

MEETING OF THE PARLIAMENT

Thursday 13 December 2007

Session 3

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Scottish Parliament

Thursday 13 December 2007

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

Sport (Young People)

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-1018, in the name of Ross Finnie, on sport and young people.

09:15

Ross Finnie (West of Scotland) (LD): Health and well-being are firmly on Scotland's national agenda. The potential for an uplift in participation in sport has never been greater. We have the prospect of the London Olympics, which are scheduled for 2012, and the Commonwealth games are coming to Glasgow in 2014.

In such circumstances, one might have thought that Scotland's national agency for sport—sportscotland—would be looking forward to playing a crucial role in developing the country's well-being and sporting prowess. Not so. Instead, sportscotland is in limbo, its future threatened by the Scottish National Party Government's categorical manifesto commitment to "abolish sportscotland".

The abolition process is already under way, but in a most unusual and unsatisfactory manner. The Government has declined to publish a consultation document, which would have provided a critique of sportscotland's performance, set out the Government's case for abolition, posited its preferred position and invited comment. Instead, the Minister for Communities and Sport and his civil servants are discussing with a whole range of sporting bodies we know not what—except for soliciting support to abolish sportscotland.

In his interview with the *Sunday Herald* on 30 September, the Minister for Communities and Sport admitted:

"Maybe the word 'review' isn't the most appropriate one, because the commitment in our manifesto was pretty clear".

I say to the minister that that is not consultation as we know it, and it is a shoddy way to treat sportscotland and its dedicated staff.

The objectives of sportscotland, as set out in its royal charter, include:

"(a) fostering, supporting and encouraging the development of sport and physical recreation among the public at large in Scotland;

(b) the achievement of excellence in sport and physical recreation; and

(c) the provision of facilities"

to secure those aims.

Let us examine more closely sportscotland's national functions. First, the royal charter is clear that sportscotland's role is to advise Government on policy and operational issues, on the impact of any proposed legislation, on local sports matters and on technical sport development issues. There is nothing in its constitution about functions of setting policy or targets. That is a crucial point. The only reason that the SNP proffers for abolishing sportscotland is to be found in its manifesto, which I quote:

"national policy and targets will become a ministerial responsibility, advised by sports governing bodies and other organisations involved in physical recreation."

I have news for the SNP Government: that is precisely what happens at present; only the advice is co-ordinated through sportscotland. No other reason is given by the Government for the proposed abolition, and that reason does not stand up to elementary scrutiny.

Secondly, a co-ordination role is vital to securing the national delivery of any Government's sports policy and strategy. Co-ordinating, supporting and bringing together the diverse range of individuals and bodies that run sport can only be achieved effectively at a national level. Specialist sports development expertise needs to be held at a national level. There is a clear need to set standards for sport at a national level. Liberal Democrats believe that sportscotland is uniquely placed to deliver that co-ordinating role.

Chris Robison, policy director of the Scottish Sports Association, which represents some 50 governing bodies, had this to say—

The Minister for Parliamentary Business (Bruce Crawford): Fifty?

Ross Finnie: That is 50 out of 70, which is not bad.

He said:

"our governing bodies believe the role of sportscotland is fairly clear; as an organisation it adds value, and some of the functions it provides are absolutely essential to our members."

The Minister for Communities and Sport (Stewart Maxwell): I seek clarification. I am not clear from Ross Finnie's motion, nor from what he has said so far, whether his view is that sportscotland, as it stands, is the only model that can deliver for sport in Scotland. Does he accept that changes could improve the process?

Ross Finnie: I have never suggested, nor do I suggest, that any organisation—anywhere at any

time—cannot do things better. The minister should not try to mislead us by telling us that the Government is reviewing the matter and is now looking for changes. The SNP's commitment was clear: it wanted to abolish sportscotland.

Sportscotland has a crucial role in co-ordinating how we invest money in sport. It invests some £30 million of Scottish Government capital and revenue resources and around £18.5 million of national lottery funding, in accordance with the legislative and policy directions that it receives. Sportscotland maximises the impact of the totality of that investment by integrating its two funding streams and by targeting the investment in the strategic plans of partners. That integrated approach is crucial, and it enables sportscotland to invest in national bodies, including the Scottish governing bodies. It also enables investment in the active schools network and the Scottish Institute of Sport, which prepares Scotland's best athletes to perform on the world stage.

That integrated approach cannot be achieved by Government, simply because it is the law that an independent organisation must oversee the distribution of lottery funds. Neither can it be achieved by local authorities. Liberal Democrats support the integration of the funding streams and believe that sportscotland has developed the knowledge and expertise to optimise investment in sport. Creating a new independent body to administer lottery funding, as the SNP Government appears to wish to do, would be manifest nonsense.

I finish by quoting from sportscotland's recently published annual review:

"Sport can have a profound effect on people's lives. Whether it's our future athletes being inspired by world class performances or school children becoming more active through our Active Schools Network, we know it has a massive impact and plays a crucial role in improving the nation's health, education and confidence."

Advising, co-ordinating and investing in sport are the roles that sportscotland fulfils. By and large, it fulfils them well. That is why Liberal Democrats believe that sportscotland should be retained. That is why I ask Parliament to support the motion in my name.

I move,

That the Parliament rejects the case for the abolition of sportscotland; notes the importance of grass-roots sport and the opportunities that currently exist to increase sporting participation and enhance sporting performance, particularly among young people, in Scotland as we look forward to the London Olympics of 2012 and the Glasgow Commonwealth Games of 2014; recognises that sportscotland has established itself as an effective arms-length body for distributing both Treasury and lottery funding as well as successfully performing important co-ordinating and strategic functions in the development of

integrated sporting performance pathways, and therefore calls for sportscotland to be retained.

09:23

The Minister for Communities and Sport (Stewart Maxwell): This debate affords us the opportunity to emphasise the importance that the Government attributes to the contribution that sport can make to the lives of our young people.

In response to the opening remarks of Ross Finnie, I say that health and well-being is at the top of the political agenda, and it has been—strangely enough—since May, because there is now an SNP Government, and no longer the Lib-Lab pact.

This debate is premature. It would be logical and sensible to have a debate on this subject after the review is complete and the outcome is announced, and that is what my amendment offers Parliament. We cannot freeze sportscotland in time, as the motion attempts to do.

The review of sportscotland is being carried out within the context of our commitment to create a simpler, more effective public sector in Scotland by getting rid of duplication and simplifying structures. The review is examining whether sportscotland's current functions will continue to be necessary and, if so, which organisational arrangements will be most effective in delivering them.

We are committed to improving sport in Scotland, and the needs of sport are central to our decision-making process. That is why all the principal organisations that represent sports interests in Scotland were consulted. That included direct consultation with a number of Scottish governing bodies of sport, and a number of SGB group workshops, led by the Scottish Sports Association, which is the representative organisation for the governing bodies. That enabled all governing bodies to input into the process. In addition, other organisations, such as the Convention of Scottish Local Authorities, the Scottish Institute of Sport, the area institutes of sport and the Commonwealth Games Council for Scotland inputted into the review.

Jamie McGrigor (Highlands and Islands) (Con): When the minister met those various bodies, did they say that they wanted to abolish sportscotland?

Stewart Maxwell: The bodies had a variety of views on the future of sportscotland, ranging from supporting its retention, as some of them do, at one end of the spectrum, to seeking complete change at the other end of the spectrum. There are a range of views on the future of sportscotland, and we are listening to them.

The consultation process was carried out through a combination of written correspondence and face-to-face discussions with key stakeholders. We have the best interests of Scottish sport at heart and have taken a flexible approach to the review of sportscotland. We have focused our consultation on the organisations that really matter in the delivery of sport in Scotland. The feedback from the stakeholders indicated that there is scope for simplifying the current sporting landscape.

I am conscious that the final decision on the future of sportscotland may have an impact on the future of the staff at sportscotland. It is therefore crucial that we put in place the best options for the delivery of sport in Scotland. I intend to announce the outcome of the review early in the new year.

The Scottish Institute of Sport and the area institutes have a proven track record of developing high-performance athletes, and the active schools programme is delivering change at the entrance to the pathways. It is now important to join those elements effectively. I believe that developing local community clubs and activities is the missing link in the pathways structure.

It is crucial for the delivery of sport in Scotland that we do not create a bureaucratic and layered structure. It is therefore incumbent on us to put in place the systems and structures, and the motivational coaches and individuals to enable people to achieve their aspirations and goals and reach their true potential.

As Minister for Communities and Sport, I have had the pleasure of attending many sporting events and witnessing the wide range of opportunities that are available to our young people. I am confident that Scots are passionate about sport and that many people who are not currently involved in sport have much to offer. The 2014 Commonwealth games will provide a tremendous opportunity to stimulate such people to become involved in sport, whether as a participant, an official, a coach or a volunteer.

We are committed to reducing the number of public bodies in Scotland, but I assure members that the needs of sport are central to the review process and the final decisions on the future arrangements.

I assure members that we as a Government are committed to offering more choices and more chances for young people to take part in sport throughout Scotland. We have in place a framework for sport in "Reaching Higher: Building on the Success of Sport 21", and we have a new and dynamic relationship with local authorities, which will allow us to continue to work in partnership to drive forward our priorities.

We will shortly announce a new management structure to oversee the development of our sports policies to deliver a legacy from the 2014 Commonwealth games. We have had a successful outcome from the spending review, which sees increased Government investment in sport.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister comment on the fact that Glasgow City Council, which will host the Commonwealth games, has explicitly supported the role of sportscotland in the preparation for those games?

Stewart Maxwell: As I said, we have listened to many of the views that have been expressed. We are listening to all the major stakeholders in sport in Scotland and we will take on board their views. We will announce a decision early in the new year. We are listening to the sporting bodies and the experts in Scotland.

What irritates the Labour Party and the Liberal Democrats is that they are no longer part of the process because they lost the election in May. We are consulting the experts in sport, not the Liberal Democrats or the Labour Party. They should get over it. They lost the election. The people decided who should be the Government, and it was not the Labour Party or the Liberal Democrats.

We are beginning to put in place the building blocks that will enable sport to enhance the quality of young people's lives, aid their educational and social development, and reinforce Scotland's place as a truly sporting nation.

Now is the time to put in place a structure for sport in Scotland that is lean, efficient and sharply focused on delivery. Our sporting structures and bodies need to be fit for purpose, and that is what we will deliver.

I move amendment S3M-1018.2, to leave out from "rejects" to end and insert:

"notes that sportscotland is under review as part of a wider review of the public sector delivery landscape; welcomes the intention to remove any duplication or unnecessary bureaucracy; believes that there should be a parliamentary debate on this matter following the outcome of the review; recognises the important role that sportscotland has played as an effective arms-length body for distributing both Treasury and lottery funding, as well as successfully performing important co-ordinating and strategic functions in the development of integrated sporting performance pathways; further notes the importance of grassroots sport and the opportunities that currently exist to increase participation and enhance sporting performance, in particular those presented by the London Olympics in 2012 and the Glasgow Commonwealth Games in 2014, and in this context believes that it is opportune to consider the effectiveness of current structures to ensure that they best meet the needs of Scottish sport."

09:29

Jamie McGrigor (Highlands and Islands)

(Con): I welcome the opportunity to speak in today's debate about sportscotland. I will come straight to the point and say that the Scottish Conservatives simply do not believe that any case has been made in any quarter that convinces us of the need to abolish sportscotland. I hope that the Scottish Government will not do that, despite the SNP manifesto pledge. Members will be aware that we were complimentary about sportscotland in our manifesto. Since then, I have consulted a wide range of sports organisations in Scotland, which are mostly supportive of the role that sportscotland plays.

The Government says that the Liberal Democrat motion is premature, because the Liberal Democrats have not waited for the results of the Government review. I suppose that the Government has a point, but surely, in that case, it was also premature of the SNP to state in its manifesto that it wished to abolish sportscotland before it had seen the books. The SNP said not that it wanted to review sportscotland, but that it wanted to abolish it. The Conservatives look forward to hearing any positive proposals that the SNP might have to improve sportscotland—hence my amendment—and thereby improve the delivery of sporting opportunities and physical education for young and old in Scotland.

The SNP amendment mentions further debate. We certainly agree that there should be further debate, but we cannot support that amendment because of the SNP's declared intention in its manifesto to execute sportscotland without a fair trial. If the SNP is intent on changing only the name, just as it changed the name of the Executive to the Government, and just as the previous Executive changed the name of the Scottish Arts Council to creative Scotland, I suggest that that change would have to offer public benefit, otherwise it would be a waste of time and money. If a pencil is blunt, sharpen it—one does not necessarily need a new one. However, sportscotland is a sharp organisation.

The Scottish Conservatives have made it quite clear that we do not want excessively bureaucratic quangos, but given that there is no widespread support—indeed, there is practically no support whatever—for replacing sportscotland with an unspecified organisation, where is the logic in doing so? The only logic is that the SNP pledged in its manifesto to abolish sportscotland. I hope that the SNP is big enough, with the benefit of hindsight, to alter that pledge today. That is especially important because, given that the 2012 Olympics and the 2014 Commonwealth games are coming up, we have so many other priorities, not

least in encouraging more of our young people to participate in all kinds of sport.

The previous Executive failed to deliver on many of the sport 21 targets. Instead of abolishing sportscotland, the new Government would be better placed telling us how it intends to improve delivery on the proposals in "Reaching Higher". There might be ways in which sportscotland can become a leaner, meaner machine. However, abolishing the expertise that has built up, which has coincided with a successful period for Scottish sport, and replacing sportscotland with an as yet undefined organisation, which might mean that sports policy is centralised within the Scottish civil service, is simply not what our grass-roots sports organisations want.

Members will have noticed that the SNP amendment does not mention the abolition of sportscotland. If the SNP had made it plain that rather than abolish sportscotland it wanted to improve it, we might have been able to support its amendment. However, if the SNP is going to remain dangling from its own petard, given its manifesto pledge, I do not see how we can support its amendment.

Perhaps the minister has reflected on the overdogmatic abolition pledge in the manifesto and lightened up his attitude. If he continues to reflect, we might be able to reflect with him. However, if ministers lose the vote tonight, as seems likely, they will have to shoulder the blame, because they have simply not made the case for the abolition of sportscotland and they have not taken with them the Scottish sporting community, which is united in opposing sportscotland's abolition.

I hope that the current review will take heed of the debate and the vote, and ensure that we focus on what really matters: encouraging our youngsters to experience the pleasure of sport and providing the best possible support for our sportsmen and sportswomen.

I move amendment S3M-1018.1, to insert after first "sportscotland":

"without prejudice to any proposals which may improve the performance of that body".

09:34

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to the debate. The future of sportscotland is important in itself, but it is also critical in showing how the Executive conducts its business.

We in the Labour Party take the view that we need stability in sport at this stage. We recognise the important role of sportscotland in a range of

areas, including the one that Children 1st highlighted in its briefing on child protection.

Others will talk in more detail about the role of sportscotland, but I want to focus on the process of parliamentary and external engagement. Like any good historian, I intend to refer to primary sources—the words of the minister himself.

On 1 November, in response to a question from Margo MacDonald, the First Minister acknowledged that there was an interesting judgment to be made about where certain functions should lie. There was a case for agencies to take responsibility in some circumstances and for the Government to take over responsibilities in other circumstances. That is why he said that the Government was consulting on the proposal. I asked whether the First Minister would ensure that the consultation was real. He blithely replied:

“The Minister for Communities ... has already made that commitment ... Of course, a full consultation is being carried out, and the minister needs no encouragement from me to make such a commitment.”—[*Official Report*, 1 November 2007; c 2984.]

I did not wish to be harsh in my expectations of what the consultation might be, so I checked with a credible source—the Scottish Government’s website—which said:

“Typically consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the area of consultation, and they are also posted under the current consultations section of this website, enabling a wider audience to access the paper and submit their responses.”

Fine. Off I went to see what was posted. I did a search, and the result was:

“Sorry no results found that match your query ‘future of sportscotland’.”

I then thought that I should try the minister, so I sought information through a series of parliamentary questions. Could the responses to his correspondence be published? No, that would be inappropriate. Could his letters to organisations that he consulted be published? No, that would be inappropriate. Could he perhaps publish an analysis of the responses before a decision was made? No.

One wonders what the minister had to hide. That bizarre reticence was explained in an answer to Patricia Ferguson on 26 November, which said:

“The review ... is not a public consultation”

and that the Government would seek permission to publish responses

“once the outcome of the review has been announced.”—[*Official Report, Written Answers*, 26 November 2007; S3W-6487.]

Perhaps someone should advise the First Minister that his confidence that his minister needed no encouragement to have a full consultation was a touch misplaced.

Stewart Maxwell might have been right when he said initially that the review was internal—but then again, perhaps not. In evidence to the Local Government and Communities Committee, planning officials outlined the workings of Scottish planning policy 11, which gives sportscotland a critical role. They confirmed that the planning directorate had not been consulted and that, even if sportscotland went,

“we would expect the function of getting clear advice from some expert authority on particular proposals to remain.”—[*Official Report, Local Government and Communities Committee*, 21 November 2007; c 248.]

Even if sportscotland went, we would need another body to meet important planning needs in our communities. No sense of decluttering would be felt and duplication would not be removed. Perhaps that is why the minister did not have the confidence to consult his planning officials.

For those who are finding it hard to keep up, I will recap. We have a commitment to a full consultation, but the consultation is not public and is clearly not full. We have an internal review that does not obviously involve internal consultation. We do not know what was asked in correspondence or what the replies were. We know that several important sport and community organisations and equality groups such as Children 1st were not consulted, and that the public cannot participate in the consultation. We do not know what would happen to sportscotland’s key functions, because the minister says:

“Until the outcome of the review is known I am unable to comment on who would be responsible for specific areas of sportscotland’s work.”—[*Official Report, Written Answers*, 14 November 2007; S3W-6017.]

Call me old-fashioned, but I would have thought that dealing with that was the consultation’s role.

I regret that I do not have time to say everything that I wanted to, but I will make one more point. The minister is the Humpty Dumpty of the Scottish Parliament—words mean what he wants them to mean. I hope that he will listen to the Parliament’s will today, and I look forward to his having the grace to announce a proper timetable to discuss sportscotland’s future and the courage to ask genuine questions about the genuine options that are available.

09:39

Margaret Smith (Edinburgh West) (LD): In the past couple of years, I have spoken in the chamber and elsewhere of my desire to keep sportscotland in west Edinburgh. As the Liberal

Democrat constituency member for that area, I will today speak of my desire to keep sportscotland—full stop.

Every one of us should be driven by the desire to do what is in Scottish sport's best interests. The Parliament's job is to develop and support sport, and not only for the relatively few high-performance athletes who will be lucky enough to compete for medals in the Commonwealth games, the world championships or the Olympics. It is also essential that we support sport at the grass roots and that we use sport in its widest sense to improve our country's health and well-being. Sportscotland is central to that vision of sport for all. That vision resulted in a commitment of £102 million of additional support for sport in our May manifesto.

I ask the Government two big questions. First, what is the problem? Secondly, what will the Government put in sportscotland's place? We have not heard answers to either of those questions. The answer that the Government will scale back sportscotland shows not only a lack of vision, but a complete and utter lack of clarity. Without the answers, we cannot tell whether any alternative would bring greater efficiencies, be more effective or be any cheaper to the public purse.

The budget line still stands for sportscotland until 2011, so the money is available. If that money were chopped up among 32 local authorities, 76 national sporting bodies, a bunch of civil servants ensconced in Victoria Quay at the command of ministers, a separate body to distribute lottery funding and a separate body to consider planning decisions, it would be at least debatable whether the SNP could come up with a proposal that was as cost effective as the current arrangements.

