable at 12 or 13, by the time a young person reaches 18, unhealthy drinking habits will already be entrenched and ingrained. I am pleased that the cabinet secretary accepts Labour's amendment on that issue.

The proper enforcement of the age limit for buying alcohol is crucial. The rise in the age for purchasing tobacco to 18 gives the Parliament an opportunity to introduce new measures to enforce rigorously the age limits that we have in place. I hope that, along with any new initiatives on underage drinking, resources will be provided for proper enforcement of the age restrictions for smoking and alcohol consumption. Too many retailers regularly sell alcohol to people who are under age.

I urge an extension of the test-purchasing scheme. The results of the pilot that was conducted in Fife were worrying: 26 per cent of retailers in west Fife and 16 per cent of those in east Fife failed the test purchase. Retailers should be supported in enforcing age restrictions, but there should also be heavy punishments for those who are caught selling to underage children.

As well as working to reduce the supply of alcohol for underage drinking, we need to reduce the demand. In my region, the Drug and Alcohol Project (Levenmouth) started an initiative in partnership with Fife Constabulary that targets underage drinking and deals with it holistically. The initiative is one of the first of its kind. When an underage drinker is picked up by the police, they are referred as a case to project workers at DAPL, who visit the family and work through any related issues with them. Working in that way, we can try to tackle the root causes of underage drinking. It is essential that projects such as DAPL have secure funding to provide a much-needed community service.

The second issue that I highlight is alcohol and pregnancy. From the moment a woman becomes pregnant, she begins to influence the future child's life chances. Her decisions on smoking, alcohol, diet and her own well-being all have implications for the future child. The lack of clarity in the recommended drinking levels and information on the potential health impacts of alcohol has made it difficult to deliver a coherent message to pregnant women. At the extreme, alcohol can cause permanent damage to embryos while they develop in the womb and can cause foetal alcohol syndrome, which permanently impairs brain and nervous system functions. However, there are increasing concerns that drinking alcohol during pregnancy can lead to a wide range of disorders and there has been a clear move towards supporting a precautionary principle.

Although it is socially acceptable for women to avoid soft cheese and peanuts during pregnancy, avoiding alcohol seems to be a different matter. The unhealthy relationship with alcohol that we have in this country seems to make abstinence from certain risky foods far easier than abstinence from alcohol during pregnancy. However, the evidence is inconclusive and the matter must be approached in a sensitive and reasonable manner. Women must be able to make informed decisions. To enable that, the Government must work closely with the medical profession; guidance on alcohol consumption should contain specific advice on drinking and pregnancy; and any voluntary labelling initiative with alcohol producers should include information on the risks and potential consequences of drinking while pregnant.

Alcohol awareness week is about changing our drinking culture. The Scottish Parliament has done much to recognise Scotland's problems with alcohol. Although problem drinking is an issue throughout the UK, Scotland has particular health, crime and social consequences that arise from our relationship with alcohol, and we all have a responsibility to recognise and address that.

15:52

John Lamont (Roxburgh and Berwickshire) (Con): Excessive alcohol consumption is a growing problem throughout Scotland, including in my constituency in the Borders. Lifestyles and the way in which alcohol is presented have changed. Increasingly, alcohol is used simply as a means to get drunk as quickly as possible rather than as a means to relax and socialise. Recent statistics show that alcohol abuse is extending its harmful effects to include increases in crime, death, disease and the consumption of alcohol among underage children.

We believe that the problem deserves immediate attention and effective laws, not only to address the problem and find solutions but to raise public awareness and prevent the future growth of alcohol abuse in Scotland.

The excessive alcohol consumption in Scotland in recent years has been highlighted in a number of studies. Some suggest that alcohol consumption in Scotland has risen by 23 per cent in the past 10 years. In 2002-03, the economic cost of alcohol misuse in Scotland was estimated to be £1.1 billion per annum. In 2003-04, more than 26,000 people were admitted to hospital with alcohol-related illnesses, and in 2005 there were 2,372 deaths with alcohol as an underlying factor.

Dr Simpson: The member makes an important point, but the early stages of alcohol-related brain damage result in repeated admissions, so the important point is not just the high number of

admissions but the fact that people go round and round. When I was working as a consultant in addictions, alcohol and drugs in August, I did a case study with someone who had ARBD and discovered that they had 11 separate records. The disintegration of the service, to which other members referred, is difficult.

John Lamont: Indeed. I agree.

Men and women in Scotland drink more frequently than men and women in England. Men and women in Scotland are also more likely to exceed the daily benchmarks. Scotland has one of the highest rates of alcohol consumption in the United Kingdom, and we rank among the top 15 countries in the world on this issue.

Excessive alcohol consumption has also contributed a significant amount of crime—something that was all too apparent to me during my night shift with the Hawick police service. It was reported in 2001 that one in six road accident deaths in Scotland was due to drink-driving, and that one in three accidents in which adult pedestrians were killed on the road was due to a drink-driver. In addition, alcohol is a factor in over half the deaths caused by fire in Scotland.

A recent survey reported that 93 per cent of those surveyed believed that crime was a problem in Scotland; the only issue that was considered more problematic was drug and alcohol abuse. The survey also reported that, among respondents who were able to say anything about the person or people who had committed a crime, 45 per cent said that the person or at least one of the people was under the influence of alcohol at the time.

The increase in the abusing of alcohol consumption has also proven to have severe effects on health. It has contributed to a number of liver diseases and other alcohol-related diseases. The national health service alcohol briefing in 2003 reported that 42,000 people had visited their GP with an alcohol-related problem. In addition, one in 10 accident and emergency admissions in Scotland can be attributed to alcohol. The number of patients discharged from hospital with alcohol-related liver disease has more than doubled in the past 10 years.

The growing problem of the abusing of alcohol consumption has had the most shocking effects on children. A significant part of the problem of the increased consumption of alcohol by children in recent years—which also adds to underage drinking—is the alcohol obtained in off-sales. According to the "Alcohol Statistics Scotland 2007" survey, between 1990 and 2004 there was an increase in the percentage of alcohol sales made through off-trade premises and a decline in on-trade sales. The second most common way for children to buy alcohol was through an off-licence

shop, with 7 per cent of 13-year-olds and 19 per cent of 15-year-olds obtaining alcohol in that manner.

The Licensing (Scotland) Act 2005 introduced measures to simplify the licensing regime, but it failed to introduce any measures to curb underage drinking. Instead, it targeted the majority of Scots who use alcohol sensibly, and it passed the costs of policing on to premises that are not responsible for bad behaviour.

Although Scotland's problem of excessive alcohol consumption has grown significantly in recent years, it is a problem that can be resolved with increased awareness of the harmful effects of alcohol and with more effective legislation. Education on those harmful effects is imperative, especially for young children. Policing of licensed premises is necessary, and stricter enforcement will involve co-operation between the police and, importantly, the licensing boards. Businesses that conduct themselves irresponsibly should lose their licences, but responsible sections of the trade should not be penalised.

We welcomed the recent partnership announcement between the previous Scottish Executive and the alcohol industry—especially the suggestion that there should be a crackdown on owners of licensed premises that sell alcohol to underage drinkers. Scottish Conservatives have called for that before; we have also called for businesses to become more involved with those initiatives.

Excessive alcohol consumption is a problem that not only can be prevented from growing but can be eliminated. With increased education and stricter legislation aimed solely at the irresponsible licensees, that can be achieved.

15:58

Hugh O'Donnell (Central Scotland) (LD): Scotland's somewhat unhealthy relationship with alcohol is nothing new, as most of us know. The scale of the problem is obvious; it is growing and has been for many years. However, as previous speakers have said, this is a cultural issue. We almost sanctify the dissolute life—in many tracts of our literature, both popular and classic, and in our cultural icons. We need look no further than the Canongate church and the life of Robert Fergusson, or the back issues of our newspapers, national or local, to see that we have a long history of alcohol abuse one way or another.

Today's debate is far from the first to try to find some solutions—nor is it likely to be the last—as politicians have been tinkering around with legislation on the issue for many years. In that regard, I welcome the thrust of the approach that the cabinet secretary has said that the Government intends to take.

In my view, the problem is substantially an historical, cultural and attitudinal issue, which cannot be changed simply through criminal justice measures. That approach was tried in the United States in the 1920s, but it resulted in a whole lot of unforeseen circumstances. Therefore, let us be cautious about supporting the effectiveness of extreme legislative change as some kind of magic bullet. We need to tackle our attitudes and social norms root and branch, so that we deal with the foundations of the problem.

Kenny MacAskill: Will the member explain what he believes are the extreme legal interventions that the Government is proposing? I view our regulations on liquor licensing as perfectly moderate. From where does he get the adjective "extreme"?

Hugh O'Donnell: I did not actually connect the word "extreme" with the cabinet secretary's proposals. He should listen carefully.

Even a Liberal, Lloyd George, attempted to solve the problem in 1916 by nationalising the pubs in Cumbria to stop Scots coming across the border to get alcohol. Despite a raft of measures that included a ban on the buying of rounds—some members might be sympathetic to the idea of reintroducing such a ban—his attempt was not successful. Anecdotally at least, the measure led to a substantial increase in the production of illegal alcohol. That draconian step—bear in mind that I am describing a Liberal policy, rather than a Scottish nationalist one—remained in force until the 1970s, but it made no difference whatsoever to the consumption of alcohol in and around Carlisle.

No one doubts that in Scotland as a whole—and certainly among some teenagers—there has been a dramatic and substantial increase in the consumption of alcohol, but please let us be careful. Please do not let us use the increased consumption levels of a minority of teenagers as another weapon with which to demonise our teenagers and young people by calling them not only antisocial hoodies but drunken antisocial hoodies. Let us be very careful about doing that.

As Ross Finnie said, the problem is substantially a public health issue. Figures from the BMA, the NHS and Alcohol Focus Scotland all bear that out. Effective action requires a multidisciplinary, joined-up approach as the way forward.

We must be cautious about using taxation and pricing as control mechanisms. Although loss leading by the retail trade is, if not illegal, morally questionable, research evidence from the Amsterdam Group and the University of Copenhagen goes some way towards undermining the claim that pricing and taxation are an effective way of proceeding. It seems significant, if not a little contrary, that alcohol

consumption by young people has steadily climbed in northern Europe countries such as Denmark, Sweden, Finland and the UK—where the laws and taxes on alcohol mean that the prices are among the highest in the world—whereas such consumption has remained at substantially the same levels in southern European countries such as Greece, Portugal and Italy, despite the fact that alcohol is much more readily available and much cheaper in those countries. Consumption levels in those countries have been stable and consistent since the 1960s.