I have met sportscotland's management and I know that they are happy to consider ways of streamlining the agency. The agency is not setting its face against change; it wants to look forward to a successful future—a golden future for all who are involved in Scottish sport. I fail to understand the logic of dismantling the national body for sport at such a critical time for Scottish sport, in the lead-up to the Olympics and the Commonwealth games. Those events, not dismantling and disrupting the national sports body, should be our focus.

It has been said before, and I argue, that if we did not have sportscotland, we would have to invent it, for several reasons. Its position is unique. It works with a range of partners, from central and local government to local sports clubs and national bodies. It has a national role of working with others to develop and deliver national policies and standards, for example in coach education. It provides a national voice for sport. It operates

independently of the Government and, in its role as adviser, it sometimes tells the Government unpleasant home truths—members may remember reading the report about sports facilities provision a year or two ago; I see Patricia Ferguson nodding.

Because sportscotland exists, we know that national sports priorities are more likely to be delivered and that access to sports throughout Scotland is greater, which is particularly important in safeguarding minor sports. Funding sport is not a statutory requirement for councils. If we want to safeguard the future of sport, we cannot put it in the same local authority funding package as schools and social work services and expect it to come out unscathed.

Ian McKee (Lothians) (SNP): Will the member take an intervention?

Margaret Smith: No, I want to make progress.

The Scottish Government says that it wants to cut out duplication. Sportscotland helps to streamline funding support for athletes and organisations. It distributes not only Government funds but lottery funding, which local and central Government cannot legally distribute. That simplified and integrated system is easier for people to use, and it means that athletes and sporting bodies can concentrate on what they are meant to do, and that sportscotland can make the best use of the money that is at its disposal to build sporting strategy and put significant funding into national and local facilities.

Sportscotland is a crucial partner of local authorities. It assists them with specialist advice and hands-on support. It is a statutory consultee on planning decisions about playing fields while, at least currently—although goodness knows what the Government will do on planning in the future—councils and central Government do not have that role.

The agency also has a unique role in delivering practical backroom assistance to more than 40 of Scotland's 76 national sporting bodies. It fulfils a range of functions, from direct administration support for payroll services and information technology to long-term facilities planning, marketing, workforce development and coaching. All that support means that our individual sporting bodies can concentrate on getting on with their jobs.

I pay tribute to sportscotland staff for their hard work. They have had to live through a great period of uncertainty about a possible relocation, and now they face an even greater threat. That is having an impact on recruitment, morale and staff retention.

This is not the time to dismantle sportscotland. This is the time to get behind Scotland's sportsmen, sportswomen and children to deliver a better and healthier sporting future for our country. I hope that the Parliament will do that today.

09:44

Michael Matheson (Falkirk West) (SNP): I welcome the debate, but I confess that I am somewhat surprised that the Lib Dems have the nerve to hold a debate on sport, given that they are one of the parties that have in effect ignored the need for change in Scottish sport for the past eight years. In that time, they have shown that they like to talk the talk of sport but that, when it comes to delivering, they certainly do not walk the walk.

The Lib Dems are trying to portray themselves as the saviours of Scottish sport, but let us look at the legacy of their period in office. The Liberal Democrats are one of the parties that left us a national sporting agency with an increasing level of bureaucracy that is consuming the money that should be going to front-line sport. They are one of the parties that were responsible, along with sportscotland, for the implementation of sport 21, in which many of the key targets were not achieved. On top of that, in some areas there was deterioration from the starting baseline.

The Liberal Democrats are one of the parties that introduced a national and regional sports facilities strategy. So far, not one of those facilities has opened its doors to the public, although movement is now being made under this Government. They are one of the parties that left us with a deficit of £2.1 billion in of investment in our existing sports facilities—a legacy of failure.

On the other side of the chamber we have the Labour Party, whose Government at Westminster wants to remove £13 million from sports lottery funding in Scotland—money that is meant to go to grass-roots sports. Labour and Liberal Democrat members have a brass neck in trying to portray themselves this morning as the saviours of sport in Scotland. For the past eight years, successive sports ministers—including you, Ms Ferguson—have hidden behind sportscotland when it has made difficult decisions. You evaded accountability on such issues and ducked out of making difficult decisions.

Johann Lamont: Will the member give way?

Michael Matheson: We have already heard from you.

Patricia Ferguson was meant to establish a review of sportscotland, but she failed to do so. She ducked out of that, because she did not have the bottle or commitment to deliver on it.

Patricia Ferguson (Glasgow Maryhill) (Lab): Will the member take an intervention?

Michael Matheson: As sports minister, you had years to do something, but I am afraid that you failed dreadfully. We do not need to hear any more from you.

The review provides us with a real opportunity to change things for the better, because its underlying principle is to ensure that we improve on the mediocrity that we have inherited from the previous Administration and that we get the right infrastructure in place to deliver for Scottish sport. I am aware that some people in sport are anxious about the possibility of change. Whenever change comes along, it is inevitable that people are concerned about its implications. However, I could not disagree more with those who say that we should just continue with the status quo because the Commonwealth games are coming along. Now is the time to get the system right. We should not wait until 2014 before realising that we should have changed it seven years previously.

We need a new approach that reduces the bureaucracy that we inherited from the previous Administration, that takes sport forward and that ensures that those who are involved in sport have a clear voice on and direct line into the policy direction that is taken. Those who oppose any change to sportscotland are settling for the mediocrity that we had for the past eight to 10 years under their Administration. We need to move forward. We should support the minister's amendment so that we can change sport in Scotland for the better and for the future.

The Presiding Officer: I remind all members that during their speeches they should not speak directly to other members across the chamber. They should always speak through the chair and refer to other members in the third person. I do not know for how long I will have to keep going on about the issue, but I will do so for as long as is necessary.

09:48

Patricia Ferguson (Glasgow Maryhill) (Lab): On 9 November, Scotland celebrated when Mike Fennell, the president of the Commonwealth Games Federation, announced that Glasgow would host the 2014 Commonwealth games. Scotland was right to celebrate, because we all know that statistics show that host nations do better than others in the medal tally. We also know that host nations enjoy a boost in their international reputation and can enjoy a renewed feeling of self-confidence. However, if we as a nation are to reap the benefits and legacy of 2014, we will have to work hard and co-operatively over the next seven years. Our young people, in

particular, stand to benefit from the games and from all the opportunities that will be available to be involved.

To be frank, I entered this morning's debate with a feeling more of sorrow than of anger. Sport gains most from a Commonwealth games, and sport must be our priority as we take the games forward. Today our question must be, how can we do that if the organisation that takes sport forward on behalf of the Government and which offers so many services to sports governing bodies is abolished or emasculated? Who will work with sports governing bodies to encourage them to aim higher? Who will ensure that there is support for our young people, who share our ambitions? At a time when we are united in our support for and encouragement of sport, it is particularly sad that we must have this debate.

I welcome the fact that, as his amendment indicates, the minister has decided at long last that there will be a debate on the review that he has initiated, but that is too little, too late. We are debating the matter today; I would like the minister to indicate whether he will abide by the will of Parliament, as expressed today. Will he listen to what MSPs around the chamber say? Will he take that as our contribution to his internal review—the much-vaunted consultation to which none of us has had the opportunity to input?

The Minister for Europe, External Affairs and Culture was quite right recently to reiterate her support for creative Scotland. However, there is a question that must be asked about that: what is the difference between the position of creative Scotland and that of sportscotland? Creative Scotland will support the arts in Scotland and those organisations that deliver on the ground. It will also support our cultural co-ordinators programme and the work of Government, and provide lottery funding on behalf of the lottery distributors. What does sportscotland do? It supports sports governing bodies, encourages participation in sport in our communities and distributes lottery funding. Why will we save creative Scotland but abolish sportscotland? Why is the Government's agenda skewed in that way?

Why, when I asked the minister whether he had consulted the Commonwealth Games Council for Scotland, did he tell me that Louise Martin, the then chair of the council, was a member of the board of sportscotland? I have news for the minister—she is not. It is unacceptable that the council had to volunteer a response to the minister, instead of being asked to give its views.

I am intrigued by the fact that, in response to a written question from me, the minister indicated that there had been consultation with the university of sport. As far as I am aware, the university of sport exists only in the Labour Party

manifesto and has not been delivered since May. I am delighted that the minister thinks that it is important enough to consult, but I wonder how he managed to do that, given that it does not exist.

I will close, as I am conscious of the time. Before doing so, I draw the minister's attention to another Labour manifesto commitment—to designate 2014 as the year of sport, in recognition of our ambition for sport and of the opportunities that Scots and people internationally will have to enjoy sport that is hosted in this country. Will the minister designate 2014 as a year of sport and work as hard as we would have worked to make it a success?

Finally, I say to the minister, as I had to say to the Minister for Enterprise, Energy and Tourism a few weeks ago, that he should resist the temptation to make change just because he can.

09:53

Stuart McMillan (West of Scotland) (SNP):

The irony behind the motion is galling. The Lib Dems, who have an awful record of supporting sport while in power, are criticising the new SNP Government for trying to clean up their legacy.

The Lib Dems have the cheek to note in their motion

“the importance of grass-roots sport and the opportunities that currently exist to increase sporting participation”,

but when they were running Inverclyde Council over the past four years, they decided to build a secondary school, using public-private partnership funding, on the site of football pitches. Regrettably, the Inverclyde population is receiving a double whammy—the vast cost implications of PPP and the loss of football pitches to the local community.

Unfortunately, the Lib Dems are not alone in that respect. Four years ago, Renfrewshire Council, which was then Labour run, commissioned a report on the Apex centre in Paisley and was told that the centre needed £400,000-worth of urgent repairs. The council refused to invest in the centre, which is now so dilapidated that repairing it would cost £1 million. It is therefore now recommended that the centre should be closed. That is a prime example of Labour investment in community and sporting facilities. The most important obstacle to participation levels in sport in Scotland is a lack of quality facilities. It is well understood that our climate is not akin to that of Australia, which means that it may be difficult for us to encourage some outdoor activities. That emphasises the need for top-notch facilities.

The new generation of artificial grass offers an ideal remedy to the problems of traditional pitches, which are expensive and time-consuming to maintain. Such pitches have restricted use, and

tend to be less playable in the winter, particularly in the west of Scotland. Statistically, natural grass pitches can be used for 150 to 200 hours a year. Third-generation pitches, by comparison, cost roughly the same to construct, are significantly cheaper to maintain, and can be used for 2,000 to 2,500 hours a year. The advances in artificial grass technology—which gives more usage, especially in bad weather—provide the opportunity for a dramatic increase in sport participation, particularly in our nation's top two sports of football and rugby.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Presumably the member was proud to stand on the SNP manifesto commitment to abolish sportscotland. Is he still proud of that manifesto commitment?

Stuart McMillan: As the minister said, a review is taking place at the moment.

My colleague Michael Matheson mentioned the 10 new regional sports facilities that were announced by the previous Administration in 2004. Three years later, not one of those facilities has opened its doors and only one has made it past the first stage of development. Under the Labour-Lib Dem Executive, the Tories, and London Labour, the number of public sports pitches fell dramatically—130 pitches have been lost since 1996.

The previous Administration left Scotland in a poor position for sporting facilities. The SNP has been left with that mess, but in our short time in power we have already begun taking steps to sort things out. In the past week, the Minister for Communities and Sport has announced a £1.1 million investment in sports facilities throughout Scotland. That will include funding for projects in Aberdeen, Paisley, Peebles, Torridon, Scone, Loch Tummel, Stirling, Stornoway and Hawick. The Government has also announced its intention to create a sports facilities fund, whereby community sports clubs can bid for money to improve facilities, provided that those facilities can be used by the whole community.

Unlike the previous Administration, the Government understands the importance of providing Scotland's people with quality facilities. It is therefore vital that money is distributed to support those facilities. That is why I am glad that the SNP Government has started to take the necessary steps. I urge members to reject the Lib Dem motion and to back the Government amendment.

09:58

Margo MacDonald (Lothians) (Ind): I apologise to Ross Finnie for failing to be here for the start of his speech. In mitigation, I would plead that I was

speaking to a man about setting up more than 35 sports in Edinburgh—that was what kept me.

This is sportscotland's mission statement:

"Our mission is to encourage everyone in Scotland to discover and develop their own sporting experience, helping to increase participation and improve performances in Scottish sport."

In 2003, my colleague Peter Warren and I went to the annual general meeting of sportscotland. We were not impressed. Contrary to the sentiments in the mission statement, the emphasis in 2003 was on improving the performance of elite athletes. There was little understanding or sympathy for the people sitting up the back, who provide the underpinning for the production of elite medal winners and keep the structure of sport in Scotland in place—the coaches, the club officials, the family members and other volunteers. When Peter and I left the AGM, we were surrounded by the representatives of smaller sporting organisations and clubs for sports such as badminton, boxing and water sports. They were concerned about the thread that had run through the AGM, which was the relevance of the so-called minority sports and local clubs in plans for greater sporting glory in track and field and in the biggest team sports, which of course are rugby and football.

The skewed emphasis on the elite athletes has now gone, and sportscotland is fulfilling its function, as outlined in the mission statement. That is not just what it says; it is what it does. I have a lot of sympathy with Michael Matheson—he and I usually agree on such matters—but he must accept that sportscotland has mended its ways. We talk about sinners who repent—I am sure that, as a good Christian gentleman, he would agree.

Sportscotland has done things at local level. For example, in Stevenson, a lottery grant went to the Evolution skate park. Sportscotland helped to get the club organised and to develop a supervision and activity programme. Active membership grew to 1,500, and 250 women go each week—previously it was five. In Kinross, sportscotland was approached by a community group that wanted a swimming pool. Sportscotland did the research and advised the group about moveable floors, which mean that handicapped swimmers can take part.

Sportscotland is doing the practical business for which it was put in place. It is linking extremely well with the Scottish Institute of Sport, and we are beginning to see the results, including improved performance by elite athletes. I doubt that we could devise a better way to improve our national health indices and to widen and deepen the pool of potential champions than by persuading by example and providing facilities such as those that

I have mentioned, by joining up the schools and club sport, and by expanding the number of qualified coaches. Those are the activities that win medals—the medals come only when enough people are taking part. SportsScotland has switched its emphasis to that. Although money is involved and the Government will want to consult more about how it is dispensed, I urge the Government to support sportsScotland.

10:02

Ian McKee (Lothians) (SNP): Ross Finnie's motion talks about

"the importance of grass-roots sport and the opportunities that currently exist to increase sporting participation and enhance sporting performance, particularly among young people, in Scotland as we look forward to the London Olympics of 2012 and the Glasgow Commonwealth Games of 2014".

When Margaret Smith talked about the unpleasant news that had been given to her by sportsScotland, I presume that she meant the £2 billion of underfunding by successive Governments. The SNP has had to pick up that mess.

Setting aside for the moment the enormous cheek of the motion in the light of Ross Finnie's Administration's calamitous record as a custodian of sport in Scotland—the gross neglect of facilities, the huge loss of public sports pitches and the regional sports facilities that never opened and which the SNP is only now getting on the road—it is necessary to point to evidence that was given by Julia Bracewell, the chair of sportsScotland, to the Health and Sport Committee. Before she unreservedly accepted the easy link between sporting excellence and participation in grass-roots sport that Mr Finnie implies, Ms Bracewell told the committee:

"Every nation that has hosted an Olympic games has seen its elite athletes perform better at those games. If you ask whether any games have helped to increase participation in sport, the academics will say no". —[*Official Report, Health and Sport Committee*, 21 November 2007; c 253.]

Patricia Ferguson: I hope that the member recognises that sportsScotland and the previous Scottish Administration appreciated that very point, which was what was going to be different about the 2014 Commonwealth games. Take away sportsScotland, and that is put in jeopardy.

Ian McKee: That is the point I am coming to.

We are asking our sporting infrastructure not just for a platform that will ensure that our athletes perform well in 2014. We are asking it to do what no nation has ever done before, namely to build on that sporting success so that people—young or old, obese or lazy—get off their couches and take exercise that will not only enhance their lives but

enable them to stay healthier and live longer than would otherwise be the case. That is a tall order, which can be achieved only if we make certain over the next few months that the infrastructure is in perfect health, lean and fit for purpose.

In the budget review group's evidence to the Health and Sport Committee in October, we heard disconcerting news that there was indirect spend on the Scottish Institute of Sport.

Jeremy Purvis: I am confused, because no SNP member has stated this morning why the party's manifesto promise to abolish sportsScotland has turned into a review. Does the member admit that the SNP was wrong?

Ian McKee: I will come to that point later in my speech, but I take this opportunity to congratulate Mr Purvis on the fantastic beard that he has grown; I assume that he has been seeing Mary Scanlon for her bog myrtle cream.

The budget review group said in evidence to the Health and Sport Committee:

"We highlighted the difficulty that we had in finding what outcomes were looked for across all the portfolios ... there were far too many priorities".

"We did not get back from the Executive any evidence to suggest that the institute had been the subject of a rigorous review".

"What is the outcome that we are looking for with regard to sport?"

"Quite often, we found that the staff who were responsible for major budgets had not been trained properly".—[*Official Report, Health and Sport Committee*, 3 October 2007; c 121, 120, 121, 122.]

The Howat report mentions

"a worrying trend of reduced participation"

and says that the budget review group is concerned that there is

"no objective basis on which to measure sportsScotland's performance."

When the SNP first looked at sportsScotland, it seemed to be an organisation that had to be abolished because it was not fit for purpose. Having looked further, it is quite obvious that the appalling political management of the organisation in the past means that a review is necessary at this time.

10:06

Nanette Milne (North East Scotland) (Con): This has been a good debate, which has given us an excellent opportunity to celebrate sport in Scotland and to look to its future. Sport and young people make a positive contribution to our society and to the sporting successes of our nation. It is crucial for the future of sport in this country that it be effectively governed, funded and co-ordinated.

This morning, we have heard some cogent arguments about why sportscotland should be allowed to continue to play its role. I hope that the minister will accept that he is on the losing side and agree that, although sportscotland might need some improvement, it certainly does not need to be abolished. As Jamie McGrigor stated, Scottish Conservatives totally reject the notion of abolishing sportscotland; the organisation is popular, it delivers much-needed and highly regarded expertise in effective partnerships to assist sports governing bodies in developing sport across Scotland, and it effectively integrates the investment of resources in Scottish sport.

The 2012 Olympics and the 2014 Commonwealth games give Scotland a unique opportunity to build a great sporting legacy. Vitally, that legacy must be felt in every community the length and breadth of Scotland, and that is where sportscotland can play a leading role. It is notable that whenever national sporting events take place, we see our young people respond, often by taking to the streets or the local park to try out sports such as tennis, football, rugby, and, going by last weekend, even boxing.

I acknowledge the role that is played by Scotland's sports governing bodies in encouraging and nurturing young people who are interested in their respective sports. Specifically, I mention the work of the Scottish Rugby Union in developing a coaching network. Scottish rugby runs many coaching courses that are aimed at people at all levels of the game, and it is trying to ensure that every player, from mini to adult, has the opportunity to develop their full potential by receiving training from qualified, up-to-date coaches who are continually seeking to improve their coaching skills and knowledge. Sportscotland has played a pivotal role in developing that framework and, in partnership with the many local authorities that have a dedicated coaching officer, it is providing the sport that our young sporting talents of the future need to develop.

As Margo MacDonald rightly said, the Scottish Institute of Sport has been successful in helping Scotland's elite athletes to achieve success.

To lose a structure such as sportscotland would be quite wrong and clearly not what our grass-roots sporting organisations want. Every MSP knows of significant investments that have been made by sportscotland in their constituency, and it is vital that that body continues to work towards giving everyone access to high-quality sports facilities.