As Ross Finnie said, the problem is substantially a public health issue, for which a stand-alone criminal justice approach will not work. I welcome the cabinet secretary's announcement that the Government intends to have a co-ordinated strategy. The Government and the Parliament need to ensure that we enforce the current legislation and engage in health education and school education, but we also need to ensure that the industry—both retailers and producers—takes on board its responsibilities. At the moment, the industry sometimes seems more than a little disingenuous.

We must tackle the problem with a united front; it is not a matter for party-political division. I look forward to cross-party support for the measures that will be introduced.

16:04

Nigel Don (North East Scotland) (SNP): I would like to address three issues. The first is the size of the problem. The second is the existing recommendations for maximum consumption. The third is the vexed issue of discounting.

All members have alluded to the size of the problem. I have heard a lot of statistics but not the figure that I am about to give to the chamber, which may put the issue on a sensible footing. The average intake of alcohol in the UK, as calculated by HM Revenue and Customs, is around 19g per day. If we assume that only adults over 16 drink alcohol—clearly a doubtful assumption, but it will get us a number—that equates to 23g per day, which is almost three units per day. Even though the figure makes no allowance for any alcohol that may be imported from the continent or for anything that may find its way into the system illegally, that means that every man and woman over the age of 16 in the UK population drinks the equivalent of a pint and a half every day of every week of every year of their lives. That number gives members some idea of the problem that exists, because it is an average—we all know folk who drink nothing like that much.

The recommendations to which Kenneth Gibson referred have been criticised recently for being no

more than guesswork. We would really like science and epidemiologists to tell us something like the following: every member of the population who consumes more than 1,000mg per week of vitamin G17 will be fine, but every member of the population who does not will get fungiitis after 20 years. The example is completely made up, so members should not quote me on it. The point is that the statistics do not come out like that. The statistics lean in one direction or another, and that will always be the case. The best answer that we can get is that the relative risk of liver disease is twice as great in men and women who drink between two and three units of alcohol per day as it is in those who drink one unit or less. If people drink four or more units per day, the risk is about five to seven times as great. That is a real figure. The nature of the available science is such that we can do no more than say that four units sounds like a sensible norm. I ask folk to recognise that all recommendations are based on that kind of science and not to expect the science to be more accurate than that—frankly, it is not going to be.

Bill Aitken, who is no longer in the chamber, argued against measures to prevent discounting. From my experience of working in a soap business, I know that there are good reasons for putting bars of soap in packs of four. It makes life a great deal easier in the factory and in the transport system. The product is also much easier to handle in the shop, and it is much easier for people to put into their bags and troll off home with. There is real value in bundling that works its way right the way through the system and reduces costs for all concerned. There must be a similar effect with cans and bottles of alcoholic drinks, although I suspect that it is rather smaller.

However, I have no problem in recognising that alcohol is different; in large quantities, it is dangerous stuff. I would have no problem in saying that the unit price of my can or bottle must be the same, regardless of whether I buy one or 20. If that causes other people a problem, perhaps they should think about why that is the case. Given that many folk are not very good at resisting what they think is a bargain, and those are probably the kind of people who will suffer from an alcohol problem, we owe it to them to eliminate the kind of bargains that are doing them no good at all. We should have the courage of our convictions on the issue. Discounting is not allowed in pubs, and it is not obvious to me why it should be permitted in shops or supermarkets.

16:10

Michael McMahon (Hamilton North and Bellshill) (Lab): I welcome the opportunity to participate in this debate, as the issue that is being discussed is important not only to parts of

Scotland, but to every neighbourhood and all individuals who make up our communities.

It is right to acknowledge that drinking alcohol is not a bad thing per se, but the effects of misusing alcohol are, unfortunately, a problem for far too many people in our society, whether they are users of alcohol or sufferers at the hands of those who drink to excess. Indeed, the misuse of alcohol has probably become the major source of most of society's ills—literally, in respect of its health impacts.

Alcohol is a powerful drug, but it can be a source of enjoyment if it is used properly. That is the problem that we must face in debates on alcohol or alcoholism. Alcohol is too often a problem, but we can do more than hope that it will not be a problem for ever. As members have said, we must change attitudes so that alcohol use can be more of a social and health benefit—if that is possible—than a problem.

That was why I welcomed the enactment of the Licensing (Scotland) Act 2005 in the previous parliamentary session. It was the first legislation for many years that not only attempted to tackle how the sale of alcohol was regulated but tried to educate those who mistreat drink into adopting more appropriate alcohol-related behaviour. I took slight issue with Hugh O'Donnell when he said that we had tinkered around with the issue for too long; in fairness, no one could say that the 2005 act tinkered around with the issue. It addressed the fact that its subject matter was not only a criminal justice issue but a health problem that cost our national health service more than £1 billion a year. One in 10 accident and emergency admissions was attributed to alcohol. People who lived in the most deprived areas of Scotland were four times more likely to die an alcohol-related death than those in less deprived areas. We could no longer allow such things to happen, and we tried to ensure that they did not.

That the act aimed to tackle underage and binge drinking in particular was vital. The attitudes of far too many people towards drink were becoming alarmingly dangerous. That was why we focused on bringing into the licensing regulations many modern social trends that had overtaken the existing legislation, such as dial-a-drink services and party limousines. Members who were also members in the previous session will be sick of hearing me banging on about those two things, which I did as the Licensing (Scotland) Bill went through the Parliament. However, the police raised such issues with me because they had identified that no legislation existed to allow them to deal with the trends that had emerged. Such issues were having such an immediate impact on the attitudes of young people that addressing them

became important and the bill was the vehicle that allowed us to consider them.

It is right to blame underage drinkers for much of the havoc that alcohol can bring to society, but we must be careful not to single out a particular group, because the misuse of alcohol is a widespread problem that occurs across all age groups and social backgrounds. In fact, alcohol-related hospital discharges are most common in the 45 to 54 age group. That certainly surprised me and such statistics may surprise many other people.

Licensed premises that make money from the sale of alcohol must recognise that they are part of a community and that they provide a service that is unlike any service that other businesses provide. Given that such premises have an impact on wider society, we should ask them to pay a bit more if they do not provide their service responsibly. Therefore, I support the cabinet secretary in holding licensees to account for the social problems that they exacerbate as a result of their poor sales practice, just as I supported Paul Martin when he first raised that issue in 2005. I am sorry that other parties that were represented in the chamber failed to give their support, but it is a case of better late than never, I suppose.

I pay tribute to Kenny Gibson in particular for his speech. My parents were teetotalers, and I did not have to endure the types of experiences that he obviously had to. When I was thinking about what I would say, I wondered how I could bring some reality to the debate. The only story that I could think of was a light-hearted one that a friend told me recently. I do not want to tell it because I want to tell a joke; rather, I want to make a point.

The story is about a married couple who were sitting in a restaurant one evening. At an adjacent table, a woman was becoming uproariously drunk. Most people in the restaurant were being distracted by her, but the woman in the couple noticed that her husband was paying particular attention to the drunk woman and her behaviour, so she asked him why. He said, "You don't know this, but I was formerly engaged to that lady. It was about 10 years ago, before we were married." He went on, "I have had a happy life since that time. She has taken to drink in the manner that you see throughout all that time." His wife said, "That's a long time to celebrate."

The point is that people see the use of alcohol differently. We have to strike a balance on the issue. Some will use alcohol appropriately and others will not. Some licensees will take their responsibility seriously while others will be more lax. Some people think that alcohol is evil and want it to be restricted; others see it as a good thing and want easier access. If the minister gets

the balance right, I will support his efforts to address one of Scotland's most serious problems.

16:16

Patrick Harvie (Glasgow) (Green): There has been a degree of consensus in today's debate, as there is in the motion and the amendments. Consensus can be a good thing, but there are times when it hides uncertainty, perhaps between the different approaches that Michael McMahon outlined in his closing remarks.

The motion and the amendments say a great deal about determination to tackle the problem, about how it is a great public health challenge, about long-term, comprehensive, and co-ordinated strategies, and about co-ordinated approaches by stakeholders, policy frameworks, and the like.

I am reminded of our recent debates on the idea of a smoking ban. We were conscious that it was a bold, clear, radical, public health measure that would have an impact. In considering the various proposals on alcohol—there are lots of them, and some of them are minor—with which most of us agree, I find myself worrying that none of us yet knows which ones might work and how well they might work. If there is a radical public health measure for alcohol that is politically acceptable, I am not sure that I have yet heard it. However, there are some ideas in the Government's motion and in the amendments, so I will be happy to support them even if I might have liked them to go further.

There is no getting away from the fact that some aspects of the problem are urgent and widespread—but they are not new. Binge, underage and excessive drinking, or drinking to get drunk, were not invented in the 20th century, but there are new aspects to the problem. What are they? There have been trends in the industry during recent decades—I would say specifically since the 1960s—that were conscious, deliberate and designed to increase consumption without regard to their impact on health or society. New products were introduced, such as lager in the 1960s, to replace drinks that took longer to drink. More lager can be consumed in a certain amount of time, and so more can be sold over the bar. Such products also changed the tone and culture of pubs; they brought in a younger generation who could be more easily encouraged to drink more substantial amounts more quickly.

Since then, other products have been introduced—pre-mixed drinks, alcopops and other sweetened and flavoured drinks—that were designed to promote unhealthy consumption. Changes in the pub and retail industry have also brought about the same effect, whether we are talking about mega-pubs, which have fast

employee turnover, poor training and fewer social connections between the buyers and sellers of drink, or whether we are talking about supermarkets. I have argued much the same case about the big four supermarkets over a range of areas in which they overuse their market dominance.

Kenny MacAskill said that alcohol is not like any other product; I argue that, too often, the industry is regulated much like any other industry.

Alcohol is a legal recreational drug that I enjoy myself and I would not want to say anything that could be misinterpreted as being puritanical. I cannot help but recall the stage 3 debate on the Licensing (Scotland) Bill, in which I perceived something of a—no doubt unintentional—judgmental undertone. After all the calls for national restrictions on opening hours, irrespective of local knowledge or circumstances, and all the expressions of concern about impacts on communities having too much access to alcohol, we trooped downstairs to the huge trays of wine that awaited us at that evening's reception.