In my region, Aberdeen City Council recently received a sportscotland investment of £450,000 to assist with pavilion and pitch development at Hazelhead. This year alone will see

sportscotland's total investment in sports facilities reach £18.2 million.

I emphasise the importance of the proposed new 50m swimming pool in Aberdeen to the development of tomorrow's young swimming stars from north of the central belt. I hope that the minister is fully aware how important it is that he gives early commitment to that exciting project.

The ability of sportscotland to integrate the investment of resources in sport, the effective partnerships that it has built up, and the expertise that it has developed in assisting Scottish sports governing bodies are recognised by all sports organisations in Scotland. They all support sportscotland and, like us, they do not see a case for its abolition.

We support the retention of sportscotland, therefore if our amendment is accepted we will support the Liberal Democrats' motion at decision time. We hope that ministers will pay heed to today's important debate, and listen to the many voices throughout Scotland that are united in opposing sportscotland's abolition.

10:11

Mr Frank McAveety (Glasgow Shettleston) (Lab): It is regrettable that we are debating an issue on which we have had very little, if any, proper consultation. I listened with interest to my colleague Johann Lamont; in the words of my mother, she gave the minister a really good skelping for his behaviour during the past six months.

Government members have given us a series of interventions and speeches that are loud in rhetoric but which do not address any of the central points of the Liberal Democrats' motion. The motion raises a number of questions, and the Parliament's role is to interrogate the Government and ministers and identify the best way forward.

I believe that there is unanimity in the chamber that sport will be important during the next decade, and it is not enough for members to use this debate to claim that the previous Executive made no contribution to the Scottish sporting agenda. The previous Executive made the brave decision to go for the Commonwealth games. The previous Executive spoke about national and regional sports facilities, and at least tried to identify ways in which we can use activity and sport to tackle problems in communities across Scotland.

I will take no lectures from the Government about our commitment to sport when we were in government, or even as ordinary members representing our constituencies. At the end of the next 10 years, I will have in my area a new national arena and velodrome, a new pool at

Tollcross, a national hockey centre at Glasgow Green, and, at the boundary of my constituency, the national football centre. That is not bad going for one member, and those developments will be in the commitments that I give during election campaigns.

Ian McKee: Will the member take an intervention?

Mr McAveety: We have heard enough from Mr McKee, who made a wonderful but rather quaint speech.

What do we want to do about sport in Scotland? The minister has a chance. He said that sport is a priority and that we are debating it in the Parliament because the Government has made it a priority. However, the Liberal Democrats lodged the motion for today's debate because the minister would not answer any questions on specific issues. If the Parliament votes today as I anticipate that it will, what will your position be? You have already shifted your position.

This morning, I woke up to wonderful news of a "Reprieve for national sports body"

on BBC News 24. However, if members read about it online they will see that there is more to it than the headline suggests.

The point is, minister, that you have shifted your position. You were going to come to the Parliament in December and tell us what you were going to do; now you will do that in January.

The Deputy Presiding Officer (Alasdair Morgan): Please speak through the chair, Mr McAveety.

Mr McAveety: It is a dog's breakfast and a testimony to failure. The first 100 days of this Administration were not about sorting out the future of sportscotland; instead, there was a discussion about whether Scotland should have a national Olympics team. That was the minister's priority during the first 100 days.

Obviously, I am a great reader and I have been reading "Waiting for Godot", which is a wonderful read. Vladimir says:

"Let us not waste our time in idle discourse! ... Let us do something, while we have the chance!"

I agree. He goes on:

"It is not every day that we are needed ... But at this place, at this moment of time ... whether we like it or not. Let us make the most of it, before it is too late!"

It is not too late for the minister to change his mind on the abolition of sportscotland. The SNP has dumped every other major manifesto commitment, but if this one was to be dumped the minister would get unanimous support and he would be able to speak for Scotland; he could

even wrap himself in a saltire and speak for Scotland. He needs to make the right decision for sport and retain sportscotland so that we can have a decade in which everyone can share the joy.

10:15

Stewart Maxwell: The debate has given me the opportunity to listen to Parliament's views on the review of sportscotland and the future needs and delivery structure for sport in Scotland, both for our young people and for our elite performers. We remain committed to reducing the number of public bodies in Scotland. Our aim is to create a simpler and more effective public sector in Scotland.

Having listened with interest to the points that have been raised in today's debate, I assure members that the needs of sport continue to remain central to our decision-making process. We have continually engaged with our key sporting stakeholders to ensure that their views are taken into account and fed into the review process on the future of sportscotland.

Ross Finnie: Will the minister please concede that it is disingenuous to claim that the review is objective if the question put was, "Why should we abolish sportscotland?"

Stewart Maxwell: As the member should be well aware—I am surprised that he is not—that was not the question that was put. The remit of the review, I am afraid, was published. It was sent to the Health and Sport Committee, whose members all have a copy of it. The remit of the review is clearly on the record. That question was not asked in the review.

I reconfirm to Parliament, as I did in my opening speech, our commitment to announcing the outcome of the review in early January. However, discussions will not stop when the decision is announced. Involving key stakeholders in any change during the implementation process will be critical. We are committed to an on-going process of involvement with key stakeholders.

Johann Lamont: As a matter of logic, would it not be sensible to consult people before making a decision rather than afterwards?

Stewart Maxwell: I apologise if the member has not been listening today—or for several months—but we have been consulting a whole range of stakeholders. As I said at the beginning of the debate, I know that it hurts that Labour members lost the election and that they are not involved in the process, but the fact of the matter—*[Interruption.]*

The Deputy Presiding Officer: Order.

Stewart Maxwell: The fact is that we are consulting sports stakeholders on the future for sport in Scotland. Now is the appropriate time to do that because we have seven years before the 2014 games in which to build for that legacy. We will do that.

Margo MacDonald: Will the minister confirm that a growing number of those stakeholders are in favour of retaining sportscotland?

Stewart Maxwell: As I said in my opening speech, in response to an intervention from Jamie McGrigor, the opinions of stakeholders range from retention to abolition. Some are clearly of the view that they wish sportscotland to be retained, but many others can see the purpose of change, and some have said that sportscotland should be abolished.

It is paramount that a decision on the future of sportscotland delivers for all who participate in sport, from the grass roots to the elite. It must deliver for those who participate for fun as well as those who aspire to international sporting success. It must also deliver for the volunteers, coaches and governing bodies of sport—those who really deliver sport on the ground. The prospect of the London 2012 Olympic games and the Glasgow 2014 Commonwealth games creates a once-in-a-lifetime opportunity to make a step change in how sport is delivered and in the impact that it has on Scottish life as a whole.

Having listened to a range of speeches from members across the chamber, I must point out that we need to recognise the current problems with delivery for sport. Things are not perfect, despite what the Lib Dems and Labour Party try to say. The motion states that sportscotland must remain, but it makes no mention of room for improvement. There are issues that need to be reviewed. In fact, a review of sportscotland was due a number of years ago, but the previous Administration utterly failed to carry that out. It is quite correct that we are carrying out a review.

In the debate, members have deliberately mixed up two different things. It is important that the delivery of sport by staff and experts is retained, but some members have mixed that up with the administrative structures that provide that necessary expertise and delivery. We absolutely support the experts and the staff in the delivery of sport, but we feel that the current structures are wrong. For example, Margaret Smith gave a speech of utter speculation that was based on nothing but personal opinions and was not based on any facts whatsoever—

Margaret Smith: Will the minister give way?

The Deputy Presiding Officer: The minister is just concluding.

Stewart Maxwell: As Michael Matheson said, we received a poor inheritance, given the £2 billion hole in investment in facilities. Responsibility for that lies with members on the former Administration's benches.

The Scottish Government's vision for sport is that every citizen should be physically active and able to enjoy first-class facilities to achieve their potential. We are confident that the outcome of the review will deliver a simpler, less bureaucratic structure that will provide sport with what it needs and what it has asked for. That will ensure that we can deliver our vision for sport in Scotland.

10:20

Jim Tolson (Dunfermline West) (LD): I have a great deal of respect for Stewart Maxwell, whom I believe to be an honourable and honest man, but he helps neither his nor his party's credibility today in trying to defend the indefensible. I have spoken with the minister both publicly and privately about sportscotland. I get the strong impression that he is quite uncomfortable with that part of the SNP's manifesto.

The minister and his colleagues insist on backing their manifesto pledge to scrap sportscotland but, as we have heard from many members—including Ross Finnie, Jamie McGrigor and Johann Lamont—scrapping sportscotland would be a retrograde step at a time when Scotland needs its expertise, knowledge and professionalism like never before.

As Frank McAveety, Nanette Milne and many others have said, sportscotland now performs a multitude of tasks very ably under the direction of Stewart Harris. I do not know how long ago SNP members dreamt up their bonfire of the quangos, but they must have been sleepwalking not to have noticed how much sportscotland has improved over the past few years with Mr Harris at the helm. He has turned sportscotland round from being a poorly performing body to—as Margo MacDonald acknowledged—one that ranks among the best in Scotland today.

Not only the Liberal Democrats but Labour and the Conservatives want sportscotland to be retained. Despite being given numerous chances to do so, neither the minister nor his Government have been able to provide a single persuasive argument as to why sportscotland should be scrapped, far less explain what they would replace it with and what could possibly be more efficient. One lesson that the Government has failed to learn in its short Administration is that it would have much more credibility if it just admitted that it was wrong sooner rather than later. Rather than work with sportscotland as a partner, the SNP has damned the organisation at every turn, despite the

fact that sportscotland is already delivering on the SNP Administration's key policy objectives in "Reaching Higher", which is the new national strategy for sports policy.

Not just we politicians but many eminent people outwith the Parliament say that the Government is wrong. For instance, Tim Dent, who is the director of a sport and leisure consultancy, and Chris Robison, who is the policy director of the Scottish Sports Association, which represents the interests of some 50 governing bodies, have both condemned the Government's stance on sportscotland.

As the central agency with the remit that reaches across the key areas of people, organisations and facilities, only sportscotland can ensure that we have a balanced infrastructure by analysing and supporting strengths and weaknesses. Indeed, sportscotland adds value by being able to make strategic investments and by having an overview of identified priorities at local, regional and national levels—including the new indoor running track in my constituency that I will officially open next week.

To summarise, sportscotland is doing a good job at attracting people to, and encouraging excellence in, sport in Scotland. That point is not lost on any of us who want Scotland's sporting stars to achieve medal-winning performances in London and Glasgow. The Government's insistence on implementing one of its key manifesto pledges is simply farcical. The interests of Scottish sport simply cannot be best served in those circumstances.

The Liberal Democrats are quite happy to accept the Conservative amendment. All that we need from the minister and his colleagues is a little humility, compassion and common sense and for them to realise that not only every Opposition party but the whole country is against them on this issue. The sooner they back down, the less damage will be done to their own credibility, to sportscotland and—more important—to our young generation of sportspeople who will be the stars of the 2014 Commonwealth games in Glasgow.

Civil Liberties

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-1017, in the name of Margaret Smith, on civil liberties.

10:25

Margaret Smith (Edinburgh West) (LD): In bringing forward the debate, the Liberal Democrats seek to highlight our concern at the erosion of the civil liberties of our citizens. That concern is shared by many of our people, and for good reason. The loss by Her Majesty's Revenue and Customs of computer disks containing the child benefit records, personal details and bank account particulars of 25 million people has appalled the general public and awakened many to the sensitive data that the Government holds on them and its disrespect for the privacy of individuals.

The information commissioner, Richard Thomas, has said:

"Any aggregate system of collecting information must be proofed against criminals, proofed against idiots, proofed against those who do not follow the ordinary rules of procedure."

Given what we now know, Government systems seem to fall short on all three counts.

At a meeting of the Home Affairs Select Committee yesterday, Home Secretary Jacqui Smith faced criticism from all sides over the United Kingdom Government's plans to extend the length of time that suspects can be held without charge from 28 to 42 days. No evidence has been brought forward to support extending the period, which is already far longer than that in any comparable democracy.

In the week in which the fire brigade heroes of the Glasgow airport attack are honoured and the Scottish Government rightly gives funds to Strathclyde Police to cover the policing costs of that attack, we acknowledge that the threat of terrorism is real and that it demands action.

We propose the removal of the bar on the use of phone-tap evidence in terrorism prosecutions and we accept that post-charge questioning in terror cases, with judicial oversight, should be allowed. However, the attack that the Labour UK Government has launched on our civil liberties cannot be justified. As a means of tackling terrorism, its policies have been criticised by everyone from Stella Rimington, the former head of MI5, to Lord Goldsmith, the former Attorney General.

More than three and a half years ago, senior Government officials were warned that a mistake

such as the child benefit fiasco was likely to happen if the Government did not change its systems, which auditors described as “a recipe for disaster”. Unfortunately, that incident was not an isolated one: personal information relating to hundreds of Scottish national health service workers went missing in transit; and the Driver and Vehicle Licensing Agency in Northern Ireland lost the personal details of 6,000 people. However, the UK Government is still ploughing on with its plans for identification cards.

We reject the compulsory ID card scheme. The London School of Economics thinks that the scheme could cost up to £18 billion over 10 years. Liberal Democrats, and many others, think that the money would be better spent on more police officers and intelligence-gathering services. It is even more galling when one realises that people will be expected to pay for the privilege of owning an ID card. That privilege could cost each of us anything up to £300 for a card that polls have shown a majority of people do not want.

Jamie Hepburn (Central Scotland) (SNP): The member’s party met with others last week as part of a tripartite approach to establishing a commission to review the powers of the Scottish Parliament. Does the member’s party support the transfer of legislative competence over ID cards to the Scottish Parliament, or does it believe that the British state should retain the prerogative to impose ID cards on the Scottish people?

Margaret Smith: The member will be aware that the Steel commission set out Liberal Democrat thinking on areas that a future constitutional convention should consider. I do not rule out such a convention giving consideration to the issue that he raises. As I progress through my speech, he will hear that we believe that the Scottish Government has a role to play in all of this, using the powers that it has at present.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): More police would be good.

Margaret Smith: Indeed. That would be very good.

The Scottish Government should protect the people of Scotland by withholding from the database any information held by devolved institutions. The previous Lib Dem-Labour Executive stated clearly that ID cards would not be necessary to access devolved services. I hope that the Scottish Government will back that position. It should also allow the assistant information commissioner for Scotland to carry out spot checks on devolved institutions for compliance with the Data Protection Act 1998. That would ensure adherence to all the provisions in that act.

We should also recognise the dangers of going down the same road that the UK Government is going down with the DNA database. With 3 million people included on it and another name added every minute, the UK database will become the largest of its kind in the world and the only one to hold indefinitely the DNA profiles of innocent people.

In government, Liberal Democrats ensured that a balanced approach was taken to DNA retention that balanced public safety and civil liberties. We believe that an individual’s DNA profile should be kept indefinitely if they are convicted, but removed if they are acquitted, except in certain key circumstances. During the passage of the Police, Public Order and Criminal Justice (Scotland) Bill, we proposed that DNA samples of those charged with violent or sexual offences should be retained for no more than three years; that the police should have the right to apply to the court for an extension; and that individuals should have the right of appeal in those cases. That practice is now being followed.

In the previous session, the Parliament voted against back-bench Labour members’ attempts to create a database in Scotland that would keep indefinitely the DNA samples of innocent people. I hope that the Scottish National Party Government will continue to resist that blanket retention of DNA samples. Massive expansion in DNA record keeping has not led to a corresponding massive increase in crime detection. Since April 2003, although 1.5 million people have been added to the database, the chance of detecting a crime using DNA evidence has remained roughly constant at about 0.36 per cent.

Some people say that someone who has done nothing wrong should have no problem with their DNA being held. However, there are both principled and practical reasons why that view is wrong. There is always the risk of misidentification and false matches. The practice of extracting DNA profiles from a single cell has led the director of the forensic institute of Edinburgh to warn that innocent people may be wrongly identified as suspects as a consequence of being on the database.

Paul Martin (Glasgow Springburn) (Lab): Will the member give way?

Margaret Smith: I am sorry, but I am in my last minute.

There are concerns, too, about the integrity of the DNA database. Information from the database in England and Wales is used for alternative purposes, including genetic research. A number of staff at the Forensic Science Service were suspended following allegations that information may have been copied. One in 20 of the

population of England and Wales is on the DNA database. Of those 3 million people, more than 1 million have never been convicted of a crime. That statistic led one English judge to suggest that the logical conclusion is to keep everyone's DNA.

What part does such a database play in attempts to work with ethnic communities across the country, when it includes almost 40 per cent of black males in England and Wales compared with 13 per cent of Asian males and 9 per cent of white males? We should not underestimate the message that such figures send to ethnic communities.

The SNP has had a number of different positions on the issue. Although we support the Scottish Government's review of DNA retention, we do not support its plans to hold indefinitely children's details on the Scottish database.

Liberal Democrats demand that a balanced approach is taken to tackling crime and terrorism—one that takes into account public safety and security on the one hand, and civil liberties on the other. We think that Scotland should stand out from the rest of the UK in its measured but determined response to terror and to protecting the freedoms of its people properly.

I move,

That the Parliament believes that the fundamental liberties enjoyed by generations of our citizens must not be eroded; welcomes the commitment by the previous Scottish Executive that ID cards would not be needed to access devolved services and its proportionate position on DNA retention; is concerned at the threat to civil liberties from the UK Government's expensive and unworkable proposal to introduce compulsory ID cards; believes that the Scottish Government should not put citizens' privacy at risk by allowing the UK ID database to access personal information held by the Scottish Government, local authorities or other devolved public agencies; therefore calls on the Scottish Government to ensure that all data protection procedures are secure and that audit of data under its jurisdiction is independent of government and accountable to the Parliament, and takes the view that there should be no blanket retention of DNA samples and that the Assistant Information Commissioner for Scotland should have specific powers to carry out spot checks on the compliance by Scottish government agencies and bodies with the Data Protection Act 1998.

10:33

Bill Aitken (Glasgow) (Con): The Liberal Democrat motion has some merit. However, it requires the tidying up that the Conservative amendment offers.

We all have to accept that the world changed dramatically on 11 September 2001 and that, to some extent, it will never be the same again. Clearly, the Government is entitled—indeed, it has a moral responsibility—to take action to do as much as possible to protect society against the

attacks of international terrorists, particularly in light of the events in London of July 2005. However, its approach is totally wrong. ID cards will not work: that is the case, pure and simple, as former Home Secretary Charles Clarke admitted when he made the valid point that they would not have prevented the attacks in London on 7 July 2005. He said:

"I doubt it would have made a difference."

ID cards will not prevent illegal immigration. Foreign visitors will not require to hold an ID card. Indeed, it ill behoves a Government that presided over the shambles of an asylum policy that was found to open the door to everyone who wanted to come to the UK now to attempt by means of ID cards to slam the stable door once the horse has entered. The UK Government lacks all credibility in that respect.

ID cards might have value in preventing identity fraud, but the evidence suggests that their value might be limited. I can do no better than to quote Microsoft's UK national technology officer, who has said that the scheme could make the problem worse and could trigger identity fraud on a scale that has never been seen before. ID cards will not protect the victims of human trafficking. To be frank, cards are not the solution. We must consider a properly resourced border police force, which would go a long way to dealing with that problem.

The expense is an issue. Margaret Smith's figures are slightly at variance with mine, but it cannot be argued that the process will not be extremely expensive for the Government and for individuals. It has been estimated that ID cards will cost £20 billion in total, although the UK Government claims that the cost will be £5.4 billion. I suggest that one can have little confidence in the Government's projections, bearing in mind some of its outrageous information technology failures in the past.

Privacy is an important issue. The cards would contain in one place a tremendous amount of information about the individual. If the cards' privacy were to be violated, considerable difficulties could arise. Again, one cannot be entirely confident that that will not happen, bearing in mind the recent security breaches in the Government's processes.

The Minister for Community Safety (Fergus Ewing): The Scottish Government has much sympathy with the idea that ID cards will be costly. However, the Conservative amendment states that the money should instead be spent on other matters, including "more prison places". Will Bill Aitken clarify whether the Tories are arguing that we should build more prisons in Scotland than the Scottish Government is already committed to

building? If that is the argument, how many additional prisons should be built using the ID card money?

Bill Aitken: We are committed to providing prison facilities to meet the need—that was made clear for all to see in our election manifesto. If an additional prison were required in central Scotland, a Conservative Government would have provided it.

The money that it is proposed to spend on ID cards could be an awful lot better spent, particularly on improving security through proper policing of our borders. That point is made in our amendment and that is the direction that we suggest. The capital investment that is involved in the project is tremendous and will not provide value for money. I accept that the Government must respond to the events of 2001 and 2005, but the ID card scheme is not the appropriate approach, as the costs are prohibitive and the interference with individuals' freedom and privacy makes the scheme morally indefensible. The bottom line is that the scheme simply will not work, for the reasons that I have outlined.

The UK Government must think again about the scheme. It is examining the situation and has anticipated that the difficulties will be a lot more severe than was originally thought. I hope that, whatever happens at decision time, we send a message to Westminster that the Government must review its stance on this difficult issue.

I move amendment S3M-1017.1, to insert at end:

“and believes that the money proposed to be spent on ID cards should be used for more worthwhile projects, such as a dedicated UK border police force, more prison places or on increasing the number of drug rehabilitation places.”

10:39

Patrick Harvie (Glasgow) (Green): I welcome the Liberal Democrat motion and commend Margaret Smith for much of her speech. Naturally, I begin by recalling the motion that Parliament agreed to in February 2005, when the Parliament first rejected ID cards. In that motion, I argued that the UK Government's Identity Cards Bill, as it was then, was

“flawed on political, technical and financial grounds”,

that it offered

“an ineffective response to problems of security and fraud”,

and that it posed

“an unacceptable threat to civil liberties”.

I was pleased that Parliament agreed to that motion, even if on that occasion my good friends in the Liberal Democrats felt unable to support it—they abstained on the basis of a detail of wording.

I will identify some details of wording in today's motion with which I could quibble, but its general spirit is enough to allow me to forgive those details. That is why I have lodged an amendment that would add two points to the motion and remove nothing. On that basis, I hope that the Liberal Democrats will support it.

I begin with the quibbles. Although I welcome the fact that the previous Administration was less than gung-ho on ID cards, I would not have given a simple endorsement of its position. At the time, Tom McCabe's commitments on ID cards were always just a wee bit hedged. I would not go so far as to say that he wanted to keep the door open to ID cards, but the commitments were generally on only the cards themselves. Compulsory ID cards are symbolic of the slow but relentless erosion of civil liberties that has taken place under the Labour Government at Westminster. However, beyond the cards, many campaigners have long argued—and I agree—that the real threat is from the national identity register, the database that will underpin the system. The motion shows an understanding of that, but the commitments that the previous Administration gave on the use of the database were always rather weaker than those that were asked for.

The position in Scotland on DNA retention is similarly open to criticism. The Lib Dems call it proportionate—it certainly does not go as far as some had wished.

Jeremy Purvis: I am sure that the member will have read the Nuffield Council on Bioethics report that commends the previous Scottish Administration's measures when compared with those in England and Wales. Indeed, the report said that the measures set a benchmark for other European countries.

Patrick Harvie: I note the Nuffield view; I am describing my own view.

The measures go further than allowing the retention of information or of someone's name on a list of people who have been accused but not convicted. They establish the principle that the state has the right forcibly to obtain and to keep the DNA of innocent people, implying that the individual's biology is the property of the state in at least some circumstances and can be used for the state's purposes without consent. I disagree.

Beyond those caveats in relation to the motion, I raise two specific points in my amendment. One relates to data protection principles. I draw members' attention to the briefing by NO2ID, which acknowledges that security is important, as mentioned in the motion. That issue is under a lot of discussion in the aftermath of the Government's gross negligence and incompetence in losing the personal data of 25 million people. However, there

are seven other important principles to remember. My other point is on citizen accounts, to which we must apply the same principles by which we condemn ID cards. There is a danger that we will end up with a system that looks more like an ID database than a bus pass database.

I agree with the Conservatives' criticism in their amendment of the cost of the ID card scheme—I welcome the defence of civil liberties from any part of the political spectrum. However, it would, to say the least, be ironic if in a debate on civil liberties we ended up concluding that we need to lock up more people in this country. We already lock up more people than most European countries do, and it would be wrong to reinforce that situation. The possibility that a future Conservative Government might scrap the ID card scheme would be a silver lining to the dark rain cloud of such a Government. I hope that the Parliament will reinforce our objection to the relentless attack on civil liberties from Westminster.

I move amendment S3M-1017.2, to leave out from “are secure” to “accountable to the Parliament” and insert:

“comply with the principles of data protection, namely that personal information must be fairly and lawfully processed, processed for limited purposes, adequate, relevant and not excessive, accurate and up to date, not kept for longer than necessary, processed in line with individuals' rights, secure and not transmitted to other countries without adequate protection, and that audit of data under its jurisdiction is independent of government and accountable to the Parliament; further calls on the Scottish Government to review plans for Scottish Citizens Accounts on the basis of these principles”.

10:43

The Minister for Community Safety (Fergus Ewing): I welcome the debate, which is timely in the light of recent events that have affected the UK Government and which raises serious issues of which we must all be aware. The debate provides an opportunity for the Scottish Government to state where we stand on the issues. Our civil liberties are extremely important to each and every one of us, so Margaret Smith is right to make the case for safeguarding them, as is Patrick Harvie, who made a typically spirited speech.

Identify theft is a growing problem. People need to regain their confidence that the Government can keep private details safe, which they have lost in recent weeks. Margaret Smith rightly pointed to the difference between the UK Government's policies on identity cards and how those issues have been addressed in this Parliament. All parties in the previous and current parliamentary sessions have shared a commitment to embedding good practice on data protection in such matters. That reflects the wider and deeply held values in Scotland. The Scottish Government

shares members' desire to ensure that Scotland is not and never can be a surveillance state.

The Scottish Government takes issues of data protection extremely seriously and has in place standards on the storage and transmission of, and access to, data of a sensitive nature. In the light of the problems that have been encountered by HM Revenue and Customs, John Swinney announced that we would conduct a co-ordinated review of information security policies and data-handling arrangements in Scotland. There is no room for complacency on such issues in the days of e-mail correspondence, when matters that were intended to remain private are inherently more susceptible to being leaked or inadvertently published than any of us would wish. The fact that many politicians have discovered that fundamental truth to their cost has served only to increase public entertainment and amusement.

The review, which is now well under way, is considering existing procedures for the protection of data, their consistency with Government-wide standards and policies, and arrangements for ensuring that policies and procedures are being fully and correctly implemented. That assessment will allow the Government to establish whether there is a need for further measures to improve the security of sensitive information. We take such matters extremely seriously—we are not talking about a paper review. In the early days of our Government, we need to find out whether existing procedures are acceptable and whether they have been effective.

Margaret Smith: Can the minister confirm that the proposal in the motion that the assistant information commissioner for Scotland

“should have specific powers to carry out spot checks on the compliance by Scottish Government agencies and bodies with the Data Protection Act 1998”

will be considered in the review?

The Deputy Presiding Officer (Trish Godman): You have one minute left, minister.

Fergus Ewing: I support that call. The powers of the information commissioner are, of course, a reserved matter; I am delighted that the Lib Dems presumably want them to become a devolved matter. I wait with interest to find out whether that is the position of their future potential coalition and commission partners.

Jeremy Purvis: Will the minister take an intervention?

Fergus Ewing: I am sorry, but I cannot.

The Government shares Margaret Smith's concerns about the UK ID card, which we have consistently opposed, on the grounds that it will be costly, will infringe civil liberties and will not

achieve its primary stated objective. The methodology seems foggy and opaque, to put it kindly. I reassure members of all parties and the people of Scotland that the UK ID card will not be required to access devolved services.

On DNA, the Government has made it clear that it does not support the blanket retention of all forensic information that is taken from innocent people. I hope to expand on that in my summing-up comments. I await the rest of the debate with interest.

10:48

Paul Martin (Glasgow Springburn) (Lab): Labour members will in every way protect the civil liberties of the many. We have made that case on many occasions, for example by passing the Antisocial Behaviour etc (Scotland) Act 2004, thereby protecting the civil liberties of local residents, and by passing the Emergency Workers (Scotland) Act 2005, which secured the civil liberties of paramedics. We have rebalanced the civil liberties debate to ensure that everyone has such protection. That is an important part of what we are discussing today.

Margaret Smith's motion on behalf of the Liberal Democrats refers to the erosion of civil liberties and makes specific mention of ID cards. The Parliament cannot ignore the fact that we need a more robust and secure way of checking people's identities and ensuring that they are who they say they are. Margaret Smith failed to provide an alternative to ID cards; the Liberal Democrats have made no such proposals.

Margaret Smith: The reason why Paul Martin did not hear me discuss any alternative is that his initial premise is flawed. As we heard from Bill Aitken, Charles Clarke is one of the many members of the Labour Party who do not view ID cards as a way of tackling terrorism. If ID cards are simply about finding out who people are, they are an extremely expensive way of doing that.

Paul Martin: We will come on to the issue of cost, which is an important part of the debate. It is also important to point out that the Westminster Government has never considered fighting terrorism to be a policy objective of ID cards. However, they will not do any harm in that respect.

Iain Smith (North East Fife) (LD): Will the member give way?

Paul Martin: I cannot take any more interventions.

Let us deal with a number of the myths about ID cards. One such myth is that people will be required to carry their ID cards, which members of other parties have claimed on a number of occasions, but it is clear from the Identity Cards

Act 2006 that citizens will not be required to carry their ID cards. It is not helpful to peddle such misconceptions.

Another myth is that the ID card database will carry a wide range of information on card holders—Bill Aitken said that. However, the 2006 act is clear about what information will be held. My insurance company holds more information on me than will be held on the ID card database. The 2006 act provides no evidence that more information will be held by the Government on the database than my insurance company holds on me.

The Deputy Presiding Officer: You have one minute left.

Paul Martin: We cannot ignore the fact that 24 out of 27 member states of the European Union already have such a scheme in place. It would be crass of us not to learn from the European experience. Members often refer to what happens in other European countries, but no one has seen fit to do that in this morning's debate.

Robert Brown (Glasgow) (LD): Will the member give way?

Paul Martin: I am sorry, but I do not have time.

I remind Jeremy Purvis that it was a Labour amendment to the Police, Public Order and Criminal Justice (Scotland) Bill that allowed us to retain DNA samples from people who have been prosecuted for violent or sexual crimes. I hope that evaluation of the Police, Public Order and Criminal Justice (Scotland) Act 2006 will prove that that measure has been successful.

DNA retention also helps to prove the innocence of people who have been falsely convicted of crimes, as a number of highly publicised cases involving people who had been incarcerated for many years have demonstrated.

The Deputy Presiding Officer: You should be finishing now.

Paul Martin: Debates on such matters should take place in Westminster if they are to be constructive. I hope that, in the rest of the debate, our Liberal Democrat colleagues will do what they have not done so far and reveal their proposals for a scheme that is more effective than ID cards.

The Deputy Presiding Officer: We move to the open debate. Speakers will have an extremely strict four minutes.

10:52

Jamie Hepburn (Central Scotland) (SNP): Let me begin by praising Margaret Smith for lodging the motion that has facilitated today's debate,

which is on a subject that I consider to be of the utmost importance to our society.

The significance of civil liberties and broader concepts of human rights are all too often maligned and downplayed, but I can think of little that is of more importance to the human experience than the rights and freedoms that we all too often take for granted. We should not take those rights and freedoms for granted, because many of them were hard fought for and won by our forebears many years ago.

For that reason, I am proud to be the convener of the cross-party group in the Scottish Parliament on human rights and civil liberties. I am not sure whether that means that I must declare an interest, but I do so nonetheless. It is important that the cross-party group ensures that issues surrounding human rights and civil liberties are kept on the Parliament's agenda, because too many of our basic civil liberties are at risk.

I welcome the opportunity for the Parliament to discuss ID cards, the retention of DNA by the authorities and related matters. In that regard, I am in broad agreement with the Liberal Democrat motion. It would be useful for us to consider many of the human rights and civil liberties issues that are not mentioned in the motion, although I note that Margaret Smith referred to some of them in her speech. For example, the attempts by the Government in London to impose lengthy terms of detention on suspects without charge by the police are one of the great challenges to basic civil liberties in our time. I am concerned that the current 28-day period is already too long, so I was delighted when the Government was rebuffed in its outrageous attempt to lengthen that to 90 days.

However, attempts are again being made to extend the period of detention without charge. Such a measure will have limited effectiveness and I am concerned that it smacks of the policy of internment that was applied elsewhere in these islands in the past. That policy was counterproductive and failed to achieve its aims. We should learn the lessons of the past and be wary of curtailing one of the most fundamental civil liberties that our citizens enjoy—the right not to be put under lock and key without being charged with an offence. However, that is not what we are discussing today.

I am equally alarmed by the advent of the state-led database society that we are rapidly blundering towards. The idea that every citizen in the land might be legally required to carry some form of identity card in what is not a time of national extremity or emergency horrifies me.

Paul Martin: Will the member take an intervention?

Jamie Hepburn: No, thank you.

That is what the Government proposes, and that will be the effect of the Identity Cards Act 2006. Much like internment, however, I believe that the measure will be ineffectual. We are regularly told that ID cards are required to stem the great threat that we face from terrorism. I understand that society faces the problem of terrorism, but the notion that we can counter that threat by ensuring that every citizen carries a little card or a bit of paper with their name on it is patently absurd. Hardened terrorists will not be put off by an ID card scheme. They will circumvent it with ease, as they did in Spain when they let off the bombs in Madrid. Spain has an ID card system, but it offered no serious barrier to acts of terror.

Nor will an ID card scheme have a useful purpose in tackling identity fraud. However, it will further curtail individuals' liberty to go about their daily business without fear of interference from the state. There is a danger that a culture of fear and intimidation will establish itself at a time when distrust of the police and authorities is already building in certain communities. A national ID database will itself be a security risk, not least if the UK Government accidentally loses the computer disks on which it is held.

The Deputy Presiding Officer: You should be finishing now, Mr Hepburn.

Jamie Hepburn: The idea of a database of the DNA of those who have committed no crime is also anathema to me. The suggestion that the state should be allowed to hold information on the genetic make-up of people who have committed no crime and done no wrong is outrageous.

The Deputy Presiding Officer: You need to finish, Mr Hepburn.

Jamie Hepburn: I welcome the Liberal Democrats' motion and look forward to supporting it this evening.

The Deputy Presiding Officer: I remind members again that, if they run over their time, they prevent someone else from getting in. That is members' responsibility and not mine.

10:57

Iain Smith (North East Fife) (LD): In this short debate, it is not possible to cover every erosion of everyone's rights by the UK Labour Government. The Labour Party seems unable to comprehend the concept or importance of individual civil liberties or individual human rights. I say to Paul Martin that we cannot protect civil liberties for the many because civil liberties are not divisible. The erosion of one person's rights affects us all.

We cannot protect our rights and freedoms against the threats from the extremists who seek to undermine them by removing those rights and

freedoms. That is why we must oppose any extension of detention without charge. The current period of 28 days is already longer than that of any other democratic country. Even the Director of Public Prosecutions, the former Attorney General Lord Goldsmith, and the Government's Parliamentary Under-Secretary of State for Security and Counter-terrorism, Lord West, have questioned whether there is any evidence to justify an extension.

The Liberal Democrats oppose the blanket retention of DNA samples from those, including many children, who have never been charged with anything.

Alasdair Allan (Western Isles) (SNP): Will the member take an intervention?

Iain Smith: I am sorry, but I have limited time.

It is thanks to the Liberal Democrats in the previous Scottish Government that further erosions of our civil liberties, such as the blanket retention of DNA, were prevented.

This morning, I concentrate on the massive threat to our privacy and freedom of movement that is posed by the UK Government's ID cards scheme. ID cards will not deliver in relation to any of the reasons why the Government claims that they are needed. I say to Paul Martin that the Home Office's website claims that ID cards will help to counter terrorism. They will not prevent identity theft, fraud, or organised crime, and there is not a shred of evidence that they will prevent terrorism. The 9/11 bombers and the Madrid bombers were all travelling on legitimate identities, as the London bombers would have been.

We know from experience that it is predominantly young black and Asian males who will be subjected to ID checks. As Margaret Smith said, that is the case with DNA retention in England, where 40 per cent of black males and 13 per cent of Asian males are on the register compared with just 9 per cent of white males. ID cards will lead to discrimination and prejudice, which ultimately lead to disaffection and alienation.

ID cards are bad enough, but the national identity register is breathtaking in its scope and foolhardiness. Who would trust the UK Government to implement such a massive information technology project on time and on budget, and to create a system that can do its job? As Patrick Harvie's amendment reminds us, there are eight principles of data protection. The national identity register fails to meet those principles. Information must be processed for a limited purpose; it must be relevant and not excessive; and it must not be kept for longer than necessary. However, some information would be kept for a lifetime.

Information must also be secure. Let us look at the Government's record on security. Data disks fly round the country and go just about anywhere except where they are meant to be. Bank details of half the population have been lost. Details of vehicle registrations of people in Northern Ireland have been lost. We should consider the security issues.

Will ID cards prevent identity theft? Pull the other one. The Government's obsession with huge databases threatens the identities of millions of people. The best way to keep data secure is not to hold data in the first place. If we do not need information, we should not hold it. The Government intends to create another huge database that will contain identity information well beyond what could reasonably be needed. It will be linked to other Government agency databases, which will give hundreds of thousands of public sector workers access to sensitive identity information. That will put at risk the privacy of sensitive personal information on health, sexual history and financial and other records.

Unprecedented amounts of data are being collected and retained, which shatters our right to privacy. The unanswered question is why the Labour Government feels the need to have access to so much information about its citizens. What does it plan to do with it?

Identity cards will also threaten our freedom of travel. The e-Borders project will give the Government huge powers to track and restrict our travel. It is already destroying the common travel area between the United Kingdom and Ireland, the Channel Islands and the Isle of Man. The threat of terrorism is being used to justify increased restrictions on our freedom without any evidence that it is necessary or proportionate.

For far too long, the UK has been sleepwalking into becoming a surveillance society. I hope that, today, the Scottish Parliament will send a message to Whitehall that the Government's job is to protect and promote our civil liberties and individual rights, not to undermine them.

11:01

Helen Eadie (Dunfermline East) (Lab): I ask members to look at all the cards that I am holding up. How many of our constituents carry such cards in their pockets? They include loyalty cards, membership cards, bank cards and insurance cards. We all carry such cards, and all kinds of agencies hold information. It is a nonsense to suggest that ID cards will do anything other than protect us. Most members of the European Union have voluntary or compulsory identity cards. Apart from the United Kingdom, the only member states with no form of identity card scheme are Ireland,

Denmark, Latvia and Lithuania. It is important to take on board the wider perspective.

I am bemused by the Tories' position this morning. In 1994, they brought forward their own proposals for ID cards. Over the decades, it seems to be a case of, "Will they, won't they, will they, won't they, will they join the dance?" When Annabel Goldie took part in a debate on identity cards just a couple of years ago, she said:

"The Conservatives, in principle, support ID cards. I cannot make that any clearer."—[*Official Report*, 24 February 2005; c 14736.]