I do not think that anyone intended to be contradictory or hypocritical, and I would not want to make such accusations, but we have created around us a working environment that promotes unhealthy drinking. Only very rarely on a Tuesday, Wednesday or sometimes Thursday evening does a glass in this building go without being refilled.

We need to resolve the tension between public health priorities set by the Government and personal freedom. That will not be easy in this case. We could do it with the smoking ban because that was about recognising the freedom of non-smokers, but such a measure does not exist in relation to alcohol.

If we are going to restrict anyone's freedom, we should begin with the industry that has up to now exercised its own freedom without any reference to public health.

16:21

Dave Thompson (Highlands and Islands) (SNP): As members have already said, according to Alcohol Focus Scotland, alcohol problems cost the Scottish taxpayer an estimated £1.1 billion a year in their effects on the NHS, social work, police and emergency services and in wider economic costs. Indeed, there are also unquantifiable human costs. That figure is not surprising when one considers the recent NHS Scotland briefing that pointed out that one in 10 accident and emergency admissions in Scotland can be attributed to alcohol and that alcohol-related deaths, which now stand at 2,000 a year, have more than doubled over the past decade.

Those figures are a stark reminder of the scale of the problem.

Most disturbing was the research highlighted by Children in Scotland, which showed that one in every 100 live births suffers from foetal alcohol syndrome. The statistic suggests that, of the 55,000 Scots born last year, 550 had FAS. Kenny Gibson and Claire Baker have already highlighted the problems associated with the condition, and the emotional hardship and trauma faced by the families and children who are affected each year by this completely avoidable affliction are truly upsetting.

Scotland's drink culture was recently the subject of a study by Scottish Health Action, which revealed that 47 per cent of men and 36 per cent of women consume alcohol to dangerous levels. The message is clear: Scotland has an unhealthy relationship with alcohol and measures must be taken to tackle it.

Kenny MacAskill has already sent out a clear message that we will no longer tolerate either unruly behaviour motivated by alcohol or the outdated and irresponsible use of alcohol as a scapegoat by those who commit crimes while under its influence. I also welcome his call to extend to off-licences and supermarkets laws that already ban irresponsible promotions in bars, as the availability of cheap booze deals has undoubtedly played a significant role in the fermentation of Scotland's binge drinking culture. Martin Woodrow, the secretary of the BMA in Scotland, welcomed Kenny MacAskill's announcement by stating:

"the Scottish Government is taking the nation's alcohol problem seriously. We support these tough measures to end the deep discounting of alcohol by off-sales and supermarkets which, in some cases, has led to alcohol being cheaper than bottled water."

For the sake of the nation's health, we must seek to change attitudes and behaviour towards alcohol. It is time that we engaged the public and broadened the debate, and Scottish alcohol awareness week is the perfect platform in that respect.

Mike Rumbles: Will the member give way?

Dave Thompson: I am sorry; I do not have much time.

This is not about forcing people to change; it is about making them aware of the facts to allow them to reach their own judgments on the basis of solid medical evidence.

A reduction in the legal drink-driving limit would help to focus people's minds on the dangers of drink. For the past few months, I have been working on a campaign to reduce the legal drink-driving limit from 80mg to 50mg of alcohol per

100ml of blood because I firmly believe that the issue is intrinsically linked to the alcohol debate as a whole.

I decided to pursue the matter after learning that, during a two-week campaign in August, Northern Constabulary caught 28 drivers who were over the limit and after reviewing Scottish Government figures that highlighted the fact that the number of people who are involved in accidents and who have been drinking is 27 per cent higher in the Highlands and Islands than it is in the rest of Scotland. On Scottish roads, one in six road accident deaths are due to drink-driving, which equates to around 60 deaths per year. It would be a great step forward if we could save even one of those lives.

Lowering the legal drink-driving limit is by no means a new issue—the European Commission has been pressing for a reduction in the UK limit for the past six years. The UK is now one of only four European Union nations that have a drink-driving limit of 80mg per 100ml. The remaining 23 EU member states have a limit of 50mg or less.

The UK Government has claimed that the issue is under review and that it will debate its findings in the new year. I would like the limit to be reduced throughout the UK, but if Des Browne fails to act on a UK level, I want action to be taken in Scotland. Unfortunately, the signs of a UK solution are not hopeful. The UK Government has had the findings of the UK Parliament's Transport Committee for a year, but the secretary of state still talks about formalising arguments. Frankly, I am not prepared to sit and wait until another life is lost as a result of drink-driving. Westminster should either reduce the limit or give us the power to do that in Scotland.

I take the opportunity to build support in the Parliament for a reduction in the legal drink-driving limit. I have lodged a motion that points out the needless loss of life that drink-driving causes each year on Scotland's roads and which asks for support for the undeniable case for lowering the limit to 50mg. I hope that I can count on all members' support.

16:27

Marlyn Glen (North East Scotland) (Lab): I am pleased to take part in a debate on alcohol during alcohol awareness week. This week we have heard and read many facts and figures about alcohol usage, some of which are truly shocking. If one types the words "Scotland" and "alcohol" into the Google search engine, it produces more than 2 million results. Scotland has an unfortunate reputation on alcohol.

The other 2 million figure that is associated with Scotland and alcohol is the £2 million that the NHS

in Scotland spends every week to deal with the misuse of alcohol. As members of all parties have pointed out, the true cost of alcohol abuse in Scotland is staggering. The entire nation suffers the health, safety and financial consequences of the drug. Criminal justice and emergency services spend more than £5 million each week on what are described as human costs.

Most people use alcohol sensibly but, as has been said, it takes a heavy toll on others. It sometimes results in personal breakdown and family break-up and it is implicated in antisocial behaviour on the streets, psychological damage to children, drink-driving, violent crime and suicide. A major consideration is that alcohol, unlike other drugs, has not been criminalised. I believe that we cannot make significant progress and necessary changes if we deliberate solely on alcohol consumption and do not consider the connections with other drugs and their use.

The fundamental question to ask might be, "Why do people take drugs?" The answers will, of course, be wide ranging, but each of us must take responsibility for our actions and returning to a state of prohibition is not the solution. Addressing excessive alcohol consumption is a worthy goal for the Parliament, but if we do not address the underlying causes, there is a danger that we will merely place an ineffectual sticking plaster over deep-rooted issues.

I urge close consideration of the gender disparities in drinking culture, but not only because of the danger of foetal alcohol syndrome that Claire Baker and Ken Gibson mentioned. I emphasise that it is important that we do not spread panic among women, who will often not know that they are pregnant until a number of weeks—in some cases, a number of months—have passed. Stress and anxiety are also harmful in pregnancy.

Current media scrutiny has served to highlight the genuine challenges that women face as alcohol continues to take its toll on some women's lives. Alcohol-related deaths among women doubled in the past decade. Excessive alcohol consumption can be catastrophic for women, because our physiology is not equipped to deal with too much alcohol. A woman's liver takes longer to recover from damage and cleanses the body of alcoholic toxins more slowly than does a man's liver. Women undergo many more physical changes during their lifetimes than do men, which has a direct impact on their ability to deal with alcohol effectively and safely.

However, it seems that more and more women are using alcohol to cope with stress and problems, for example as a result of their roles as a parent or carer. Some women use alcohol as a prop—a crutch—to help them cope with

exhaustion, isolation, relationship difficulties and work. The list of serious life challenges for women that has been produced by Libra, a counselling service for women, demonstrates that there are no easy answers. Libra considers the issues that underlie drinking, which range from worries about money, housing and employment to depression, abuse and eating disorders. It is essential that services such as Libra are supported and available throughout Scotland.

Given the evidence that members have talked about, I welcome BMA Scotland's five-point plan to tackle alcohol misuse in Scotland. It represents an important step towards improving health and addressing the social implications of alcohol abuse. In particular, I welcome BMA Scotland's call for mandatory labelling of alcoholic drinks. It is as important to label drink as it is to label food, as Alcohol Focus Scotland says.

We need to work to prevent young people from buying alcohol by enforcing age limits more strictly, particularly in off-sales premises. I welcome acceptance of the Labour amendment in that regard. Such work needs to be accompanied by sustained public education about the misuse of alcohol and about healthy living and well-being. Short-term campaigns that change attitudes towards alcohol misuse are commendable.

I commend motion S3M-668, in the name of Bill Wilson, on pilot studies in Scottish educational institutions to consider perceived norms of alcohol and tobacco consumption. Members of all parties should support the motion. I hope that gains that are made from such studies are not short term and continue beyond the survey period, so that a lasting change in attitudes towards alcohol use is achieved.

16:32

Margaret Smith (Edinburgh West) (LD): We have had a good debate. I welcome the debate, particularly as it has taken place during Scotland's first alcohol awareness week. On behalf of Liberal Democrats, I echo Paul Martin's words on the work of Alcoholics Anonymous and other bodies in the field.

I welcome the Cabinet Secretary for Justice's commitment to address alcohol misuse. The issue was considered by the previous Executive, but it is an on-going problem for society in Scotland. As members from all parties have said eloquently, alcohol misuse transcends social barriers. It affects rich and poor, male and female, young and old, from cradle to grave. It can shatter families, destroy careers and ruin lives—Kenny Gibson made that point powerfully. It is a problem for individuals, families, communities and the nation.

Behind the statistics that members have mentioned are people whose lives have been affected by the most intoxicating and seductive of legal drugs. Shona Robison was right when she said earlier this year that we should develop a long-term strategy that changes attitudes by “de-normalising excessive drinking” among not just young people, but all of us. Members of all parties have accepted the challenge and acknowledged that there is no magic bullet that can solve the problem. There is a need for a comprehensive strategy that offers a holistic approach that covers different strands, in and out of the Government.

Ross Finnie, John Lamont and other members talked about the major public health challenge and the impact of alcohol on our national health service. Alcohol also presents a challenge for our education system. It is essential that we talk to our children about the importance of a sensible approach to drinking. It is equally important that we listen to our own advice.

As justice spokesperson, I am acutely aware of the impact on communities of alcohol misuse and binge drinking. Nearly half Scotland's 7,000 prisoners say that they were drunk when they committed their offence, and 70 per cent of people accused of murder had been drinking or taking drugs.

Across Scotland, serious and minor antisocial behaviour is fuelled by a heady cocktail of underage drinking, cheap alcohol and peer pressure. According to Alcohol Focus Scotland, drink is a factor in 62 per cent of domestic abuse incidents. When they have been drinking, people often put themselves into greater danger than they would when they were sober. The point was well made by Trish Godman when she talked about alcohol and death caused by fire—an issue that has affected some of my constituents.