This morning, the opponents of ID cards set out many objections to the way in which our Labour Government will protect the people of this country. I refer those opponents to the many submissions that provided expert opinion to the Select Committee on Home Affairs, which undertook a massive consideration of the issue. In particular, I highlight the memorandum from the Information Commissioner, who said:

"There is no inherent reason why all proposals for an identity card would be unacceptable on data protection and human rights grounds. However, such a proposal could only ever be acceptable if it included the necessary safeguards at every stage of development to ensure data protection compliance."

Another striking memorandum that was submitted to the select committee during the legislative process at Westminster is the one from the Association of Chief Police Officers. I point out to the Tories, given their views on crime and trying to get a grip on it, that ACPO stated:

"ACPO believes that the introduction of a national ID card scheme could deliver considerable benefits. Many areas of policing would benefit, not least the ability of the police to better protect and serve the public. As with many of our partners we have never seen ID cards as a panacea—but we do believe they could be a key part of broader strategic solutions to a range of community safety issues."

In its submission, ACPO went into more detail on terrorism, organised and volume crime, identity fraud and police working practices. For Fergus Ewing's benefit, I will highlight one comment:

"Vehicle crime and illegal driving is endemic in the UK. Making the carrying of the driving licence compulsory would save £220 million per year and the equivalent of"—

wait for it—

"1,630 police officers. Speedier driver identification through the production of an ID card would assist with the fight against vehicle crime and better protect the public."

On stop and search and on-street identification ACPO was

"pleased to see that where non-arrestable offences are involved Section 25 of the Police and Criminal Evidence Act procedures will still apply."

It was also pleased about the implications for street bail, public disorder and bureaucracy.

ACPO went on at great length to say what the benefits of an ID card would be on those.

Let us consider illegal working and immigration abuse, which have been tremendous issues for people in the United Kingdom. Since January 2002, when an asylum application is made, the applicant is screened and his or her personal details are recorded. That is of real benefit. The Law Society, the Commission for Racial Equality, the British Medical Association and other agencies support ID cards.

11:06

Christina McKelvie (Central Scotland) (SNP): Listening to the previous speaker, I thought that the Labour Party should change the title of its policy from civil liberties to taking liberties.

I welcome the Liberal Democrats' conversion to the independence cause. It is clear from the motion that they have come a long way since February 2005, when they abstained on a Green motion opposing ID cards. Bizarrely, shortly before he and the other Lib Dems abstained, Jeremy Purvis accused the Conservatives of being indecisive. He said:

"The Conservatives are sitting on the fence. They originally supported the proposals and are now abstaining."—[*Official Report*, 24 February 2005; c 14719.]

Then the Lib Dems abstained—oh, the delicious irony!

In 2005, the Lib Dems' position before they abstained was to welcome the commitment that ID cards would not be needed for accessing devolved services, but today they are going much further: Margaret Smith wants to ensure that our fundamental liberties are not eroded. She will be delighted to know that the Cabinet Secretary for Justice opposed a blanket DNA database back in 2005, when the Lib Dems were busy abstaining. It is lovely to see them finally starting to follow where the SNP has been leading for years.

More than that, Margaret Smith's motion asks the SNP Government to pick a fight with Westminster over access to personal information that is held by the Scottish public sector. Not so long ago, the Opposition coalition said that we should never pick fights with London and now the Lib Dems are encouraging us to do so. They really should make up their minds one way or another.

Margaret Smith: Will the minister give way?

Christina McKelvie: I am sorry, but I am not a minister yet.

Margaret Smith: I would not be inclined to wait.

Christina McKelvie: I have a short time.

The Lib Dems can rest assured that we will pick the fights that we need to pick in order to stand up for Scotland. They can be certain that every SNP member will stand up for Scotland whenever that is needed and can sleep soundly at night safe in the knowledge that the SNP Government is working hard for Scotland and standing up for Scotland every day.

The SNP has been fighting Scotland's cause for a long time. We know what the terrain is like. We know what has to be done and we are prepared to do it. That is why we know that the way to stop Westminster and Whitehall accessing Scots' personal information is to repatriate the power to protect it, which is why I am delighted to note that Margaret Smith advocates the return of all powers to Scotland. That is a remarkable contribution to the national conversation, and I hope that the Lib Dems will give even more consideration to the undeniable case for Scottish independence.

The SNP and—to be fair—the Greens have been opposing the insanity of the ID card scheme since its inception. There can be few more telling arguments against giving the London establishment access to our personal information than the recent madness that was caused when the data of every family that is entitled to child benefit—that is, all of them—were downloaded on to a couple of CDs and sent through the post. An old Scots term jumps to mind—*eejits*.

It is abundantly clear that we cannot trust London with our personal data any more than we can trust it with looking after Scotland's interests. The current overhyped panic about terrorism is being used as a smokescreen for the introduction of a number of repressive measures that we would never countenance in other circumstances. The ID card nonsense is just one of them.

It is still possible to protect those liberties and save us from the creep of the state, but we must act concertedly. It is time to turn this Parliament into the kind of Parliament that can and will protect our liberties. It is, of course, time for independence.

11:09

James Kelly (Glasgow Rutherglen) (Lab): I would normally welcome the opportunity to take part in a debate in the Parliament, but this one is not the best use of the Parliament's time. There is no doubt about the technical competence of the motion, because it refers to devolved matters, but there is also no doubt in my mind that it has been drafted and contrived to attack the Labour Party.

David Steel once famously told the Liberal Party conference delegates to go back to their constituencies and prepare for government. My message to the Lib Dems is that they should go

back to their constituencies and ask their constituents what they want to be debated in the Scottish Parliament. If my postbag is anything to go by, people want to talk about how we can get a fair deal on the housing budget, why the SNP has broken its promises on policing and how we can get further funding into higher education.

Alasdair Allan: I note that the member does not credit his constituents with any interest in civil liberties. On the blanket retention of DNA samples, would his constituents be more or less inclined to participate in future mass DNA testing if they knew that their DNA samples would be kept for all time despite their innocence?

James Kelly: With all due respect, that intervention has bitten a good chunk out of my speech. The priorities for my constituents are health, housing and education. That is reflected in my postbag.

Only four Lib Dem members are present. That reflects the priority that the debate has for the Liberal Democrats.

There is a case for ID cards. There is no doubt that crime is a big issue in the Parliament and in communities throughout Scotland. The introduction of ID cards would improve detection rates, reduce crime and make our communities safer.

Margaret Smith: Will James Kelly give way?

James Kelly: I am sorry, but I am short on time.

ID cards would also help to combat the use of illegal workers to undercut the minimum wage. The National Minimum Wage Act 1998 is one of the landmark pieces of legislation passed in the past 10 years, but it has been undermined by unscrupulous employers who take on illegal workers and pay them under the rate of the minimum wage. The introduction of ID cards would compel employers to recruit workers legally and pay them the rate for the job.

There is no doubt that the recent spate of terror attacks adds to the case for ID cards. I was in London at the time of one of the terror attacks. It is all very well for members to smile, but it was really worrying to see the fear in people's faces as I moved around train stations, airports and workplaces. I acknowledge that introducing ID cards would not necessarily stop terror attacks, but it would definitely help the police when such chaos breaks out.

The debate could have been used for something more relevant to the Parliament, but it has given us an opportunity to consider some of the arguments for ID cards.

11:14

Bill Wilson (West of Scotland) (SNP): The UK Government insists that we must have ID cards to fight terrorism and that without ID cards our way of life is threatened. Yes—faced with the prospect of having to forge a UK ID card, a terrorist will immediately abandon his planned atrocity and look elsewhere. One might imagine that, as the terrorist forges an ID card, it will suddenly and without warning fall from his nerveless fingers as he realises the enormity of the terrible crime that he is about to commit: the forging of a UK ID card. It will not occur to terrorists to use their own identities—apart, perhaps, from the 80 per cent who do use their own identities. It is equally irrelevant that most terrorist attacks have occurred in countries that already have ID cards because the UK card will be unique among ID cards: it will be unforgeable.

Unlike the situation in Spain or in the United States of America, no individual who carries a UK ID card will be capable of a violent act. Furthermore, its existence will never be abused by the authorities. The word “never” is important—we must trust not just this Government, but all future Governments. Trust is needed, for the proposed ID cards are like no other card.

In Germany, data centralisation is forbidden for historical reasons, and when cards are replaced the records are not linked. Germany fully appreciates the danger of a government having too much power or knowledge. Similarly, Belgium specifically prevents data sharing—an approach that is the opposite to that of the Home Office. If we look for parallels to the UK scheme, we should not look to Europe, but to the countries of the Middle East. Indeed, the UK Government’s admiration for nations such as Saudi Arabia was highlighted by its recent red-carpet treatment of King Abdullah—a red carpet that was laid down as a gang-raped victim was sentenced to public flogging in Saudi Arabia.

To what degree can we trust such a dangerous and powerful tool as ID cards? If we want to know, we should look at the British Government’s record on human rights and civil liberties in other countries. It could be argued that immediately after it gained power, the UK Government showed its contempt for human rights by selling Hawk ground-attack aircraft to assist in the genocidal assaults in East Timor. It could be argued that the Government showed further contempt when it took part in sanctions that left over half a million children under the age of five dead, and which were described by senior United Nations officials as genocide. It could be argued that the UK Government shows contempt for human rights and civil liberties in continuing the policy of a previous

Labour Government—the ethnic cleansing of Diego Garcia.

There are, of course, instances closer to home as well. The evidence for rendition, and that the victims of rendition are tortured, is overwhelming. Those victims have passed through our airports on our soil—we have participated in the illegal seizure, detention and torture of defenceless victims. On those grounds alone, we have sufficient cause to reject the UK Government’s ID cards. No Government that participates in, or turns a blind eye to, such fundamental breaches of civil liberties is fit to govern—it is not fit to be trusted with the powerful resource of an ID card. When it comes to ID cards, the UK Government is not fit for purpose.

Before supporting the introduction of ID cards, we might do well to recall the words of Benjamin Franklin:

“Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.”

11:17

Patrick Harvie: It is easy to disagree with James Kelly’s speech. This has been a worthwhile and important debate. Margaret Smith, in speaking on ID cards, quite rightly focused more strongly on data than on the piece of plastic. That is one of the key arguments that is so often missed by those who take a different view. In relation to DNA retention, she disposed effectively of the idea that people who had done nothing wrong should have nothing to fear from having their DNA held. Bill Aitken told us that the world changed with 9/11 and the London bombings—I and my party reject much of the “war on terror” rhetoric, just as we reject the “tough on crime” rhetoric, as both are self-defeating. Although Bill Aitken and I might not agree on the whole agenda, I hope that we can agree with the quotation from Bill Wilson on liberty and security.

Bill Aitken also reminded us that Microsoft, of all companies, has warned us about the data security issues with the ID card system; that is from the company that brought us Windows Vista and Outlook Express—I will say no more. Fergus Ewing told us that Scotland is not—and never should be—a surveillance state. That was a welcome comment from the minister. He also gave commitments to examine issues of data protection in relation to the Government’s internal review. I hope that the scope of that review will not be limited to data protection alone, but will also address wider issues of privacy.

Paul Martin told us that we need a more secure way of identifying people. Who needs it? Individuals often need to identify themselves, but the UK identity card system is focused only on the

self-identified needs of the Government, not on individuals' right and need to control the data that are held about them. I am glad that he condemned the idea of requiring citizens to carry ID cards, but he also said that those who suggest that that will happen are being unhelpful. I remind him of the comments of the previous Prime Minister, Tony Blair, who said in the House of Commons in December 2004:

"it is legitimate and right, in this day and age, to ask people to carry identity cards".—[*Official Report, House of Commons*, 1 December 2004; Vol 428, c 625.]

Paul Martin: Will the member give way?

Patrick Harvie: I do not have time for an intervention.

I accept that carrying of cards is not in the bill, but it is in people's minds, and that is the problem.

Paul Martin said, finally, that we should learn from other European countries that have ID cards. I remind him that the most serious criticism of his party's ID system is about the database, not the piece of plastic. No other country has attempted a system of the nature of the national identity register. The public sector is, generally, a bit rubbish at procuring big and complex information technology systems. The ID card system is perhaps the biggest and most complex Government IT system ever attempted. It is a disaster waiting to happen, with an astonishing price tag attached.

I would have too much to say about Helen Eadie's contribution to fit it in to one minute, so I will just skip over some of the points. The one saving grace of the Labour Party members' various contributions today is that they did not use the refrain that was so often repeated by Labour members in the previous debate on ID cards, who told us time and again, "If you've got nothing to hide, you've got nothing to fear." I am glad that Labour has dropped that line, because it is destined to go down in history alongside other such unconvincing excuses as, "I was only obeying orders," or that other classic, "Sorry officer—I thought the money was being routed through an onshore company." The ID card excuses are equally unconvincing, and I am glad that we are hearing fewer of them today. I hope that the chamber agrees to the Liberal Democrat motion, and I commend the Green amendment to it.

11:21

John Lamont (Roxburgh and Berwickshire) (Con): In today's debate, we have heard about the UK Labour Government's attack on civil liberties, with national ID cards and the plans to extend DNA retention. Those schemes are not just a fruitless attempt by the UK Government to

propagate its political agenda—they are a direct infringement of the civil liberties of the British people. As we have heard from a number of members today, national identity cards are a waste of money and an invasion of privacy, and will not prevent terrorist attacks, identity fraud or human trafficking. Indeed, as we heard from Bill Aitken and others, a former Labour Home Secretary, Charles Clarke, admitted that ID cards would not have prevented the 2005 London bombings. As Jamie Hepburn pointed out, we need look only to Spain for further evidence of that—the Spanish Government requires national identity cards, but that did nothing to prevent the terrible bombings in Madrid in 2004.

The UK Labour Government and Mr Martin have yet to produce any evidence to support the introduction of ID cards. However, there is much evidence against their introduction, and we have heard those arguments from a number of members today. Not only will the national identity card scheme prove to be useless at tackling the problems that it is supposed to address, it will also be a reckless waste of money on the part of the Labour Government—I will dwell on that point. The scheme will require a £93 fee for a combined ID card and passport package. If your card is lost or stolen, or if you change your name when you get married, a £30 fee will be imposed for the new ID card that will have to be issued.

Jeremy Purvis: Will the member give way?

John Lamont: I am sorry—I am short of time.

Perhaps most shocking of all is the £1,000 fine if a relative dies and one forgets to return their national ID card to the registry. The entire scheme, as Margaret Smith pointed out, will cost up to £20 billion in total, which is confirmed by the London School of Economics. That is four times the estimate that has been put forward by the Labour Government.

If that is not enough to put us off such a daft idea, let us look at the agency that has been tasked with running the ID card scheme: IPS, the identity and passport service. In the past nine years, there have been four separate security breaches at that agency. All it takes is one such occurrence, and all our national identity data could be released into the wrong hands. Such a breach of the national registry of security would have massive consequences for the British people. The Conservatives believe that, instead of spending inordinate amounts of money on a scheme for which there is no evidence that it will be a success, the ID card scheme should be scrapped and the funding reallocated to bring about four different things: the creation of more prisons, more prison drug rehabilitation facilities, more police officers and better border controls. Using those funds to build more prison facilities will greatly

reduce the overcrowding in our current prisons and improve the drug rehabilitation services. The funds could be used to create new UK border police officers to prevent and detect illegal immigration, which ID cards are supposed to do. They could be used to put more police officers on the streets, which would create a stronger police force. As we have said many times before in Parliament, increasing local police forces in Scotland would act as a powerful deterrent and would help to reduce the fear of crime.

ID cards are a bad idea. They will do nothing to improve our citizens' safety. They are not the answer to the threat of terrorism or to tackling benefit fraud, illegal immigration, human trafficking or identity theft. They are a waste of money. I am pleased to confirm what Patrick Harvie said. When David Cameron leads the Conservatives back into government at Westminster, we will abolish ID cards.

11:25

Pauline McNeill (Glasgow Kelvin) (Lab): The Liberal Democrat motion states:

"That the Parliament believes that the fundamental liberties enjoyed by generations of our citizens must not be eroded".

It is difficult to disagree with that statement, but the question is whether those liberties have been eroded. Some people prefer to use the term "fundamental human rights", but whatever term is preferred, it cannot be denied that the landscape has changed in recent years. The introduction of the Human Rights Act 1998 has progressed human rights, the UK Equality and Human Rights Commission has been created, religious discrimination and age discrimination have been adopted into the definition of "equality", and Labour has taken a strong stance on important civil liberties issues such as workers' and parents' rights, the creation of civil partnerships and gender recognition. The Liberal Democrats have joined us in dealing with those issues.

Jeremy Purvis: Will the member give way?

Pauline McNeill: I am sorry. I would, but I have very little time.

It is arguable that the Liberal Democrat motion does not recognise that there have been improvements in some civil liberties areas.

The previous Executive stated that ID cards would not be needed to access devolved services. I support that sentiment. Helen Eadie was right that one of the starting points in such debates is that the amount of information that is held on us not only by the Government but by others, including private sector companies, is becoming frightening for many individuals.

The Liberal Democrats are concerned that ID cards are a "threat to civil liberties", but the national identity scheme will allow people to prove their identity more easily. It will be harder for their identity to be stolen or misused, because it will be protected by biometrics, and the scheme can prevent criminals from using false or multiple identities.

Iain Smith: Will the member take an intervention?

Pauline McNeill: I will not.

Are Iain Smith and others saying that the public are wrong? All the surveys have shown that, whatever we think, the public support an identity scheme. Are members of the other parties saying that their constituents are wrong? The scheme cannot be universally compulsory until a further act of Parliament is passed, so there is still debate to be had.

There is a global move to strengthen the security of identity documents using fingerprints and facial biometric technology. Countries around the world are already moving to strengthen the security of passports by adding fingerprints to them. The scheme builds on things that we are already investing in, such as immigration documents and passports, which will include a fingerprint chip. Indeed, the cost of biometric passports will be a substantial part of the costs of introducing ID cards. ID cards are an important issue to debate, and I would say much more about them, but time is short.

Jamie Hepburn may be chair of the cross-party group on human rights and civil liberties, but he should at least use correct information when he debates. Section 16 of the Identity Cards Act 2006 is clear. There will be no requirement to carry an ID card. That is the right position, which Labour members will argue for. It is clear that there is a challenge for the Government, particularly in the light of the issues relating to HM Revenue and Customs that Margaret Smith highlighted, but let us not forget that the Scottish Government had to come to the chamber and make an apology for missing records for which it was responsible. That is an issue for all Governments. The UK Government will have to address the issue of trust, and I am sure that it will do so as its position on ID cards progresses. However, the UK Government will make a decision, as the matter is mostly reserved.

Citizens have a fundamental right to feel safe, and members cannot simply stand on the sidelines and criticise. They should give us their solutions.

11:30

Fergus Ewing: The debate has been helpful and entertaining. At least all members share common aims. We want to ensure that data are secure and we have a common view on the importance of protecting civil liberties. We in Scotland can do things differently at the heart of services that are designed and delivered to protect people's privacy.

I particularly enjoyed the spirited speeches that have been made. Bill Wilson did a good demolition job on some fundamental ideas behind the notion that ID cards will combat terrorism. People always want to feel safe, but the idea that ID cards will deliver that safety is not proven.

I may be the first minister in this Government to mention the fictitious Jim Hacker in "Yes, Minister". If stories were to be written about him now, he might be undone by someone using his surname as an occupation. Data protection is inherently more difficult and challenging than it was before the age of electronic communication.

Professor Fraser's report on the DNA review is expected in 2008. It will be published and it will help to inform future policy development.