There is a need for greater clarity, across the board, about what are safe limits. I am thinking in particular of the safe limit for drink-driving. Liberal Democrats seek a reduction that is much in line with the view that Dave Thompson proposed. We are committed to a range of measures that we believe would help to tackle the problem. We support many of BMA Scotland's recommendations, including that for more research into the impact of pricing. As Hugh O'Donnell said, it is still unclear that pricing mechanisms are effective in discouraging alcohol consumption. It is certainly clear that pricing mechanism are not enough in and of themselves.

The Licensing (Scotland) Act 2005 included measures to target deep discounting and promotions in licensed premises. I support plans to extend those measures to cover supermarkets, off-licences and other outlets. The former Local Government and Transport Committee, of which I

was a member, took that approach in its scrutiny of the bill—we were seriously concerned at the impact of the off-sales market.

However, we must base the introduction of any such measures on evidence. Across Scotland, we must also make use of test purchasing and bottle marking schemes, to help gather evidence locally for use nationally. We must also bear in mind the impact of such measures on small corner shops, which exist on tight margins. We are in the kind of territory where throwing one pebble into the river will cause a great number of other things to happen. That is an argument not for doing nothing, but for ensuring that we know the response to and the results of the actions that we may take.

We must improve access to counselling and rehabilitation for people with an alcohol problem—that point was well made by Ian McKee, Richard Simpson, Trish Godman and other members. Our manifesto committed us to doubling the funding for drug and alcohol treatment—more than £100 million of additional funding. I hope that that is the kind of approach that the cabinet secretary will take.

Given the key part that alcohol plays in offending behaviour, it is essential that schemes such as Sacro's alcohol education prohibition—that was a Freudian slip—probation service are supported. Given that two thirds of prisoners say that their drinking is a problem, it is essential that they are given an opportunity to address their alcohol problems while they are in prison.

When we were in government, we introduced pilot test purchasing schemes and we support their introduction across Scotland. We also support bottle marking schemes that identify who is selling alcohol to underage drinkers. I strongly believe that we should take tough action against those who persistently supply alcohol to those who are underage. Ultimately, they should have to face the consequences of their actions and pay the ultimate sanction of losing their licence. Their actions are driven by greed, and they should pay the price. The result of their actions should result in an impact on the economy of their business.

We are willing to investigate ways to ensure that those who profit from alcohol pay for the consequences. We will support the SNP motion at decision time. However, as Ross Finnie highlighted, there are inherent difficulties in making the proposal work on a case-by-case, local basis. We are talking about not only underage drinking outside off-sales, but the need for the pub trade to do a lot more in refusing to sell alcohol to people who are clearly drunk. The trade must take greater responsibility than it has in the past.

Such a measure would place restrictions on sensible drinkers, too, but the price is worth paying

for the greater good. I believe that the 93 per cent of Scots who view alcohol as a social problem will also agree with that.

16:38

Mary Scanlon (Highlands and Islands) (Con):

I agree that the debate has been a good one in which many excellent speeches have been made.

In particular, I commend the last line of the Government's motion, in which it

"notes the need for the NHS to play its part in early identification and intervention for those individuals drinking at harmful or hazardous levels."

I look forward to hearing further information from the cabinet secretary on that. As many members, including Kenny Gibson, said, help comes only when someone recognises that they have a problem. Often, someone seeks help only when they have lost their job and family and they are in dreadful health.

An article in *The Press and Journal* this week highlighted the problem of drink and young offenders. The article was based on research by the governor of HMP Barlinnie and academics at Glasgow Caledonian University. It was found that, in 1979, just under 50 per cent of young offenders aged between 16 and 21 were drunk at the time of their offence. That figure has risen to 74 per cent this year. Another startling comparison that the study revealed was that, in 1979, 7 per cent of young offenders were drunk daily before they were convicted of a crime, whereas the figure today has rocketed to 40 per cent. Those are alarming figures that alone undoubtedly justify the holding of alcohol awareness week and of this debate.

Dave Thompson spoke about the Highlands, where there are particular issues. According to the recent crime figures, the recorded rate of drunkenness in the Highlands is high, and it is rising at a faster rate than anywhere else in Scotland.

It is right, during Scotland's first alcohol awareness week, to highlight the fact that the consumption of alcohol has increased by 23 per cent over the past decade. That has a cost for people all over Scotland—in health, justice and social services—of more than £1 billion per annum, not to mention the huge cost on families, with up to 100,000 young people living with a parent who has an alcohol problem. That is why the Scottish Conservatives will continue to work towards our manifesto commitment to invest £100 million in drug and alcohol detoxification and rehabilitation facilities. That is a clear investment to save, not only in public services and health but in supporting families. That point was acknowledged by Kenny Gibson.

Twenty-five per cent of women in Scotland exceed the recommended daily limit, which has contributed to the doubling of alcohol-related deaths among women over the past 10 years. More than half of all alcohol-related deaths have a diagnosis of alcoholic liver disease, and the problems are worsening. The number of patients who have been discharged from hospitals in the Highlands with alcoholic liver disease has trebled over the past decade. In the Western Isles, it has quadrupled.

On the subject of labelling, the Minister for Public Health said in an interview on 22 October:

"It can be difficult to know how much you are drinking when drinks can vary so much in size and strength."

If I have learned something this week, it is that one glass of wine is not the same as another glass of wine—it is not a homogenous product. We sometimes get conflicting messages. We are often told that a glass of wine at night is good for our health, in particular the circulation, but we do not know whether the alcohol content of that glass should be 3 per cent or 14 per cent. The Scottish Conservatives would welcome and support clear information on the strength of drink, which should be more clearly labelled.

We acknowledge that many people drink more than the recommended limits and that many people have serious alcohol addictions, but what happens when they ask for help—for detox and rehab? I agree with Paul Martin about the excellent work that Alcoholics Anonymous does. I point out to Ian McKee that Beechwood house in Inverness is a similar facility to the one in Aberdeen that he mentioned.

I asked a parliamentary question on detox and rehab. I was initially told that the information is "not held centrally". The answer from the Cabinet Secretary for Health and Wellbeing on 3 August was:

"The varied range of alcohol detoxification and rehabilitation services and the different ways of accessing these services has meant it is not possible to collect waiting time information."

We will give further consideration to the feasibility of collecting such information in the future.—[*Official Report, Written Answers*, 3 August 2007; S3W-2338.]

I agree with Ian McKee that, when people need and ask for help, they should not be placed on a waiting list and told to come back after a number of months. That is why I raised the issue of waiting times with the Cabinet Secretary for Health and Wellbeing yesterday.

I look forward to the Justice Committee, the Health and Sport Committee and the Local Government and Communities Committee working together to better scrutinise the budget so as to

understand where the budget commitments lie in this area.

Many people with alcohol problems have underlying mental health issues, such as depression, but many treatment establishments will treat either alcoholism or mental health. As people cannot be in two places at once, we need to ensure that treatment centres are fit for purpose. I have recently been supporting a constituent who has bipolar disorder and is an alcoholic. According to him, he could find only one place in Scotland where he could have joint treatment, which was the Priory clinic in Glasgow.

I welcome the debate and acknowledge that we still have a long way to go to deal with the alcohol problem in Scotland.

16:45

Pauline McNeill (Glasgow Kelvin) (Lab): As others have said, we are not the moral majority on alcohol—Patrick Harvie is right that we are not in a position to be that. However, we are identifying that we have a drinking culture and a trend of heavy consumption of alcohol, with corresponding disastrous effects. The cabinet secretary talked about the statistics on the relation of alcohol to murder and death and we have heard from others about the impact on women's health. It is clear that alcohol is, first, a health and welfare issue, but that a bit of enforcement is required to act as a deterrent.

Setting the boundaries through enforcement is key to tackling the complacency that the cabinet secretary talked about. It sends a message to those who sell alcohol that there will be boundaries and that we will regulate if necessary, although in the wider public interest and not just for the sake of it. If we see irresponsible behaviour and difficult consequences, we should act. We need to turn round the idea that we do not have a big problem in Scotland—we need a new social responsibility. I hope and believe that there is consensus among the parties in the Parliament on the need to create a renewed social responsibility.

I am pleased that the cabinet secretary has agreed to accept the Labour amendment, which is on underage drinking, an issue that is important to us and which other members have talked about. Underage drinking can be harmful to young people. However, as Michael McMahon pointed out, it is important that we do not demonise all young people because, in 2004, 32 per cent of 13-year-olds did not drink at all and, of those who did, 42 per cent did so only occasionally. In tackling underage drinking, we are trying to prevent a culture from developing and becoming the norm.

We are thinking about the safety of young people and about the zero-tolerance approach in

communities, which Paul Martin talked about. It is odd that the police can stop anyone in the street—not just a young person—who has bought a product illegally and then pour it down the nearest drain, but that they can do nothing further. It is worth considering what should happen next in such situations—we should consider giving the police powers to refer. We are particularly pleased that, in accepting our amendment, the Government is, I presume, accepting our point that a summit involving all the parties and the wider stakeholders would be useful. I agree with Bill Aitken that enforcement is important in relation to licence holders and that we should take a hard line on that.

Assurances are needed. The Scotch Whisky Association, which has briefed us all, has concerns about where we might go on the matter. We must assure many people that our aim is to tackle the long-term behaviour of heavy consumption, not drinking in moderation. I want to talk about the boundaries for the sale of alcohol. I agree with Ross Finnie that education is key and that there is a welfare issue. However, we have a responsibility to set the parameters for the sale of the source of the problem. For today's purposes, Labour agrees with the principle of not ruling anything out. We must get across the message that the act of sale does not end the seller's responsibility. There is a fine line in determining which types of sale to restrict to reduce heavy consumption, because we do not want to penalise those who drink safely. Therefore, we must discuss the finer detail of how to achieve that.

We must examine the fact that the huge cost of dealing with the consequences of irresponsible behaviour is paid for exclusively by the public purse. Labour has already signed up to the notion that those who benefit may have to pay some of the real costs. I believe that that is heading in the right direction.