The Scottish Government's strategic board has set up a team, which is led by the justice and communities director general, to support and co-ordinate a data security review. If Patrick Harvie is concerned about whether that review will go far enough and he has specific suggestions to make, he should write to the Cabinet Secretary for Finance and Sustainable Growth—we would like to take his ideas into account. All bodies under Scottish central Government, including the national health service, have been asked to confirm their compliance with existing information security policies, to complete a detailed data-handling questionnaire and to offer any practical recommendations for improvements or better risk management. In addition, all Scottish Government staff have been reminded of the need to adhere to data protection rules. The review team is currently collating responses to the questionnaires and is due to report soon to the Cabinet Secretary for Finance and Sustainable Growth.

Members are keen to see greater independent data protection audits and greater accountability. We share their objectives, but we need to take a proportionate approach. Consultants do not come cheap—and how. We will consider carefully how to involve an independent element in reviewing data security, particularly in areas of greater risk.

I want to say a bit more about DNA because I did not have the opportunity to expand much on the issue in my opening remarks. We are not persuaded that it would be correct for the police to retain fingerprints and DNA samples from

everyone who is detained but not convicted or even prosecuted. Margaret Smith made a fairly strong case for that view. I hope that no one would argue that the DNA of every UK citizen should be retained on record, although the logic of those who argue that the police should retain fingerprints and DNA samples is that that should be the case. I think that Labour has retreated from that position, although I am not certain. However, we look forward to the report.

Iain Smith: I think that Mr Tom McNulty, who is a Labour Home Office minister, supported Lord Justice Sedley's calls to put the entire population on a DNA database. Therefore, the Labour Party has not rejected that idea.

Fergus Ewing: I had not intended to comment on the emerging differences between the former Scottish Executive partners. However, as the matter has been raised, it seems that there will be interesting times ahead in view of their diametrically opposed views on biometrics when the constitutional commission is set up to consider whether powers over ID data protection and powers that relate to DNA that are not entirely devolved should be devolved. We believe that all such powers should be devolved, but the Labour Party apparently does not. I am not sure what the Liberals' and the Conservatives' positions are, although I think Helen Eadie reminded members that the Tories' position has changed. They used to be in favour of ID cards, or were in favour of them in principle—I am not quite sure what their position was. I think that she mentioned that the Conservatives are now no longer prepared to dance—they are no longer prepared to do the tango together as they used to. All I can say is:

"There may be trouble ahead",

so,

"Let's face the music and dance".

In this debate, we are happy just to hold the jackets of the dancing partners—Labour, Liberal and Conservative—as they enter the new sunlit uplands of the commission and decide whether any, all or some of these matters should or should not be devolved.

11:35

Robert Brown (Glasgow) (LD): I am glad to sum up for the Liberal Democrats in this debate on civil liberties—an issue that is built in with the bricks for Liberals, but on which the course of events has brought many other people to agree with us. I was pleased with three quarters of the minister's response to the debate. It is unfortunate that he and Christina McKelvie tried to make a constitutional issue of it.

The Labour Party's position appears to show signs of schizophrenia. On one hand, James Kelly sees no merit in having a debate on the matter, believing that the £18 million that is to be spent on an ID card scheme could not be better spent in any other way. On the other hand, Pauline McNeill—who also made a valid point about the data that are held in private hands—welcomed the debate as an important one. I agree with Pauline McNeill rather than with James Kelly.

The line-up in the debate is different from the line-up for the previous one. That is not surprising, given that we face proposals to extend the time for which a person who is suspected of terrorism can be held. As Iain Smith rightly pointed out, some people want to hold everyone's DNA in a database—babes in arms or adults, charged and convicted or not—and the Labour Government wants to introduce a hugely expensive, unworkable and unnecessary scheme for compulsory ID cards. Given that Professor Alec Jeffreys, the inventor of DNA fingerprinting, has been hugely critical of the UK Government's position on ID cards, we should perhaps think again about some aspects of the scheme.

The word "unnecessary", which I have used in connection with ID cards, is the key to what is wrong with the UK Government's thinking. No substantial case has been made for any of the changes to be imposed on us by the Government that has brought us the Child Support Agency farce and various other Government IT calamities; that has defied the international rule of law to take us into a disastrous war in Iraq; and that has now lost the personal details of 25 million people in the child benefit disks scandal. Big Brother is not so much watching you as trashing your life. Perhaps most worrying of all, there has been a change in culture and in attitude towards basic liberties, encouraged by the UK Government, which has cheapened our national life and coarsened our instinctive responses to injustice and arbitrariness of power.

I wonder whether I am the only person who is concerned about the fact that Lockheed Martin, the American arms company, is likely to carry out the census in this country. I think that there are issues in that to be considered against the background of this debate.

The high-water point and, in many ways, the litmus test of civil rights is the ID cards proposal. The point was made by Helen Eadie, who is obviously a card groupie, that many of us carry bank cards, library cards and so on for our own purposes. That is perfectly true; however, those are voluntary, individual and not broadly linked together. It is a whole different ball game when the state holds and requires records on a unified basis on all our doings—our health records, our tax

records, where we go on holiday, our DNA records and our fingerprints.

When the Liberal Democrats were in government in Scotland, we made it clear that we did not want the ID cards scheme and that, if the UK Government insisted on introducing it, we did not want it to be linked to, or to be able to access, databases that would be held under the jurisdiction of the devolved Government or of devolved public agencies in Scotland. That remains the view that we ask Parliament to support today.

We have the advantage of much-changed public opinion. In 2003, when the Government first proposed the ID cards scheme, it was favoured by 78 per cent of people and opposed by only 15 per cent. Now, opinion is evenly divided—at least, it was prior to the lost disks problem. A 30 per cent swing in opinion sounds like one of the more spectacular Liberal Democrat by-election victories. It is certainly spectacular and significant.

I have some sympathy with the sentiments that Patrick Harvie expressed, and we have no particular objection to his amendment. He has a long record on these matters. We are all painfully aware that there are new threats to our society and our way of life, but we do not want to wake up one morning and discover that, in our urge to appear tough—to do something to fight criminals or terrorists—we have lost the ingredients that were special in our way of life: the freedom to go about our business unharassed by the authorities; the sanctity of our homes and private lives and the right to keep them private; and the rule of law that protects the innocent just as it punishes the guilty. We do not want, instead of those things, to have compulsory ID cards, a Government that wants to know everything about us, imprisonment without charge for the longest period in the western world, a growing tension with ethnic minority groups and young people, and an even more risk-averse culture.

Civil liberties are important to all parts of society. If my civil liberties are interfered with, it interferes with your civil liberties. That is why Parliament agreed to establish the Scottish Commission for Human Rights. The motion is highly apposite and I ask the Parliament to support it.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Eco-schools

1. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what action it is taking to promote and encourage the building of eco-schools. (S3O-1666)

The Minister for Schools and Skills (Maureen Watt): We have made it clear that building to higher standards of environmental performance is important across the board. We continue to work with local authorities to create sustainable schools, and we provide funding for renewable technologies and energy efficiency measures.

Cathy Peattie: The other week, I visited Wallacestone primary school, in my constituency. The children wanted to know why the Scottish Government is not considering some kind of rewards system to encourage the building of eco-schools and, more important, the work that is being done by teachers and pupils in promoting eco-schools and eco-systems. Will the minister consider that excellent suggestion from the children of Wallacestone primary school?

Maureen Watt: Like Cathy Peattie, I find visiting schools one of the best parts of my job. The eco-schools programme has been extremely successful in Scotland, more than 500 schools now having achieved green flag status. The enthusiasm with which the children in those schools embark on the eco-schools programme is an absolute delight. The programme is very much part of the curriculum for excellence in promoting sustainable development education.

The First Minister recently opened Windygoul primary school, which is a single-storey ecofriendly building that is designed to minimise energy use by using sustainable products—external breathing walls and so on. I will take on board what the member has said in relation to the building of schools. Local authorities and the schools themselves should be in line for rewards.

Nanette Milne (North East Scotland) (Con): I endorse what the minister says about eco-schools. I visited one in my constituency the other day, and I was very impressed. She will be aware of the positive steps that are being taken by the Woodland Trust to nurture an understanding of our woodland environment in our schools, as well as developments in the National Assembly for Wales

to promote tree planting in schools. Will the minister consider the possibility of such a scheme being developed in Scotland, in line with the projects that are currently being run to provide free hedge and copse to schools, so that every child in Scotland will have the opportunity to plant a tree early in their educational career?

Maureen Watt: Further to the debate on woodlands that we had earlier in the week, that is something that I would be prepared to take forward with the Minister for Environment.

Jackie Baillie (Dumbarton) (Lab): The First Minister promised to match, brick for brick, Labour's school-building programme, which included the building of eco-schools. Will the minister encourage her colleagues to call in the planning application for Dumbarton academy?

Maureen Watt: The SNP will match, brick for brick, the previous Executive's commitment to building schools. The point that the member makes about the school in her constituency is a matter for the local authority. We are constantly in touch with the local authority on that matter.

Central Heating Programme

2. Ken Macintosh (Eastwood) (Lab): To ask the Scottish Executive how it will ensure that pensioners do not wait for six months over the winter without central heating or hot water. (S3O-1656)

The Minister for Communities and Sport (Stewart Maxwell): The funding announcement of 21 November, in addition to the funding that was announced in August, will accelerate installations over the winter period so that those without heating and hot water do not have to wait for so long. That initiative will ensure that the impact of winter conditions is minimised as far as possible and it will ease the pressure on the programme next year.

Ken Macintosh: Does the minister agree that the success of the central heating programme in tackling fuel poverty has created new problems, as not only do some households not have central heating, but there is an increasing number of households whose heating has broken down? Does he recognise that, unlike households with no central heating, which might have immersion or portable heaters, there is a new problem with households that have no alternative to their broken-down heating systems, where people are boiling water in pans or kettles? Does he agree that that is unsustainable over the winter months? Is that situation the result of a capacity problem at Scottish Gas, or is it because of the criteria that are applied by the Scottish Executive? When the minister is reviewing the criteria, will he ensure that we do not lead pensioners, by default, into

deferring decisions about their heating when they should be making those decisions now—so that they do not have to wait with the false expectation that they will get a free programme from the Government?

Stewart Maxwell: I absolutely agree with the member that we have inherited a very difficult situation from the previous Executive. We have inherited long waiting lists and a programme that, unfortunately, is not delivering on the expectations that many pensioners across the country have.

The member said that the central heating programme is tackling fuel poverty in Scotland. I must point to information that was published on 11 December: it shows that, in 2005-06, 23 per cent of households were fuel poor. That is up from 18.5 per cent in 2004-05. There was a rise in fuel poverty, year on year, under the previous Executive.

I must also point out that, on 21 November, the Cabinet Secretary for Health and Wellbeing announced an additional £7 million, which will be targeted at those who have no heating and no hot water—that is a criterion for accessing the funding. It will bring forward installations for that particularly vulnerable group of people, but it will not delay others' installations.

We are tackling the problem as best we can. It is a very difficult situation: as the member is aware, the central heating programme was never intended as an emergency replacement system. However, we will do all that we can to ensure that the people who are in the most need get their systems as quickly as possible.

Roseanna Cunningham (Perth) (SNP): Like many members, I have recently visited the homes of individuals who have had central heating installed. Does the minister share the concern that I felt on a recent visit? Although installation was almost complete, Scottish Gas had written—on 13 November—to advise that installation would not proceed until February 2008. Does that not suggest a degree of confusion in Scottish Gas and render some of its figures unreliable?

Stewart Maxwell: I am very concerned by the instance that the member has come across, where an individual household was given erroneous information by Scottish Gas about the delivery time for its central heating system. I hope that that is not widespread, but I am more than happy to take the matter up with Scottish Gas. It is clearly important that those who are waiting for their central heating systems get accurate information. If erroneous information suggesting that people will have to wait much longer than is actually the case is being provided, that is clearly unacceptable.

Deaf Children (Early Years Framework)

3. Bashir Ahmad (Glasgow) (SNP): To ask the Scottish Executive what plans it has to introduce a co-ordinated early years framework for deaf children following diagnosis. (S3O-1590)

The Minister for Children and Early Years (Adam Ingram): We have already announced that we are developing a long-term early years strategy for publication in 2008. It will ensure that we deliver services to all children, including deaf children, in a co-ordinated, holistic way. For deaf children, the strategy will build on and complement the existing newborn hearing screening programme and the Education (Additional Support for Learning) (Scotland) Act 2004, which already aims to co-ordinate support for children who are diagnosed as having hearing impairments.

Bashir Ahmad: Although there is no detailed record, an estimated 45 black and minority ethnic deaf families live in my constituency. Furthermore, research indicates that Asian children are 3.5 times more likely to be deaf than non-Asian children. In addition to other obstacles, BME children and families face other cultural and language barriers. If English is not their first language, that can often restrict parents from accessing vital information from health and education professionals. Does the minister agree that language should not be a barrier to receiving appropriate treatment for Scottish BME deaf children? Will he sit down with me and with people who work in the BME deaf community to discuss the issue further?

Adam Ingram: I thank the member for his question. I certainly agree that we should be removing barriers to appropriate treatment for all children. The member might be aware that the Scottish Government has appointed a project officer to work with the National Deaf Children's Society and, specifically, to liaise with families of Asian children to identify what support they need. The outcome of the project will be known at the end of March 2008. I would be happy to meet the member to discuss his concerns.

Mary Mulligan (Linlithgow) (Lab): In any proposed framework or strategy, what measures will the Scottish Government put in place to support the parents of children who are identified as deaf or hearing impaired to play their role in adding to their children's development?

Adam Ingram: As the member will be aware, one of the major themes of our early years strategy, which we hope to bring to Parliament next year, is building the capacity of parents and families to deal with the problems within the family. The member should also be aware that we have undertaken a review of the universal newborn hearing screening programme, which has resulted

in a report that we are currently considering. We will bring that matter to the Parliament in due course.

Alasdair Allan (Western Isles) (SNP): Has the Government given any consideration to the use of new technology that might overcome the particular problems experienced by deaf people in remote and rural areas? There is often a lack of any meaningful access to British Sign Language interpreters.

Adam Ingram: I can certainly check what progress is being made in that area, which is part of the review that I have mentioned. Progress will be monitored by the audiology services advisory group. Alasdair Allan's question would be relevant to that group. I shall endeavour to feed information back to him.

National Planning Policy Guideline 11

4. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive when it will report back on the consultation on the replacement of planning guideline NPPG 11 on sport, physical recreation and open space. (S3O-1653)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): "Scottish Planning Policy 11: Open Space and Physical Activity" was issued by the Scottish Government on 15 November this year. It replaces national planning policy guideline 11. An analysis of consultation responses and a consultation report were published on the same date and are available on the Scottish Government website.

Mr McAveety: I declare my membership of Fields in Trust. Will the minister comment on the concerns that have been raised by a number of organisations about the failure to carry through the consultation process that addressed how we deal with national minimum standards for open space and recreation? Would he care to review the process of consultation, given that there is substantial concern about the lack of impact it had on the decision that was made?

Stewart Stevenson: During the consultation, a number of views were put forward. There was support for minimum standards, but significant concerns were raised about the inflexibility of imposing standards right across the country. Julie Procter, the chief officer of Greenspace Scotland, said of SPP 11:

"We are very happy with it because it gives greater strength to open space planning by requiring local authorities to have an open space audit and to build strategies into the development plans."

Our document, as proposed, entirely supports our principle of local decision making while ensuring

that green space will be available right across Scotland.

Economic Strategy

5. Robin Harper (Lothians) (Green): To ask the Scottish Executive whether it considers the Government economic strategy to be a strategy or a financial plan. (S3O-1612)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): "The Government Economic Strategy" sets out the framework for the delivery of the Government's overarching purpose of increasing sustainable economic growth.

Robin Harper: The cabinet secretary's answer is entirely consistent with that given by his colleague, Fiona Hyslop, on 21 November: that conducting an environmental assessment of the strategy would be too "difficult and time consuming". The Cabinet Secretary for Finance and Sustainable Growth should be familiar with the Environmental Assessment (Scotland) Act 2005, which exempts from environmental assessment only financial plans or programmes. It is clear that that exemption does not apply to "The Government Economic Strategy". Will he point me to the provision in the act that says that strategic environmental assessments of strategy documents are not required if they would be too time consuming or difficult to conduct?

John Swinney: The Government has taken the view that the economic strategy provides a framework for several subsequent decisions that the Government may or may not take, all of which will be subject to strategic environmental assessment as appropriate. The Government has judged that focusing environmental assessment on detailed and specific initiatives, policies and programmes would be more meaningful and manageable. That would give a more meaningful account of the individual environmental impact, rather than the more generic impact, which is therefore more difficult to quantify, of "The Government Economic Strategy".

Jamie Hepburn (Central Scotland) (SNP): The cabinet secretary may be aware of the Save the Children report "Robbing Peter to Pay Paul", which finds that families who are in poverty have limited access to affordable credit. Of those who are in poverty, 42 per cent report that they are seriously behind with paying bills or meeting credit commitments. "The Government Economic Strategy" seeks to raise the proportion of income that the poorest in our society earn. Will it also seek to ensure that the poorest and most vulnerable in our society can access affordable credit?

John Swinney: The Government is developing a series of initiatives as part of our determination to improve the life chances of many individuals in Scotland who are blighted by poverty. In a range of interventions that the Government is developing, we are determined to improve the life chances of people who are in poverty and to transform their financial circumstances. That lies at the core of the Government's purpose.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): "The Government Economic Strategy" mentions the Borders specifically. That is welcome, but what additional support will be provided to the local enterprise company and Scottish Borders Council?

John Swinney: Mr Purvis may be aware that I will set out the local government finance settlement this afternoon, which will provide some answers to his question that it would be premature to give now.

The Government is providing appropriate and adequate financial support to the enterprise network. I am sure that Mr Purvis will welcome the fact that in many of the communities that he represents—in small towns and villages—many small businesses will welcome the Government's ambitious programme to reduce the cost for business through our small business bonus scheme. I look forward to his support for such a measure in consideration of the Government's budget.

Sex Industry

6. Ian McKee (Lothians) (SNP): To ask the Scottish Government what plans it has to safeguard the health of workers in the sex industry. (S3O-1603)

The Minister for Public Health (Shona Robison): In June this year, the Scottish Government published guidance for local authorities and their community planning partners on developing local strategies to address street prostitution. The guidance emphasised the importance of meeting the health care needs of those who are involved in prostitution. The Scottish Government also provided one-off funding of £1 million to assist four city local authorities in developing their response to street prostitution.

Ian McKee: It is known that male and female sex workers are at a greater than average risk of violence and sexually transmitted disease. Recent attempts to curb prostitution and the nuisance that it causes might have increased that risk. Will the Government consider reconvening the expert group on prostitution or establishing a new body to recommend ways of reducing that risk?

Shona Robison: No reliable evidence suggests

that legislation that targets people who create the demand for prostitution increases the risk to those who are involved in prostitution or that prostitution tolerance zones mitigate that risk.

The Scottish Government's guidance on prostitution emphasises the importance of ensuring that those involved in prostitution feel able to report crimes that are committed against them and that they are treated with respect and sensitivity when they do so. The guidance recommends the use of a police liaison officer to build relations with those involved in street prostitution and to pass on information about known dangerous offenders. The Scottish Government has no current plans to reconvene the expert group on prostitution.

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-353)

The First Minister (Alex Salmond): Later today I will have meetings to take forward the Government's programme for Scotland, including on how to build a parliamentary alliance to defeat the unholy alliance between Labour and Tory that is trying to prevent the reintroduction of free education in Scotland.