I will say a word or two about Michael McMahon's work on the Licensing (Scotland) Act 2005. The issue is not only about pubs and clubs; it is about supermarkets and anyone who has a licence. Anyone who has been in Hope Street on a Saturday night will have been staggered—I was, certainly—by the number of limousines and the size of them. They are getting bigger and bigger. The people who pour out of those limousines on to the streets are clearly not sober. The serious point is that those operators must be covered by the act and must pay for the consequences of the behaviour of people who spill out on to the street.

Not long ago on the same street, the police could do nothing to close down a club at which serious and violent assaults took place. That situation must end. I hope that the cabinet secretary will come to my constituency, which has

the highest concentration of clubs and pubs, to see some of the policing challenges in Glasgow city centre. I am sure that that would be a teetotal night.

I will finish by discussing scrutiny of the 2005 act. The cabinet secretary can correct me if I am wrong, but I have been advised that he said no when the chair of the licensing forum asked to meet him to discuss the act's impact and delivery. Perhaps the cabinet secretary will clarify the position. I am a wee bit concerned that, despite the excellent work that members did to develop an act to promote responsibility and safe drinking, some people think that the act will deregulate licensing. Clubs and pubs are already extending their hours in the expectation that the act will deregulate the licensing regime. Some serious discussion must take place to ensure that the act's intention comes to fruition. I hope that the cabinet secretary is prepared to meet all those who are responsible for implementing the act in the way that the Parliament intended.

In the short time that I have, I cannot summarise all the speeches. The debate has been productive and excellent. Dr Ian McKee talked about places of safety—the idea is good and worthy of consideration. Kenny Gibson made a brave speech and I am sure that we all thank him for bringing his experiences to the chamber. It is a tragedy for families to live with the abuse of alcohol. Paul Martin and Mary Scanlon were right to talk about the value of Alcoholics Anonymous, which has been an important organisation for many people. Claire Baker, Trish Godman and Marlyn Glen talked about the gender issue and foetal alcohol syndrome.

Labour supports a radical approach on alcohol misuse. The Government has our support in that direction, but we reserve the right to discuss the detail of proposals. The tide is turning and we will support the changes, which we hope will be made on a cross-party basis.

16:52

The Minister for Public Health (Shona Robison): It is clear from today's constructive debate that awareness is growing of the problems that alcohol misuse causes. They range from short-term and long-term physical and mental health harm to antisocial behaviour and the damage that is done to our communities and to all our efforts to help Scots and Scotland reach our full potential.

Tackling alcohol misuse is Scotland's top public health priority. As members heard in the Cabinet Secretary for Justice's opening speech, the figures are frightening: one Scot dies every six hours as a direct result of alcohol. As a nation, we have one

of the fastest-growing liver cirrhosis rates in the world, not to mention the huge cost to the NHS of that alcohol misuse. Everybody accepts that we cannot sit back and do nothing; we must think seriously about alcohol's place in Scottish society.

We must make it clear that the Scottish Government is not anti-alcohol, but anti-alcohol misuse. We acknowledge that alcohol can be enjoyed sensibly and responsibly as part of a healthy lifestyle—after all, it features in many aspects of our lives, from social gatherings to celebrations—but too large a proportion of Scottish adults regularly drink more than is good for their health.

We must dispel the myth that alcohol-related health harm is a problem that affects only those with a chronic alcohol dependency or so-called binge drinkers, although I recognise the harm that chronic alcoholism does to families, as Kenny Gibson showed in his personal account of that impact.

We also recognise the impact of young binge drinkers, but we all have to accept that anyone who regularly drinks even a little too much can put their health and well-being at risk in both the short and the long term. It is that part of society, which includes all of us and our families and friends, that puts the real burden on the NHS, when people's drinking comes back to haunt them after a number of years.

That is why it is so important, as a first step, to ask the Scottish public, through the national alcohol awareness week, "Does your drinking add up?" This week offers a fantastic opportunity to get Scots talking about alcohol, not only about units, but about their own drinking habits in relation to sensible drinking messages. It is also an opportunity to show what can be achieved when the industry, health professionals and the Government work together in partnership.

I thank colleagues in the Scottish-based alcohol industry for stepping up to the mark on this issue and showing leadership in promoting responsible drinking. However, as a Government, we will ask them to go further. Whether they will come with us on that journey remains to be seen.

More needs to be done. The time has come to take action to match the scale of the problem of alcohol misuse in Scotland. We must ask ourselves where we want Scotland to be in 10, 15 or 20 years. If the long-term trends in increasing alcohol misuse and in alcohol-related harm continue, the future of Scotland looks bleak. We do not want to sit idly by and allow that to happen.

We want to live in a country in which people live longer and enjoy better health and well-being as a result of having fewer alcohol-related problems. We want people to enjoy a better quality of life

because they are less likely to become victims of alcohol-related crime or violence and more likely to live in cleaner, quieter streets and communities. In the Scotland of the future, Scots would view as unremarkable someone deciding not to consume alcohol, either as a one-off or in the longer term, and would be able to make informed choices about their alcohol consumption and its potential consequences. Scotland should enjoy a healthy culture of sensible alcohol consumption.

So how do we get there?

The Presiding Officer: Order. Apologies, minister—there are too many conversations. Members have all day to talk to each other. They do not have to do it in the chamber.

Shona Robison: Thank you, Presiding Officer.

We will continue to deliver the commitments that have been set out in the updated plan for action on alcohol problems. I commend the previous Administration for publishing that work. However, we are clear that to complement that action, a longer-term approach is required, if we are to tackle Scotland's complex relationship with alcohol and deliver the change in attitude that we all seek. We will work together across the Government to identify effective, evidence-based interventions to tackle the problems associated with alcohol misuse.

Members have heard about the range of measures that will be introduced under the Licensing (Scotland) Act 2005, but that is only one part of the solution. The role of education is being reviewed to ensure that there is a more consistent, standardised and effective input into schools. Trish Godman requested that that be done—it is essential that it is. We need to ensure that others, such as the NHS, play their full role, recognising that much more can be achieved in partnership than can be done alone on such a complex issue. It is important that clear messages are given out, such as the chief medical officer's advice to pregnant women that no alcohol is the safest route. A number of members raised that issue during the debate.

Dr Simpson: On implementation, will a national licensing forum be called into existence? I understand that that has not happened so far.

Shona Robison: A national licensing forum was wound up by the previous Administration. Its role was to advise on the development of the Licensing (Scotland) Bill. However, we will keep the issue of such a forum under review, and if we think that there is a place to re-establish it, we will consider that.

Returning to the NHS—this is an important point—brief interventions have been shown to be successful in leading to a reduction in alcohol

consumption among harmful and hazardous drinkers. Current best practice is published as guideline 74 by the Scottish intercollegiate guidelines network. It recommends that, when patients attend primary care settings with symptoms that may be linked to alcohol, staff should ask about alcohol consumption. To ensure that that is being implemented effectively, we have, as Ian McKee said, made available an enhanced service for alcohol screening and brief interventions through the Scottish enhanced services programme. Let me make it clear—as we did to the chairs of the health boards at one of our early meetings, soon after coming into government—that we expect that to be the core business of primary care. That is what GPs and other primary care staff should be doing as a matter of course, and we will ensure that that is what happens throughout health boards in Scotland. Over the coming months, we will be considering a range of options for effective interventions over the longer term, and we will consult on the new long-term strategy, setting out the direction we intend to take.

We have made a start with alcohol awareness week, which we hope will pave the way for a much wider, productive debate about the place of alcohol in our society.

The Presiding Officer: I thank members for helping us to keep on track in what was a very tight debate.

Point of Order

17:00

Karen Whitefield (Airdrie and Shotts) (Lab): On a point of order, Presiding Officer. At First Minister's question time today, in response to my question, the First Minister said that the previous Government had committed itself only to a feasibility study and not to the provision of a station in Plains.

On 30 October 2006, the then transport minister, Tavish Scott, wrote to me, stating:

"The evidence provided to the Airdrie-Bathgate Bill Committee showed that there is a case for the construction of a station at Plains ... The Executive will ensure that a feasibility study is undertaken regarding Plains and this will be available at the start of the new Parliament in 2007. Following that report, the necessary process of consultation and STAG analysis will start as soon as possible. This should enable the construction of the station to take place while the main route is being built."

During the preliminary stage debate on 23 November 2006, Tavish Scott stated:

"Our commitment should mean that stations can be constructed at Blackridge and Plains while the main route is being built."—[*Official Report*, 23 November 2006; c 29600.]

On 23 January, members of the private bill committee received a paper from the promoter of the bill, entitled "Consideration of Plains and Blackridge stations", which said that Transport Scotland had begun discussions with local authorities on the most appropriate way to take forward the minister's commitment to the construction of Plains and Blackridge stations. For Plains, there was to be a feasibility study, which would address the technical specification, environmental impact, project programme and cost.

In his letter of 22 October to Patrick Harvie, Stewart Stevenson stated that an additional stop at Plains should not be supported by the Scottish Government for reasons such as revenue impact and economic benefit and disbenefit—not issues agreed to by the minister who initiated the process. As paragraph 2.5 of the Transport Scotland report stated:

"The current Minister Stewart Stevenson asked Transport Scotland to look again at the impact on the overall business case of the Airdrie to Bathgate project of the provision of a station at Plains."

That intervention has resulted in the change of policy about Plains station. The previous Executive committed itself to a station. I ask the Presiding Officer to consider whether it is in order for ministers to mislead Parliament. I recognise that that may be a matter for the ministerial code;

however, ministers are first and foremost members of the Parliament—

The Presiding Officer (Alex Fergusson): You are over time, Ms Whitefield.

Karen Whitefield: I ask the Presiding Officer to reflect on what sanctions are available to the Parliament, especially if the ministerial code is not followed.

The Presiding Officer: I remind members that they may not speak to points of order for more than 3 minutes. I thank the member for advance notice of that point of order, but she will be aware from the experience of several weeks in our recent history that it is simply not a matter for me.

However, this point of order gives me an opportunity to say something. Members will recall that, just before the October recess, similar questions were raised about the relative places of the standing orders, the code of conduct for members of the Scottish Parliament and the Scottish ministerial code when it comes to conduct in the chamber. In order to provide the greatest degree of clarity on those issues, I am currently discussing the matter with the business managers and, when those discussions are complete, I will spell out the role of each of the relevant documents as they relate to conduct in the chamber.

In the meantime, I will make two points. First, members must accept responsibility for their conduct in carrying out duties for which they are elected. That includes things that they say in the chamber. As I have said previously, I am not an arbiter of the accuracy of what is said in the chamber.

Secondly, I inform members that my deputies and I, having discussed the matter, simply cannot continue to allow, through spurious points of order, the rerunning of debates that have already been closed. [*Applause.*] It does nobody any good to point at other members. Rerunning debates does not serve the Parliament or anyone else well, and I advise members to guard strongly against doing so in future.

Decision Time

17:06

The Presiding Officer (Alex Fergusson):

There are nine questions to be put as a result of today's business. The first question is, that amendment S3M-679.1, in the name of Nicola Sturgeon, which seeks to amend motion S3M-679, in the name of Mary Scanlon, on free personal care, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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)
 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)
 Kidd, Bill (Glasgow) (SNP)
 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)
 Matheson, Michael (Falkirk West) (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)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (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)
 Gillon, Karen (Clydesdale) (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 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)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 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)
 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)
 Smith, Margaret (Edinburgh West) (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)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 61, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-679.2, in the name of Ross Finnie, which seeks to amend motion S3M-679, in the name of Mary Scanlon, on free personal care, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 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)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 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)
 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)
 Smith, Margaret (Edinburgh West) (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)
 Whitton, David (Strathkelvin and Bearsden) (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)
 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)
 Kidd, Bill (Glasgow) (SNP)
 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)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, 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)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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 61, Against 64, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S3M-679, in the name of Mary Scanlon, on free personal care, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
 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)
 Kidd, Bill (Glasgow) (SNP)
 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)
 Matheson, Michael (Falkirk West) (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)

Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (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)
 Gillon, Karen (Clydesdale) (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 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)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 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)
 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)
 Smith, Margaret (Edinburgh West) (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)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 61, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes with concern that the interpretation, implementation and funding of the Community Care and Health (Scotland) Act 2002 have raised difficulties, many of which remain unresolved; notes that the decision of Lord Macphail dated 17 October 2007 on the Petition of Argyll and Bute Council reflects the guidance issued in July 2003; wishes to reassure those assessed, either now or in the future, as requiring free personal or nursing care that their entitlement to receive it is not affected by Lord Macphail's decision; agrees, however, that the current operation of the law, although in line with existing guidance, may in some cases result in an undue delay between assessment and a local authority care contract being concluded; therefore supports the Scottish Government's ongoing dialogue with COSLA to address issues such as waiting lists, eligibility criteria and food preparation, together with its assurance that it will take action, if necessary, to clarify the law, and considers that Lord Sutherland's review of the level and distribution of resources for free personal care will make a valuable contribution to ensuring that the policy is put on a secure and sustainable basis for the long term.

The Presiding Officer: The next question is, that amendment S3M-677.1, in the name of Kenny MacAskill, which seeks to amend motion S3M-677, in the name of Bill Aitken, on police numbers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (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)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 46, Against 77, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-677, in the name of Bill Aitken, on police numbers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)

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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (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)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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 77, Against 48, Abstentions 0.

Motion agreed to.

That the Parliament notes with serious concern that, almost six months after its election, the Scottish Government has made no progress towards the SNP's manifesto commitment of 1,000 more police officers; expresses concern also at an apparent dilution of that commitment, and calls on the Scottish Government to keep that election promise by increasing the number of police officers from 16,234 to 17,234 by the end of this parliamentary session.

The Presiding Officer: The next question is, that amendment S3M-681.2, in the name of Pauline McNeill, which seeks to amend motion S3M-681, in the name of Kenny MacAskill, on alcohol, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-681.1, in the name of Bill Aitken, which seeks to amend motion S3M-681, in the name of Kenny MacAskill, on alcohol, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 16, Against 109, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-681.3, in the name of Ross Finnie, which seeks to amend motion S3M-681, in the name of Kenny MacAskill, on alcohol, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)

Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 31, Against 92, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-681, in the name of Kenny MacAskill, on alcohol, be agreed to.

Members: As amended.

The Presiding Officer: I do apologise. The question is, that motion S3M-681, in the name of Kenny MacAskill, on alcohol, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 108, Against 16, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes Scotland's first Alcohol Awareness Week and endorses the partnership approach between the government, industry and the voluntary sector to educate consumers about alcohol units, while recognising that further work is needed to ensure that alcohol is accepted as different to any other product for

sale; further notes the high incidence of underage drinking and the harm done to those young people and the negative effect that underage drinking can have on Scottish communities; believes that the Scottish Government should call a summit of all relevant stakeholders to develop an effective strategy to tackle underage drinking; further agrees that tackling the problems surrounding the misuse of alcohol is one of the great social and public health challenges of our time, requiring direct, innovative, long-term and sustained action; recognises that this includes tougher enforcement action against those who sell and promote alcohol irresponsibly; notes the importance of close co-operation with, and support of, Scotland's police forces and licensing boards in this respect; welcomes the recent commitments by the Scottish Government to regulate the display and promotion of alcohol in off-sales premises and to find a method of ensuring that those licensees who profit from Scotland's alcohol culture help offset the damage done by that culture, as well as to develop a long-term strategy to tackle the negative effects of alcohol misuse, and further notes the need for the NHS to play its part in early identification and intervention for those individuals drinking at harmful or hazardous levels.

Public-Social Partnership Pilot (North Lanarkshire)

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-383, in the name of Michael McMahon, on the public-social partnership pilot in North Lanarkshire. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the public-social partnership (PSP) pilot in North Lanarkshire as an innovative method of engaging communities in public service design and delivery; notes that PSPs allow public bodies to use the procurement process to create added social benefit in the community and to engage service users in the design of services; further notes that the PSP model is innovative in its approach to testing new methods of service delivery under local authorities' duty to demonstrate best value, and recognises that, to reap the potential community benefits of PSPs, social enterprises must be fully supported in accessing long-term service level agreements and public contracts.

17:16

Michael McMahon (Hamilton North and Bellshill) (Lab): It is with great pleasure that I bring this debate to the chamber this evening. I thank all members who have stayed behind to participate in, or listen to, what I consider a very important debate.

As I mention in my motion, the public-social partnership pilot in North Lanarkshire is

"an innovative method of engaging communities in public service design and delivery".

Public-social partnerships, which are based on an Italian planning approach, are a dynamic new mechanism for Scotland. PSPs bring together local authorities and social enterprises to create services that benefit the local community. Social enterprises are a diverse sector and include credit unions, housing associations, community development programmes and co-operatives, among others. Research by the Department of Trade and Industry in 2001 indicated that there were 1,100 social enterprises in Scotland, employing 30,000 people and adding £1.25 billion to our economy.

PSPs are a new approach to public service delivery. They allow contracts to reflect the added benefits that community organisations can bring to the running of services by including community and environmental clauses. The public-social partnership pilot in North Lanarkshire took place this year and has been led by the Community Recycling Network for Scotland with support from Edinburgh-based social enterprise, Forth Sector.

The PSP in North Lanarkshire focused on three services that were provided by the housing department: furniture storage for people who became homeless; an emergency furniture loan service; and permanent furniture packs. Those three services were provided by the groups participating in the PSP, which were Beulah Scotland, St Patrick's furniture project and RECAP—the recycling emergency community action programme. To date, those partners in the PSP have delivered help to 62 families. They will continue to help families in a similar situation until the end of this month, when the pilot will end and the content of the contract will be confirmed.

The pilot has had many benefits, not just for North Lanarkshire Council but for all the tenants who use the services that it provides. Tenants now have a choice of furniture for their home and purchase their furniture with vouchers, rather than just being given furniture that will do. That helps to ensure that tenants are treated with dignity at all times.

I am proud that North Lanarkshire Council has led the field with this ground-breaking pilot, which has great potential, for which the council should be recognised. The success of the pilot, and the council's belief in its social and economic benefits, have resulted in other councils making inquiries about how they can follow North Lanarkshire's lead. Furthermore, other departments within North Lanarkshire Council—such as the environmental services and social work departments—are now exploring the possibility of entering into a PSP agreement. I very much welcome that.

Local authorities may wish to establish a PSP because it would give them an opportunity to look in detail at the service that they provide. They could pilot the PSP in advance of tender. Any cost-saving mechanisms would therefore be identified, and any problems fixed, at an early stage, before the contract was permanently granted.

PSPs allow the public sector to draw on their expertise and resources in order to share in the design of a more effective public service. They help to provide a service that is good value for money—something that North Lanarkshire Council recognised was not being provided by the existing service.

The PSP is a people-centred service that meets local needs and achieves many added benefits. One such benefit is the additional 12 local jobs that the pilot has brought to North Lanarkshire, benefiting the community both socially and economically.

However, for the PSP programme to be rolled out across Scotland, some lessons need to be learned from the North Lanarkshire model. The

main lesson is that PSP participants, in both the public and private sectors, must agree on a shared problem definition and a shared solution to the problem if PSPs are to be successful nationally. That was identified as a barrier in the pilot because the steering group and the service design group did not meet to share their ideas regularly.

In March of this year, the Scottish Government issued "Better business—A strategy and action plan for social enterprise in Scotland". The strategy was aimed at providing a better support service for social enterprises in winning public service contests. PSPs represent an opportunity to meet that aim. I hope that the Government considers them a viable option, given the success of the pilot in North Lanarkshire.

Social enterprises do an awful lot of good work in our local communities and they need our support, but at root they need support from local authorities. I was disappointed to hear recently that some local authorities have begun to e-tender for services in a way that treats the clients who are served by social enterprises simply as job lots. Such retendering processes happen in a way that is the antithesis of all that the PSP pilot has shown to be good in the way that we can deal with matters on behalf of our local communities. It is vital that the minister addresses that issue by speaking to those local authorities that believe that to be a better way than the one that has been rolled out in North Lanarkshire. I believe that they will find that the North Lanarkshire model is the way forward and that alternatives will be to the detriment of the development of our social enterprises.

I thank Antonia Swinson and others from the Scottish Social Enterprise Coalition who brought the issue to my attention and encouraged me to lodge the motion that we are debating tonight. I welcome comments from colleagues on the types of social enterprises that exist in their areas and I look forward to hearing examples of the good work in our local communities that is supported by social enterprises. I commend to colleagues "How social enterprises can deliver for Scotland", which is hot off the press today. I also commend that new agenda to local authorities, so that they can work better with those who can serve our communities because they understand and come from those communities.

I thank members for taking the time to join in this evening's debate, and I look forward to the minister's comments.

17:23

Alex Neil (Central Scotland) (SNP): I congratulate Michael McMahon on obtaining this evening's debate.