Ms Alexander: Last week I raised the issue of support for families with disabled children. Essentially, the First Minister confirmed that, although families in England and Wales will benefit from a £340 million dedicated fund, the £34 million share for Scottish families will not be protected for that purpose. This week we all learned how readily the First Minister will meet those whom he believes to be important. Before Christmas, will he meet the representatives of Scotland's 50,000 families with disabled children and explain to them why they cannot have the same support, for which they have campaigned so long and hard, as families in England and Wales?

The First Minister: I will be delighted to meet such families. I will be able to point out to them that our concordat with the Convention of Scottish Local Authorities includes a commitment to progress to an extra 10,000 respite weeks per year. Wendy Alexander should start to read the documents a bit more carefully.

Ms Alexander: I have read the concordat very carefully, and the truth is that it makes no specific mention of support for disabled children. There is a very non-specific line on respite places, but it does not say that those are dedicated to children. The only outcome in which the 50,000 families to which I referred are interested is a guarantee that they will receive a package of support equal to that of their cousins in England and Wales. Those families do not have £1 billion to invest in Scotland, but the care that they provide would cost us billions of pounds to provide from the public purse. Unpaid carers save Scotland more than £7 billion. Do they not deserve the same hearing as Mr Trump's representatives? Why has no minister apparently met the families so far to discuss how the £34 million should be spent?

The First Minister: The Deputy First Minister met young carers in Ayrshire this Monday—Wendy Alexander should try to catch up and keep up with developments.

Wendy Alexander made a brief mention of the concordat. For the benefit of the chamber, I will read out the relevant section of the document, which refers on page 5 to

"Carers' support—progress towards delivering 10,000 extra respite weeks per annum at home and in care homes."

What could be clearer than that? When I meet disabled children's families, I will be delighted to point to the passage in the concordat that Wendy Alexander seems unable to understand.

Ms Alexander: Meeting young carers is not the same as meeting the families who campaigned for £34 million to be made available. I ask again: why has no minister apparently met those families to discuss how the money will be spent in Scotland? Let me make it easy for the First Minister. At next week's meeting of the Local Government and Communities Committee, Labour colleagues will move an amendment that will protect the £34 million and guarantee that that support goes to families with disabled children. Will the First Minister belatedly act and direct Scottish National Party members on the committee to support the amendment?

The First Minister: We know what Labour members get up to at committees: they combine with the Conservative party to stop free education in Scotland—[*Interruption.*] Wendy Alexander walked right into that one.

I said that I would meet the families and I will be delighted to do so. Wendy Alexander seemed unaware that the Deputy First Minister had met young carers in Ayrshire on Monday. All carers organisations are important to this Government and to local government in Scotland. That is why carers are identified in the concordat, and it is why the concordat gives local government in Scotland its best financial settlement for a generation, so that it can pursue care and help families, and so that we can go forward together in agreement.

Ms Alexander: I welcome the fact that the First Minister has finally agreed to meet those families, whom he has not met so far. That presents a chance to repair the damage with organisations such as Inclusion Scotland, because the families have campaigned for the money for years. Next week, there will be a chance to begin to repair the damage.

Day in, day out those families care for their children. I ask the First Minister again: will he support the call by the 50,000 Scottish families who look after disabled children for a dedicated fund, and will he work directly with them to ensure that Scotland's disabled children are not left out in the cold?

The First Minister: Wendy Alexander said quite rightly that the families have been campaigning for

years. What was she doing during the past eight years, when the families were campaigning?

I said in answer to her first question about meeting the families—three questions ago—that I would be delighted to meet them. When I meet them, I will point to the concordat with local government and the 10,000 extra weeks of respite care, and I will talk about how that partnership with local government will improve the lot not just of those families but of many other groups throughout Scotland. There is a new dimension and a new deal between central and local government in Scotland, which is supported across the range of Scottish society, but which Wendy Alexander chooses neither to read nor to understand.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Prime Minister. (S3F-354)

The First Minister (Alex Salmond): I expect to meet the Prime Minister at the next meeting of the British-Irish Council, in Dublin early next year.

Annabel Goldie: On Thursday 29 November, Aberdeenshire Council rejected the Trump application—a final decision in terms of the council's procedures. On Monday 3 December, the First Minister met the Trump team in Aberdeen. That same day, the Trump team made it clear to journalists that no appeal would be lodged and that there were only 30 days in which to save the development. On the following day, the Scottish Government called in the planning application—a decision that raised eyebrows in planning circles, because no appeal had been lodged.

Why, contrary to point (iii) of paragraph 6.11 of the Scottish ministerial code, did the First Minister meet only the developer during that critical period of four days? Why, in so doing, did he take action that, according to the code,

“might be seen as prejudicial to that process”?

The First Minister: On the member's second point, I had already met Sustainable Aberdeenshire, as well as Michael Forbes, the objecting farmer and Mrs Forbes, his mother—all excellent and friendly people.

As the constituency member for Gordon, I am excluded from any involvement in the determination of the proposed development. Indeed, it is exactly because I am so debarred that I am free to pursue the normal duties of a member of the Scottish Parliament in relation to a substantial constituency interest. The major exception to that role as a constituency MSP is that because I am First Minister I have been

advised to make no public comment on the development, in case it is interpreted as being in favour of or against the development. I have followed that to the letter since becoming First Minister.

Annabel Goldie: I remind members that the only party that the First Minister met after the rejection of the application was the developer.

I have noted the First Minister's emphasis on his attendance at the meeting as a constituency MSP. Presumably that is why the First Minister arrived at the constituency meeting in a Government car, accompanied by a Government special adviser.

The First Minister has failed to comply with the ministerial code. He has made inappropriate use of Scottish Government facilities, and he did not display the visible neutrality that is required of any Government minister when they are dealing with a planning matter. Astonishingly, as the First Minister, he was not even-handed, he was cack-handed. Either that is ignorance or arrogance, and ignorance is not a condition with which I associate the First Minister. [*Laughter.*]

The Presiding Officer (Alex Fergusson): Order.

Annabel Goldie: Was the meeting of 3 December ever denied and, if so, why? What individual issued the press statement that was eventually given to a local paper about that meeting, which the First Minister insists he attended as a constituency MSP? When, on 4 December, the Government's chief planner telephoned the chief executive of Aberdeenshire Council to advise that the application was being called in, was any other party present or participating in that telephone call?

How the First Minister has conducted himself in this matter is of material importance to the process, and those specific questions need specific answers.

The First Minister: The answers to the parliamentary questions that have been asked will also answer those specific questions.

Annabel Goldie's final point was about whether a third party was present during a telephone call between the chief planner and Aberdeenshire Council. I can tell her that I was not present and I was not part of the meeting or the telephone call, if that is what she wished to imply.

The permanent secretary has made it perfectly clear that the use of the Government car was entirely appropriate because I was in Aberdeen on Government business in any case. It is crystal clear that I attended the meeting as a constituency member of Parliament. The clue to that is in the fact that, apart from the two representatives of the

Trump Organization, who asked for the meeting—and I am duty bound to respond to that—

Members: No you are not.

The Presiding Officer: Order. Order.

The First Minister: I suggest that, as it applies to them, all members of this Parliament should look at section 3.15 of the code of conduct for members of the Scottish Parliament, which says that members should be accessible to their constituency's interests.

Present at that meeting were two representatives of the Trump Organization, myself, and Hannah Bardell, my constituency secretary. No other person was present. It is crystal clear that I pursued that meeting as a constituency member of Parliament, as I would expect every member of the Scottish Parliament to represent their constituency interests.

Now that she has heard that explanation, I hope that Annabel Goldie will accept it and leave it there.

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-355)

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

Nicol Stephen: Were any representatives of the Trump Organization in the chief planner's room when he telephoned Aberdeenshire Council about the Trump proposals last Tuesday, the very day on which the application was called in?

The First Minister: I was not there. It is not my responsibility.

As Nicol Stephen well knows, I am debarred from any decision-making in the planning process, so why on earth would I know the answer to that question? I was not in the room with the chief planner at the time.

Nicol Stephen should remember how a constituency member can pursue interests in the planning process. I have here a quote from the BBC Scotland news website of 21 February 2006, which says:

"Campaigners have said they are amazed over claims the deputy first minister did not have prior knowledge of the proposed Aberdeen bypass route."

Does Nicol Stephen not think that, as the former Deputy First Minister, he was bound by the same code of conduct that I followed to the letter as First Minister?

Nicol Stephen: Aberdeenshire Council will confirm that it had to ask for the Trump representatives to leave the chief planner's room during a phone call last Tuesday. This is a serious situation for the First Minister and his Government. Every step of the way, there has been contradiction, concealment and cleverness from his Government on the issue. It smells of sleaze. Will he now establish an independent inquiry to investigate what happened in those 48 hours last Monday and Tuesday, to find out why the developers were present with the chief planner on the very day that their application was called in and to examine what pressure the chief planner was put under by ministers to take the potentially prejudicial actions that now jeopardise the project? Does he understand that few people will now believe that his Government is a fair and proper body to decide the application in an open and transparent way?

The First Minister: My behaviour as First Minister in the matter has followed the rule book exactly. The only confusion and dislocation has come from the Liberal-led Aberdeenshire Council's procedures, which caused certain difficulty. The one thing that people both for and against the development are agreed on is that they find it somewhat surprising that, for such a major development, we could arrive at a position in which it looked like 46 members of Aberdeenshire Council would never get a substantive vote—for or against—on the development.

Nicol Stephen's role in the matter—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: Nicol Stephen's role in the matter cannot be explained as being helpful to the process no matter whether one's point of view is for or against the development. Is he really interested in good processes in planning in Scotland, or is he interested in forgetting his conflict of interests last year in the decision on the Aberdeen bypass?

The Presiding Officer: I have received a number of requests for supplementary questions. I will take one from Margo MacDonald.

Margo MacDonald (Lothians) (Ind): Is the First Minister aware of the dire situation as regards affordable housing in Edinburgh? Last week, 1,024 applications were lodged for one former council house. Next week, it is entirely possible that the city will be unable to meet its obligations under the homeless persons legislation for priority needs cases. Can he assure me that the new Government will do what the previous Government failed to do and urge the Treasury to create a level playing field for places where people voted to remain in council control rather than to transfer?

The First Minister: The answer to Margo MacDonald's question is yes. That level playing field is essential. The Government's decision on the right to buy is also important in allowing an even playing field for public sector provision by councils in Scotland. That councils have built virtually no houses in Scotland over the past few years is absolutely deplorable. If we are to reconcile the needs of the people with future housing policy, Margo MacDonald's suggestion should be taken up by all political parties and not just the Government.

The Presiding Officer: I will take a further supplementary from Roseanna Cunningham.

Roseanna Cunningham (Perth) (SNP): Does the First Minister agree that the Defence Aviation Repair Agency's rotary wing and components business at Almondbank in my constituency is profoundly important for the military helicopter fleet, as well as providing more than 300 highly specialised and much-needed local jobs? Is he as concerned as I am at the likely imminent announcement of the sale of the Almondbank facility to a small Canadian company, with all that that implies? Will he join me in supporting proposals that have been submitted by the joint trade unions that would ensure the long-term viability and success of the business within the public sector? Will he accept my invitation to visit DARA Almondbank just as soon as his diary permits?

The First Minister: I will be glad to arrange that meeting and that visit. I share the constituency member's concerns on the matter and I will be very happy to pursue it in that light.

Offshore Wind Projects

4. Joe FitzPatrick (Dundee West) (SNP): To ask the First Minister what discussions Scottish ministers have had with the United Kingdom Government concerning the development of offshore wind projects. (S3F-371)

The First Minister (Alex Salmond): The Scottish Government is pleased to be working with the UK Government on its strategic environmental assessment for offshore wind. The study will include Scotland's deep offshore waters and will be vital to unlocking our vast clean energy potential.

Joe FitzPatrick: Given that a significant proportion of the UK's potential offshore wind, wave and tidal capacity is in Scottish waters, what steps will the Government take to ensure that the discriminatory connection charge regime comes to an end, thereby enabling Scotland to benefit fully from our huge renewable energy resource?

The First Minister: The Government, acting with major companies that are involved in the

sector such as Scottish and Southern Energy, Scottish Power, Scottish Renewables—and, indeed, a number of local councils—has put together an unanswerable case for a level playing field in terms of access to grid connection in Scotland.

If we are to develop and access the enormous potential that Scotland has in its renewable resource, access to grid connection must be at a fair price. We cannot allow massive subsidies to be paid out for grid connection in some areas of England when the very areas that have the greatest potential for generating renewable energy—those in the north of Scotland—face penal charges. Even now, despite some moves and indications that things will improve, there is no security that the islands of Scotland will be able to mobilise their natural resources for the overall benefit of the country.

I hope that the case that we will present to the Office of Gas and Electricity Markets is instrumental in doing what the previous Administration did not do. I hope that it will rectify a situation that is probably the single greatest obstacle to realising the potential that Scotland has as the renewable powerhouse of Europe.

Marilyn Livingstone (Kirkcaldy) (Lab): Does the First Minister agree that Burntisland Fabrications in my constituency embodies the economic benefits that Scottish business can look to secure from a healthy offshore wind sector? The company played a key role in developing the Beatrice project and I am delighted at its recent success. Will he join me in congratulating the company on the contribution that it has made, and will make, to the sector? Will he ensure that it can access the necessary infrastructural support that it requires to expand? I ask the question in light of the Scottish Enterprise reorganisation.

The First Minister: The Government has provided support to help to build up the energy centre in Fife in terms of construction and fabrication. I visited the facility when the Beatrice demonstrators were being built and the sight was hugely impressive. Tremendous economic benefits are available in the sector; the potential is enormous. As I am sure the constituency member knows, Burntisland Fabrications has positioned itself not only as a key supplier for the Beatrice project but has been selected as the preferred bidder to supply 30 jacket substructures for the proposed Ormonde wind farm. I understand that the company is also heavily involved in looking to expand the Fife energy park.

Liam McArthur (Orkney) (LD): At a meeting of the cross-party group on renewable energy and energy efficiency last night, Neil Kermod of the European Marine Energy Centre made the point that offshore wind, wave and tidal energy

resources are rarely, if ever, to be found in the same place. What assessment has the Government made of where those sources of renewable energy will best be harnessed? Will the First Minister confirm that, in the decisions that are made on grid connection, one technology will not be played off against another? In his new-found friendly and constructive discussions with UK ministers, will he reinforce the need for improved access to the marine renewables development fund for those who seek to test and develop marine technologies in Scotland?

The First Minister: We intend to ensure that there is a competitive advantage for marine technology development in Scotland. On the question of access to the grid being determined on a fair basis, the process ensures the fair and just treatment of areas of Scotland that might otherwise be prevented from realising the enormous potential of their offshore resources; one technology is not played off against another. I assume that the member is referring to the different support levels, or banding requirements, that are involved. We have commented on the white paper proposals, and look forward to seeing the detail of the UK Government's energy bill, but the banding position is a matter for the UK Government.

John Scott (Ayr) (Con): The First Minister will be aware of the scientific advice to create closed areas to restore fish stocks. Does he agree that it would make sense to locate offshore wind farms where fish-stock regeneration is also a priority, always provided that that would be in the best interests of the breeding fish stocks?

The First Minister: There is a good argument for that, particularly if we look at how oilfield structures have, in turn, provided natural reefs that have helped the regeneration of fish stocks. I am sure that the member is aware that Scottish fishermen are probably the most advanced of any fishing community in Europe in suggesting a range of conservation measures, including the recent real-time closures, which give an excellent opportunity for the regeneration of our marine environment.

M74 Extension

5. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the First Minister whether the Scottish Government remains committed to completing the M74 extension. (S3F-375)

The First Minister (Alex Salmond): Yes.

Mr McAveety: I thank the First Minister for that overwhelming support for the project. Does he agree, given the recent publicity about major developments, some of which have already been discussed during question time, that the M74

extension is the most important infrastructure project for Scotland in the coming 10 years, not only because of economic growth, but because of the commitment to make the Commonwealth games the best ever, to use his words? Does he agree that the project is far too important to be left to sometimes behind-closed-doors negotiations with the Greens? Does he agree that he should maintain his commitment to the development by ensuring that the contract is signed within 90 days? Unlike other developments, the project is made in Scotland and will be constructed in Scotland for the benefit of Scotland. I hope that he gives his support to us in the east end of Glasgow.

The First Minister: I am not certain what that unjustified attack on the Green representatives was all about. The constituency member should bring some evidence if he wants to make such disgraceful slurs and innuendo about the performance of the Green party, for which I can see no reason. In all seriousness, I point out that the scheme is a hugely important infrastructure project, so it is probably better to deal with the substance of the issue.

Other construction projects in Scotland may be of at least as great significance and, arguably, of more significance, certainly in terms of cost. However, make no mistake: the completion of the M74 is a huge and important project. Final tenders were submitted on 9 November 2007, but no comment can be made until they are properly assessed, not only in terms of the Government's commitment to the project—which I have already given the member—but to ensure that the public purse gets value for money in the delivery of that vitally important infrastructure project.

Kenneth Gibson (Cunninghame North) (SNP): Every day, the Kingston bridge and the approaches to it are completely gridlocked, often for hours at a time. So many cars idling in traffic jams can have only a deleterious impact on the environment and the west of Scotland economy. Does the First Minister agree not only that completing the M74 is vital to the regeneration of the west of Scotland economy, but that it could have been expedited much sooner had the unholy trinity of Labour, Tory and Liberal members not voted to squander £490 million on an entirely superfluous Edinburgh tram scheme?

The First Minister: As I just told Frank McAveety to stay on the vitally important subject, I suppose that I should try to answer the question in a manner that the importance of the M74 completion deserves. I agree that the project is vital. It is being progressed by Government, as I said. Surely no one in the Parliament would suggest that value for money and proper consideration of tenders should be overlooked in

pursuit of completing a vitally important infrastructure project.

Ministerial Code (Complaints)

6. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the First Minister whether he will consider appointing an independent person to investigate complaints made under the Scottish ministerial code. (S3F-361)

The First Minister (Alex Salmond): In line with practice after each Scottish parliamentary election, we are currently reviewing the ministerial code. The review is considering a range of issues, including procedures for the handling of complaints under the code.

Mike Rumbles: The First Minister polices the code and acts as sole judge of complaints, even if one is made against himself. Does he not agree that we need an independent person, free of the Scottish Government and civil service, to investigate complaints and that that could be the Scottish Parliamentary Standards Commissioner? Does he not recognise that such a move is needed, not only to protect the standing of the office of First Minister, but to secure the confidence of the people of Scotland that we have a fair, open and transparent process?

The First Minister: The Parliamentary Standards Commissioner has indicated that he is not up for an extension of his role to cover those matters.

I have looked carefully at the issue and I have looked into the initiative that the Prime Minister took in July 2007, when he appointed an independent adviser on such matters. As far as I can detect, that independent adviser can investigate only if they are instructed to do so by the Prime Minister, and I am not certain that that pursues the argument for the independence that Mike Rumbles strives to achieve. Fundamentally, ministers and the First Minister are accountable to the Parliament—that is where our line of accountability lies, and we are delighted that that is the case.

At what point over the eight years of a Liberal-Labour Administration in Scotland did it occur to Mike Rumbles that the fundamental changes in the line of ministerial accountability that he suggests should be introduced? He would have a great deal more credibility if he had put his suggestion to any of my three predecessors.

The Presiding Officer: We started late, so I will take a very brief final question from Jackie Baillie.

Jackie Baillie (Dumbarton) (Lab): Given that the First Minister has acknowledged that he is responsible to the Parliament, will he listen if the

Parliament agrees to have independent oversight of the ministerial code?

The First Minister: I shall look at the Donald Dewar dictum on such matters, in which he explained the responsibilities of Government to Parliament. I thought that that was an excellent explanation and I suggest that Jackie Baillie should read it some time.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Rural Affairs and the Environment

The Presiding Officer (Alex Fergusson): Good afternoon. The first item of business this afternoon is themed questions on rural affairs and the environment.