Let me start by saying a word or two about North Lanarkshire. As the minister and many others will know, North Lanarkshire still has a number of areas of concentrated deprivation and poverty, with pockets of high long-term unemployment affecting a range of age groups. Every kind of model of delivery of economic growth and jobs in both the private and public sectors is, therefore, to be welcomed.

The innovative PSP programme is particularly welcome not only because it has created the 12 jobs to which Michael McMahon referred, but because it has brought a number of other benefits to the local community. It has brought environmental benefits, because materials that are perfectly usable but which would previously have gone to landfill are now being recycled in the community. The initiative has also brought major social benefits, particularly to the 62 families who have been the recipients of the services of the PSP pilot.

Another tremendous benefit is the building of capacity in these fragile communities. Such capacity building—although very much an in phrase—is an important element. If communities are to be self-sustaining in the long term, we need to build indigenous capacity within them. The North Lanarkshire pilot ticks every box—the jobs box, the environment box, the social box and the capacity building box.

As well as complimenting those who have been involved in the design and delivery of the programme, we should mention the funding that the European Union has provided through Equal, which is a useful source of funding for such projects. A similar project that is running in Renfrewshire has also benefited from European Union funding.

The other big benefit is to the wider community. As the McClelland report on public procurement showed, there are many areas in local authorities, central Government and central Government agencies in which procurement can be improved, so that it has greater impact on the Scottish economy. A large council such as North Lanarkshire, with a significant budget, is a good place to start channelling at least a share of the procurement budget back into the local community, to provide economic and social benefit.

No matter how we look at the pilot, it is proving to be an excellent model for the delivery of economic and social benefit in communities such as North Lanarkshire. I strongly recommend it and support Michael McMahon's motion.

17:26

Helen Eadie (Dunfermline East) (Lab): It gives me great pleasure to support Michael McMahon and to congratulate him on the motion that he has brought for debate this evening. I draw members' attention to my declaration of interests: I am a member of the Co-operative Party and am currently chair of the Co-operative Party group in the Scottish Parliament.

The spirit of mutualism is strong and well in Scotland in the form of community enterprise. That is why I support whole-heartedly Michael McMahon's motion. Alex Neil mentioned the European Union, which has published a report on developing social enterprise as part of a Europe-funded project on funding and support mechanisms for social economy development in five different countries. The report deals with problems of definition of social enterprise and compared statutory and non-statutory recognition of the concept in the five countries that were studied: Italy, Spain, Sweden, the United Kingdom and Ireland. Case studies from each country give a flavour of the types of activity that are undertaken in the sector. They range from regeneration projects in Sweden that aim to repopulate villages in declining rural areas, to Italian workers co-operatives that are integrating socially disadvantaged people, to environmental projects in the UK. It considers different approaches to social enterprise development and investment funds in those five countries and provides detailed figures.

The report also considers development strategies—proactive initiatives that aim to develop particular markets or which target specific sections of the community. The broad conclusions of the study discuss the problems of legal identity, the influences that affect approaches to development and the importance of giving adequate support to development infrastructure.

My intention in supporting examples of successful co-operative endeavour is to illustrate how people who believe in themselves can make a real difference locally. Prior to becoming a politician and deputy leader of Fife Regional Council, I served as the project manager in West Fife Enterprise Ltd and secured £1 million of European funding to help local people to help themselves and to create enterprise in an area that had been a rundown mining community. West Fife Enterprise has gone from strength to strength and continues today.

If we care to seek out the information, there are pages of examples of successful community enterprise. We owe it to everyone who wants to believe in themselves to give them legitimacy and total respect. We can do that only by ensuring that the spirit of mutualism is strong and well in

Scotland. I hope that the Scottish Government, which is represented here tonight by Jim Mather, will do that. There are many examples that can be cited.

Housing is extremely important, given that the housing shortage probably represents the biggest problem that every MSP here has coming through their door. I was pleased to receive today a briefing from the Scottish Federation of Housing Associations which highlights the fact that it is very much behind social enterprises.

The Co-operative Housing Foundation in Egypt, which has been co-financed by the United States Agency for International Development and the Egyptian Government, runs probably the largest housing project in the third world. New houses have been built for 100,000 people in the industrialised area of Helwan, which is just north of Cairo, and slum areas have been upgraded, which has provided homes for 75,000 more people. If we could do even half of that in the next couple of years, we would do much for our communities. The community in Helwan is thriving and boasts its own brick factory, operational bank and national savings loan programmes.

I do not want to take up other members' time, so I will finish. I have absolute pleasure in supporting the motion.

17:30

Tavish Scott (Shetland) (LD): Surely the best members' business debates are those in which we all learn something new. I thank Michael McMahon, Helen Eadie and Alex Neil for adding to my knowledge of matters that I did not know much about.

Social enterprises are called many things. In politics, we sometimes get bogged down by jargon. I caution my good friend Mr Neil for using expressions such as "capacity building". We all use such expressions, but I am not sure how many people in the real world know exactly what capacity building is. That said, social enterprises are important.

I agree with Michael McMahon's observations on the Scottish Social Enterprise Coalition, Antonia Swinson's passionate advocacy of its role and what the sector can mean for the Scottish economy. I am sure that that is one of the minister's considerations. The sector is driven by men and women who have wider economic and social goals, who want more than just money, who are extraordinarily entrepreneurial, who devise new ways of doing things and who solve problems that traditional public and private sector solutions have simply not solved. Throughout Scotland, we have an enormous role in developing and changing our country. The Government can play a

role in encouraging the sector through the initiatives that Michael McMahon described. Projects can shine when the public sector buys into them, the private sector invests in them and they design new ways of achieving solutions to problems that communities face.

I want to talk briefly about something in my part of Scotland that I have never thought of purely as a social enterprise—it is much more than that. I agree with what Alex Neil said about ticking all the different boxes. Community Opportunities for Participation in Enterprise—COPE—in Shetland is a social enterprise that supports adults with disabilities to fulfil their expressed need to participate in productive business. The words “expressed need” are important. The organisation is inspirational. One exercise that all MSPs take part in is make a difference day—there is interest in volunteering and supporting it.

For my sins, I worked in COPE’s catering business, which provides sandwiches and other food to retail outlets around Lerwick, and its soap business, which now has an outlet in Kirkwall as well as an outlet in Lerwick. The organisation is fantastic. I do not necessarily think that I was particularly good at what it asked me to do, but I was inspired by the fact that those who lead the project have the time, patience and energy to give to people who are not as fortunate as we are, but who can be a productive part of an exciting project.

COPE is more than that. It does many things. Next year, it will open a spring water business in Shetland. It takes an environmental point of view—another of Alex Neil’s tick boxes. It hopes to recycle all the plastic and glass bottles that are produced and to make a difference. It is one heck of an organisation. It was the Highlands and Islands community business of the year back in 2004 and it won an enterprising solutions social enterprise award in 2005. It is making a national—a Scottish and UK—difference and an international difference in its work with St George’s Trust near Lublin in eastern Poland.

Later this month, the Economy, Energy and Tourism Committee hopes to begin an inquiry into tourism and aspects of it with which Jim Mather is entirely familiar. The exciting thing is that we will have a chance to consider businesses such as those that we have been discussing and the role that they can play. It is not just the nuts and bolts that are important—such businesses make a contribution to exciting festivals throughout Scotland. I encourage the minister to take part in that inquiry, as I am sure he will, and to answer the detailed questions that colleagues such as Michael McMahon have asked.

17:35

Christina McKelvie (Central Scotland) (SNP):

I welcome the innovation that is represented by the public-social partnership in North Lanarkshire. The link between the local authority and the area’s voluntary organisations is a good one and it is pleasing to see the PSP model beginning to come to fruition. We have been waiting for a long time for such a model in Scotland.

In my previous incarnation in social work services in Glasgow, I had plenty opportunities to see the work that is done along parallel lines by statutory bodies and the voluntary sector. Sometimes those organisations’ efforts sat well alongside each other and the overall effect was enhanced, but at other times there was an overlap, which meant that resources and staff efforts were used that could have been used elsewhere. On occasion, there were clashes between the work that different organisations were trying to do.

Making sense of that complicated landscape is almost the holy grail. Getting the various bodies that are involved in delivering services to work alongside each other to deliver a more comprehensive and coherent service would be ideal. When I speak to people who work in the voluntary sector, it is obvious that communication channels must be improved so that all the people at the front end of service delivery know exactly what they and the people around them will be doing. I welcome any moves that might help those organisations to work together more effectively.

I note that the PSP model is based on the Italian co-planning idea. The Italians have been leading in this area for some time and are working to ensure that all levels of service delivery are part of the decision on output delivery. It might be better described as a co-decision rather than co-planning. It ensures a substantial buy-in to the overall package of services from all the service providers and helps to ensure that providers are offering and delivering closely aligned services rather than competing services. We need co-operation rather than contest and we need trust rather than suspicion. The PSP model could be an effective way of streamlining delivery if there is enough engagement on each side.

The big question, of course, is this: how much of our public services do we think should be delivered by voluntary organisations rather than the public sector? There is a serious issue around the provision of Scotland’s public services and how much can be delivered by enabling another agency to deliver rather than by delivering. I note that the North Lanarkshire PSP has partners in social enterprise rather than in the traditional voluntary sector, thereby delivering some benefits back to the community by providing employment

for people within the area. I welcome that, and will praise any initiative that creates employment. Members will be aware that the Scottish National Party Government has placed the growing of employment opportunities high on the political agenda, along with growing the economy to benefit all Scotland. The SNP will always support moves to create employment in the hearts of our communities.

I thank Michael McMahon for lodging the motion for debate and I am pleased to see Labour members supporting PSP, which certainly makes a change from public-private partnerships. I am only too happy to add my voice to that support. We should encourage community-level engagement in all aspects of civic society, and I particularly like the underpinning of the North Lanarkshire PSP. The provision of furniture packs to households is an excellent move. It is a matter of no small regret that we have deprivation in Scotland, which makes the provision of such furniture packs an invaluable addition to service provision and the benefits system, which has failed, and continues to fail, most vulnerable members of our society.

Long before he was making a mess of our elections, and even before Labour gained power in London in 1997, Douglas Alexander claimed that poverty was a scar across the face of our nation. It still is, which is a sad indictment of the poverty of ambition and ideas in Labour's London Government, and an illustration of the failure of Gordon Brown as Chancellor of the Exchequer and as Prime Minister to improve the lot of the poorest members of our society. Perhaps it is all part of the betrayal of the principles on which the Labour Party was founded.

We must all do whatever we can to alleviate poverty in Scotland, and that means acting to mitigate the effects of the London Government where we can. I therefore welcome the efforts that are being made by the North Lanarkshire PSP to help people who are in need. I have already described the furniture packs; the storage of furniture for those who have become homeless ensures that precious resources are not lost.

It would be naive of us to expect that we could force compliance on the enablers or the service providers, so we should be content to encourage them.

17:39

Margaret Mitchell (Central Scotland) (Con): I congratulate Michael McMahon on bringing the debate to the Scottish Parliament this evening, not least because once I had negotiated and deciphered the component parts and all the jargon

in the motion, it was evident that public-social partnerships are most certainly worth supporting.

When North Lanarkshire Council's PSP pilot was launched in Cumbernauld in June last year, its potential to create employment and training opportunities through winning public sector contracts was highlighted. As other members have pointed out, the idea is based on the Italian co-planning model, which has indeed proved very effective in helping social enterprises to win public sector contracts. The concept is being introduced into the United Kingdom in two pilot partnerships—one in North Lanarkshire, the other in Renfrewshire—under the European Equal initiative. North Lanarkshire Council's pilot, which is led by the Community Recycling Network for Scotland, focuses on services related to furniture storage, including emergency storage and furniture packs for homeless people.

Public-social partnerships aim to meet service users' needs by providing a people-centred service that achieves added community and/or environmental benefits. The North Lanarkshire pilot seeks to attain both kinds of benefit. Through co-planning, PSPs bring together service users, local authorities, social enterprises and other agencies to design the service, and the pilot allows time for the existing delivery service to be monitored closely before any relevant information or comments are incorporated into the tender. One key element is the provision of an intermediary who is brought in to manage the process up until the tender is lodged.

Ideally, the whole process begins at least a year—preferably 18 months—before the contract goes out to tender. At the beginning, the local authority provides information about the services that it requires and the social enterprises that it wants to involve.

Another key element of PSPs is the formation of a consortium. As Michael McMahon has pointed out, in the North Lanarkshire pilot, three social enterprise projects—RECAP, Beulah Scotland and St Patrick's furniture project—have come together to form the outreach consortium. It is important to note that, in forming that consortium, those enterprises, which, because of their size, would have been totally unable to bid in their own right, will now be able to lodge a tender.

As Alex Neil suggested in his reference to the McClelland report, one of the business community's main grievances is that small to medium-sized enterprises and social enterprises find it very difficult to tender for public contracts, not least because of the lengthy, bureaucratic, costly and time-consuming administrative process, which acts as a powerful disincentive. PSPs address that very problem and are very much to be welcomed as a mechanism for breaking down

the barriers to local authority procurement of services for social enterprises. Moreover, through ensuring that contracts include community and/or environment clauses, PSPs can reflect the added benefits that organisations can bring to the running of services.

Although the pilot is not yet complete, I very much look forward to hearing the minister's comments on this exciting new initiative.

17:44

James Kelly (Glasgow Rutherglen) (Lab): I very much welcome the opportunity to take part in this debate, which has been secured by Michael McMahon. It has certainly provided us with some important information about the PSP scheme. Indeed, I enjoyed Mr McMahon's speech and some of the speeches by other members and, like Tavish Scott, I learned a great deal from hearing about the new aspects of this scheme. It has quite clearly been positive for the North Lanarkshire community and economy and I hope that it will be sustainable in the area.

Like my colleague Helen Eadie, I am a Labour and Co-operative MSP. The local Co-operative groups in my area and the Co-operative retail group in general have done a great deal, not just in Scotland but throughout the UK. The Co-op has a proud tradition of piloting ideas of community and social responsibility that runs from New Lanark and the Fenwick weavers to the modern Co-op of today.

The Co-op retail group is an excellent example of good practice. It was the first retail organisation to push anti-apartheid ideas and it has been at the forefront of action on climate change and labelling. It picks up on such ideas because it is close to communities and to what people believe in, unlike some other profit-making organisations, which are close to shareholders and the bottom line and are sometimes not driven by the ideas of fairness and justice.

During the summer, I was interested to visit two Co-op stores in Cathkin and Halfway in my area, where I saw how the Co-op's social responsibility role has been developed. By working with the Union of Shop, Distributive and Allied Workers, those stores have ensured that their workers are protected from unfortunate aspects of local crime and antisocial behaviour. This afternoon, we debated alcohol and it was clear that the Co-op shops that I visited took extremely seriously the control of sales of alcohol to underage people. Much of that thinking carries over into the community. The highly active Fairtrade group in my area receives strong support from the local Co-op.

Credit unions are another important social enterprise in my area—there are credit unions in both Cambuslang and Rutherglen. Credit unions play an important role because they are local and because they provide a service for socially excluded people whose alternative might be to use the services of loan sharks. The fact that they provide much-needed finance that is channelled back into the local economy is to be lauded.

In conclusion, I very much welcome the opportunity to take part in the debate. I support the comments that Michael McMahon and others have made on the PSP in North Lanarkshire and on the concept of social enterprise, which I believe boosts communities and the economy and keeps to the fore the ideals of fairness and justice.

17:48

The Minister for Enterprise, Energy and Tourism (Jim Mather): I congratulate Michael McMahon on securing the debate and bringing to the Parliament's attention the achievements of the PSP social enterprise procurement initiative. I was extremely impressed by the way in which he described a pilot that is innovative, people centred and collaborative, which delivers choice, jobs and bolstered confidence, meets the expressed need that Tavish Scott mentioned, and provides inspiration and, as Helen Eadie said, gives people a chance to believe in themselves. I wholeheartedly support that.

The lessons on the definition of a shared problem and an agreed solution that Michael McMahon identified were also important. Many other spheres of endeavour in Scotland can learn from such practice, which I hope to address in my speech along with the extension of collaboration and co-operation.

The Scottish Government recognises the valuable role that the third sector—social enterprises and voluntary organisations—play in delivering public services. Like Michael McMahon, we see that happening regularly in our constituencies. I am particularly pleased that the Europe-funded Equal programme has bolstered what has been achieved.

Much of the quality that the third sector brings to the delivery of services results from its proven ability to innovate and to make each pound go a long way, and from the experience and resourcefulness that the people behind it bring when they apply their knowledge of working with and for particular client groups.

The PSP model that we are considering is a great way of involving the third sector in the design and delivery of services. As we heard, that leads to the delivery of higher-quality services to the people who need them. Furthermore, through the

Italian co-planning approach and the joined-up way in which the service was designed, the North Lanarkshire pilot has been able to provide additional social benefits. All parties involved in the initiative should be congratulated on their efforts, which have contributed to the pilot's success. They should recognise themselves as role models.

The new Scottish Government is committed to five strategic priorities. We want to share with the third sector the job of achieving those priorities and adhering to the values that they represent. It seems that PSPs such as the North Lanarkshire example contribute to all five strategic priorities, by helping to achieve a wealthier and fairer Scotland, a healthier Scotland, a safer and stronger Scotland, a smarter Scotland and a greener Scotland.

The results of the North Lanarkshire pilot meet all five of our strategic aims for Scotland, by providing services that meet real need. The service provides emergency furniture packs to vulnerable individuals and families who are moving from homelessness. Keeping people housed has undoubted health benefits, which contributes to a healthier Scotland. The storage of items when an individual or family becomes temporarily homeless, until they are rehoused, contributes to a safer Scotland. The provision of furniture packs for people who cannot afford to buy furniture contributes to a fairer Scotland. The provision of training placements for people who are disadvantaged in the labour market contributes to a smarter Scotland. The removal of unwanted furniture from landfill contributes to a greener Scotland, and the creation of jobs and generation of income contribute to a wealthier and fairer Scotland.

Therefore, we have an interest in helping to develop social enterprises as businesses, so that they can realise their potential as deliverers of services as well as economic drivers that generate income and provide jobs. To that end, we are planning a session with the third sector—as we have done with other industry sectors—and communities in my constituency, Argyll and Bute, at which we will bring together stakeholders and others to consider how we can map out a new or enhanced role for volunteers and social enterprises in the achievement of our core priorities. Often when we run such sessions we identify missing stakeholders, who should have been involved in the session, so we find a way of taking the message to those people over the piece.

The pilot's achievements were celebrated in August at an event at the Royal Scottish Academy of Music and Drama in Glasgow. Linked to that event was the launch of the refreshed version of

the Scottish Government's guide to tendering for public sector contracts. If social enterprises and voluntary organisations are to compete effectively for public sector contracts, they need to demonstrate an understanding of the public sector as a customer. Our guide helps them to do that by professionalising their dealings with public sector purchasers. The guide is free to all social enterprises and voluntary organisations in Scotland. Alongside the guide, we will provide training for third-sector organisations on writing tenders. We are currently tendering for that service, which we expect to start delivering before the end of the year.

We also want to build on the PSP pilot with our partners in the European Equal programme. We will shortly publish a guide to forming consortia—it will be for social enterprises—that will draw on the experience of the pilot. Consortia are the ideal vehicle for delivering services and they can be contagious, in that they can bring other people into the process.

In future, we intend to build on the existing social enterprise strategy. We will continue to seek ways to open up markets for social enterprises. The public sector is an important market for social enterprises, although it is not the only one. We will continue to work with social enterprises to ensure that they are better placed to win more business and contracts.

We will also work with public sector purchasers. We want purchasing to be more considered, more inclusive and more aware of local economic and social benefits. We want more of the joined-up thinking in purchasing that we have witnessed in North Lanarkshire, whereby work across the local authority enabled the purchase of a service that diverted waste from landfill, provided employment opportunities for the long-term unemployed and provided furniture for people who needed it.

We have heard that social enterprises can do much through the new PSP model. I am impressed by the almost instinctive ability of those who are involved in the pilot to deliver on our strategic objectives for Scotland. Through the new three-year social enterprise action plan, we will create an environment in which social entrepreneurs and their enterprises will thrive. We will also encourage collaborative working between the public and social sectors.

In bringing the debate to the chamber, Michael McMahon has identified the contribution that public-social partnerships and social enterprise can make not only to a wealthier and fairer Scotland, but to our other strategic priorities for the country. As such, I commend it, and I commend him.

Meeting closed at 17:56.

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