Sites of Special Scientific Interest

1. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive how many sites of special scientific interest there are and how many similar sites are undesignated. (S3O-1586)

The Minister for Environment (Michael Russell): Mr Lochhead is of course in Brussels—as he is for much of the time at present—and I am therefore here representing his, as well as my, interests.

Information on existing sites of special scientific interest is provided on the Scottish Natural Heritage website. As at 30 November 2007, there were 1,456 such sites in Scotland. The SNH website also contains information on the process and criteria for considering whether sites should be designated as SSSIs. That is an on-going process.

Alex Johnstone: The minister will be aware that Menie Links, in respect of which an application for development has become controversial in a number of ways, is one example of a site of special scientific interest that has become threatened. Will he confirm that Scotland's rich diversity of habitats means that there are a large number of similar sites across Scotland and that, consequently, we can afford to take a reasonable, balanced view as to the priorities of the environment against economic development?

Michael Russell: I do not think that I should be drawn on the issue of Menie Links and the SSSI. It is well known that SNH is a statutory consultee in such processes.

I entirely agree with the member that Scotland has a rich, diverse network of sites of special scientific interest, which underpin the Natura 2000 sites, special protection areas and other similar sites. They are of local, national and international importance, and we continue to identify them, to celebrate them and to ensure that they contribute to our unique landscape and biodiversity.

Marine Science Scotland

2. Bill Wilson (West of Scotland) (SNP): To ask the Scottish Executive what plans it has to meet representatives of Marine Science Scotland. (S3O-1611)

The Minister for Environment (Michael Russell): We have received a request for a meeting, and we are considering our response.

Bill Wilson: Does the Scottish Government agree that if Scotland is to have a powerful and credible voice on fisheries policy, it should do all that it can to promote the breadth and quality of its scientific expertise in that area?

Michael Russell: I agree with Mr Wilson. The Government has invested in a new fisheries research vessel, costing £4 million, which will come into service at the end of this year. It will further increase the breadth and quality of fisheries research in Scotland.

We must maintain our high standing in fisheries science. The Fisheries Research Services marine laboratory in Aberdeen is a world-renowned institute. The quality of the science and of the scientists in Aberdeen is such that the laboratory is considered to be among the best research laboratories in the whole of Europe. Our scientists continue to play a major role in the development of international advice on fish stocks in the north Atlantic. The Scottish Government will continue to invest in the lab to ensure that its role and reputation remain of the highest order.

Organic Food

3. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what support it is providing for organic food production. (S3O-1657)

The Minister for Environment (Michael Russell): The Scottish Executive will support organic production under the Scottish rural development programme through land-based payments for farmers who wish to convert to organics or to maintain organic farming methods.

Michael McMahon: Is the minister concerned that the Food Standards Agency currently believes that scientific evidence does not support the view that organically produced food is more beneficial than other food? Can he assure Parliament that the Scottish Government will do more to support organic produce, given that the European Union-funded quality low-input food study showed that there were substantial benefits from organic produce?

Michael Russell: We believe that organic farming plays a valuable role in helping to protect and enhance the environment and contributes to Scotland's reputation for high-quality produce

grown in an environmentally friendly way. During the summer, I was a guest on a number of organic farms where I saw the very high-quality work that is being done. We recognise that there is a growing trend among consumers to seek out organic food. Organic food will definitely be part of our national food policy.

I should point out to the member that the Scottish rural development programme for 2007 to 2013 will continue to provide support for organic farming under the competitive scheme, the rural development contracts and rural priorities. It is expected that the programme will open for proposals early in the new year. The programme's resources for organic production have been increased.

The Presiding Officer: Question 4 has been withdrawn.

Slow Food

5. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive what support it is giving to the slow food movement. (S3O-1578)

The Minister for Environment (Michael Russell): I am grateful for the question because the Scottish Government is enthusiastic—if one can be enthusiastic in a slow way—about the slow food events that are being held. Indeed, the Scottish Government sponsored and was represented at a slow food event in Edinburgh last month, which Margo MacDonald will know about. We hope that the slow food movement, which started in Italy and has expanded, no doubt slowly, across the continent, will contribute to the forthcoming discussion on the national food policy for Scotland. The quality of the food in the national food policy will be influenced by the same type of ideas as lie behind the slow food movement.

Margo MacDonald: I thank the minister for the slow way that he spoke, because I really understood that.

There may not be much of an understanding of the Cittaslow network of towns among other members. Is the cabinet secretary—I am sorry, the stand-in for the cabinet secretary—aware that at the moment only one town in Scotland, Perth, has applied for Cittaslow status but that it is soon to be joined by Linlithgow? Is there anything that the Scottish Government can do both to help Linlithgow in its bid to join the movement and to publicise the fact that the movement exists?

Michael Russell: I hope that my presence here is not merely as a stand-in but as an enthusiast for slow food.

The member will be aware, and I am sure that other members will want to be aware, that the original slow food event involved three pig

processors who were flown over from Italy to Edinburgh last month. They brought a whole pig carcass and demonstrated how to make salami, sausages, pancetta and all sorts of other delicacies, making creative use of the whole pig. I know that Margo MacDonald would want to see more creative use made of whole pigs and other resources, so I can reassure her that we will encourage slow food wherever events take place. I am happy for us to have discussions with people in Linlithgow who are enthusiastic about such an approach to the good things that we have in Scotland.

Roseanna Cunningham (Perth) (SNP): Perth has been granted Cittaslow status—it was given the designation in March 2007. It is part of the job of any city that is given that status to help to publicise the whole movement. Will the minister therefore join me in looking forward to the event that will take place in Parliament in the spring, sponsored by Perth and Kinross Council among others, to help that publicity? I invite the minister to Perth to see the benefits of Cittaslow status. Indeed, I open that invitation to all other members, including you, Presiding Officer. The benefits of Cittaslow status become evident when you visit Perth.

Michael Russell: I am grateful for the invitation, which I would be happy to take up.

There is a serious point. In developing our food policy in Scotland, we should engage fully with the issues that lie behind the slow food movement. They include reconnecting people with food—particularly locally produced, seasonal food—and making people aware of the methods and environmental impact of production. Local food has different meanings to different people. The Scottish Government supports local food and, therefore, the ideas behind slow food and the movement itself.

John Scott (Ayr) (Con): The minister will be aware that the slow food movement communities and others were dismayed by the Government's announcement last week that the Scottish rural development programme has been put on hold. In light of the implications for the crucial less favoured areas, where much of the slow food is grown, will the minister give an assurance that the Government is prepared to make payments on an at-risk basis, if required?

The Presiding Officer: I am not sure that that was entirely within the context of the question, but I will leave it to the minister to decide how to respond.

Michael Russell: It was a creative approach to the question, but I recognise the member's concern and it is a serious point.

I do not accept that the Scottish rural development programme has been put on hold. Both the Cabinet Secretary for Rural Affairs and the Environment and I are very distressed that the further delay has taken place, and we have made it clear what we think of that—to the member and publicly. We are committed to ensuring that payments are made on time—considerable discussion is still going on. We are hopeful that that will be the case and I hope to be able to confirm that to the member shortly.

We recognise the issue and are extremely unhappy that there should be any delay. We do not believe that Scottish producers or farmers should suffer from that. Similarly, we do not believe that there should be any suffering in the woodland sector, where the delay might also affect planting. We will be able to give reassurances to Scottish farmers on our own behalf and via the member.

Loch Long Way

6. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive whether it will support the development of a new recreational route, the Loch Long way. (S30-1629)

The Minister for Environment (Michael Russell): The Government continues to support all initiatives that encourage recreation and enjoyment of the outdoors—indeed, we debated one of those yesterday in this chamber. It is a matter for the relevant authorities to determine what priority to give to funding for new projects in the light of their other commitments and responsibilities.

Jackie Baillie: The minister will of course be aware of the west highland way on the east side of Loch Lomond, but I am talking about a proposed new footpath to the west of Loch Lomond which, I am sure everyone agrees, is a truly wonderful new tourism opportunity.

I am grateful to the minister for accepting an invitation to meet those involved in the project but, in the interim, can he do anything to encourage Argyll and Bute Council to devote just a little resource to help the development of the project, which I believe would be of significant long-term benefit to the area?

Michael Russell: I look forward to speaking to a number of people who are involved in the project, following the arrangement that has been made by the member, and discussing the issue with them.

In an era in which we are encouraging local authorities to work with us in a new relationship, it would be wrong of me to tell any local authority what it should be doing with its resources. However, we encourage every responsible body in Scotland to assess constantly whether such

projects fit into their objectives. In the situation that we are discussing, not only Argyll and Bute Council is involved, but bodies such as the Loch Lomond and the Trossachs National Park Authority. We hope that all the relevant bodies will consider the plans and possibilities sympathetically, in line with other requirements and budgetary constraints that they might have.

Alasdair Morgan (South of Scotland) (SNP): The minister will know my enthusiasm for a potential all-Scotland coastal path. Does he agree that developments on the coast, such as the one that Jackie Baillie asked about, and other existing developments, would benefit substantially if they were marketed not only in their own right but as part of the embryonic future all-Scotland coastal path? Does he also agree that there needs to be some national co-ordination if such a scheme is to proceed?

Michael Russell: I am aware of the member's interest in this matter. Indeed, he was present last night at the launch of a reproduction of Roy's maps of Scotland, the great military maps of 200 years ago that demonstrate how diverse this country is and show that the best route from A to B is not always a direct line but, sometimes, around the coast.

Although I am enthusiastic about the idea of an all-Scotland coastal path, I think that it is going too far to call it an embryo plan—I think that conception has still to take place. We need to discuss at some length how that can be achieved. However, the Loch Long path would, of course, form part of it.

Freshwater Fisheries (Strategic Framework)

7. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Executive whether it is satisfied with the level of responses to its consultation on a strategic framework for freshwater fisheries. (S30-1602)

The Minister for Environment (Michael Russell): The Scottish Government is facilitating consultation on the strategic framework for Scottish freshwater fisheries on behalf of the members of the freshwater fisheries forum steering group. The consultation is on-going, and its closing date is 4 January 2008. Views have been sought from all interests throughout Scotland. In addition to publishing the consultation document, a number of public consultation events have been held around the country.

Michael Matheson: I draw to the minister's attention the concerns of those involved in angling in Scotland, particularly those who are not members of local angling clubs or national angling groups, that the views of such organisations on protection orders might not be shared by

independent anglers. The reason for that is that many angling clubs have protection orders on portions of water that they have the rights to. Can the minister assure me that the responses to the consultation that he receives from individual anglers will be given equal weight to those of the national and local angling clubs that make representations on the operation of protection orders?

Michael Russell: It has been a comprehensive consultation exercise. To maximise coverage, consultation events were organised at Hampden and in Ayr, Stirling, Peebles, Aberdeen and Dingwall. There was a press launch and there is material on the Government website. More than 1,000 printed copies of the consultation document were distributed to interested parties; member organisations of the freshwater fisheries forum also undertook to make it known to their members. Drop-in surgeries were held, and those surgeries were brought to people's attention so that they could take part.

The document contains proposals for a future management structure for Scottish freshwater fisheries. As the member said, access and protection issues are part of that process. We will treat seriously every response we receive from organisations and individuals. We are aware that some issues are contentious and arouse strong passions on both sides. I assure the member that, when we consider the responses, we will take a fair, balanced view that is based on the informed consent of those who take part in angling. Ultimately, it is they who will determine future policy.

NFU Scotland (Meetings)

8. Gavin Brown (Lothians) (Con): To ask the Scottish Executive when it last met representatives of NFU Scotland and what issues were discussed. (S3O-1587)

The Minister for Environment (Michael Russell): Both the Cabinet Secretary for Rural Affairs and the Environment and I meet NFU Scotland on a regular basis, as do our officials. At those meetings, we discuss a wide range of current issues that affect farmers in Scotland.

Gavin Brown: The minister will be aware of the deep-seated concern in the NFU and among farmers throughout Scotland about the impending regulations on nitrate vulnerable zones. Can the minister assure us that the implementation period for the regulations will be as lengthy as possible? Can he spell out exactly what aid he will make available to farmers to meet the costs of these particularly burdensome regulations?

Michael Russell: This is a serious matter, and I take seriously what the member has said.

Recently, the cabinet secretary met Jim McLaren, the president of NFU Scotland, to discuss the revision of the Scottish action programme for NVZs; I have had a similar conversation.

The 1991 nitrates directive is aimed at protecting the water environment across Europe. In 2002, 14 per cent of Scotland was designated as a nitrate vulnerable zone. There is scientific evidence that if slurry is spread on land in the autumn or early winter, a substantial proportion of it—often as much as 30 per cent—is leached to groundwater. If it is spread in spring, very little is leached. Current restrictions on spreading slurry are inadequate to prevent nitrates from getting into water bodies in the NVZs.

We recognise the problems that arise as a result of the new regulations. The Scottish Government intends to allow livestock farmers in the NVZs at least two years to comply, and to provide capital grants of 40 per cent for slurry storage. The Scottish Agricultural College estimates that the total cost of providing slurry storage for livestock farmers in the NVZs who need it will be about £20 million; the member will know that some already have enough storage. Even if the cost of the manure and slurry storage option is £20 million, the call on funding for that option will be £8 million. That is only a small proportion—0.5 per cent—of the £1.6 billion in the Scottish rural development plan.

Since we came into office, we have recognised the difficulty of implementing the regulations and have had detailed and lengthy discussions with the NFU and in Europe. The matter had to be resolved when we were putting the SRDP in place. Although I recognise the difficulties that each farmer who is affected by the regulations faces, the arrangements that I have described are the best possible deal that we could have achieved in the circumstances.

The Presiding Officer: Question 9 was not lodged.

Ship-to-ship Oil Transfers (Firth of Forth)

10. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what recent discussions it has had with the UK Government on proposed ship-to-ship oil transfers in the Firth of Forth. (S3O-1664)

The Minister for Environment (Michael Russell): The Scottish Government has been in continuing discussions with the UK Government on the matter. Most recently, the Cabinet Secretary for Rural Affairs and the Environment wrote to Ruth Kelly to express concerns about threats to the environment in the Forth that arise from the proposals and to make the case for her to use the powers that are available under the

Merchant Shipping Act 1995 to address the environmental hazards that are inevitably associated with such transfers.

John Park: I thank the minister for that useful update. He will be aware that Mark Lazarowicz MP has introduced the Environmental Protection (Transfers at Sea) Bill at Westminster. The bill, which is backed by the Royal Society for the Protection of Birds, is designed to give further protection to the marine environment. Does the minister agree that, given the particular Scottish perspective on the issue, it may be useful for his officials to consider the measures in the bill and to feed any relevant concerns and issues into the wider consultation process?

Michael Russell: I would be happy to accede to the member's request. The Scottish Government supports the aim of Mark Lazarowicz's bill in the UK Parliament. The Scottish Parliament has made its position on the proposals for the Firth of Forth absolutely clear and we have urged the UK Government to take action. Concerns are expressed well at Westminster and I ask Scottish members of Parliament of all political parties to vote in support of the bill. However, the solution lies in transferring the appropriate powers for control or regulation of ship-to-ship transfers from Westminster to Holyrood.

Tricia Marwick (Central Fife) (SNP): The minister supports Mark Lazarowicz's bill in principle, but does he agree that a far quicker route would be for the Westminster Government to bring forward the draft regulations on which it said it does not intend to consult before 2008? If the regulations were consulted on quickly, the Westminster Government could put the necessary legislation in place and we would not have to rely on a private member's bill.

Michael Russell: I made it clear in my first answer to Mr Park that we have made a strong case to Ruth Kelly that she should use the powers that are available under the Merchant Shipping Act 1995 to address the environmental hazards associated with transfers. The Scottish Parliament has spoken clearly about what it wants to happen and has taken the steps that it can take, which is entirely proper. I strongly believe that Westminster should have acted in the way that we requested. Like Ms Marwick, I am somewhat mystified that, so far, it has refused to do so.

Justice and Law Officers

Antisocial Driving (Residential Areas)

1. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Government what remedies are available to deal with persistent and noisy driving of vehicles in residential areas. (S30-1577)

The Minister for Community Safety (Fergus Ewing): I fully understand the concern in local communities about antisocial driving. A number of remedies are available, including the power to seize vehicles under antisocial behaviour legislation. In addition, police forces have powers to address excessive noise caused by defective or modified exhausts.

I am keen to ascertain what more might need to be done to address antisocial driving. That is why I have specifically included the matter in the review of how we tackle antisocial behaviour, which I announced recently.

Alasdair Morgan: I am glad that the minister appreciates the annoyance that people in many residential areas suffer as a result of the behaviour of boy racers—as I suppose we might call them—who often are not committing a statutory offence. Can the minister say whether the simple charge of breach of the peace might be appropriate in such cases? If so, will he encourage the police and procurators fiscal to make more use of that remedy?

Fergus Ewing: Mr Morgan touches on a difficulty that the police face in protecting communities from the driving of vehicles in a way that causes excessive noise. The issue has been the subject of discussions between Dumfries and Galloway Constabulary and the procurator fiscal, and I am aware that the fiscal recently met Mr Morgan.

We are specifically including the issue in the antisocial behaviour review because there might be a case for reforming the law, if the police think that it is not possible to bring a prosecution because of the technical difficulty of scientifically measuring the noise that vehicles make. I understand that local police and fiscals are carefully considering that and other points, including the suggestion that Mr Morgan rightly made. The use of the catch-all, common-law offence of breach of the peace must be a possibility when evidence exists.

Elaine Smith (Coatbridge and Chryston) (Lab): Does the minister agree that it is also antisocial and unacceptable that taxi drivers blast their horns in residential areas at all hours of the day and night? Can he advise on the remedies that are available to tackle the problem? Will the issue be included in the review that he mentioned?

Fergus Ewing: The same general provisions apply to the issue that Elaine Smith raises, which might well cause considerable inconvenience to many people, especially during the hours of darkness, when they are trying to get to sleep so that they can go to work the next day. That is precisely why I specifically directed that the antisocial behaviour review, which is under way,

should include the issue. I am delighted that the Convention of Scottish Local Authorities, the police and all other stakeholders are working with us towards that end.

Lewis Macdonald (Aberdeen Central) (Lab): Is the minister aware of the successful use of dispersal orders under the Antisocial Behaviour etc (Scotland) Act 2004 to deal with the antisocial behaviour of drivers on the Beach Boulevard in Aberdeen and, more recently, the use of antisocial behaviour orders in collaboration with the local authority? Will he commend that successful use of the legislation to police forces and local authorities elsewhere in Scotland?

Fergus Ewing: Lewis Macdonald makes an excellent point, for which I commend him and his positive approach to the matter. Dispersal orders have a role to play, as do the powers to seize vehicles in certain circumstances. I praise the pioneering work that was done initially in a pilot by Chief Constable John Vine in Tayside, which was recently rolled out throughout Scotland. Vehicle seizure is a successful and effective tool, but it can be applied only where there is a basis for an antisocial behaviour order, which requires an antisocial behaviour element to the offence, and a breach of the road traffic law. That is precisely why we are looking at the issue again. It might be that we need to do even more to protect communities from excessive noise and disturbance.

Procurators Fiscal (Industrial Action)

2. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive what steps it is taking to avert industrial action by procurators fiscal. (S3O-1635)

The Solicitor General for Scotland (Frank Mulholland): Senior management are continuing to work with the FDA, the trade union that represents the legal staff of the Crown Office and Procurator Fiscal Service, on the pay and grading review that it requested. Fiscals have a long tradition of public service, and I hope that industrial action can be averted.

Malcolm Chisholm: Does the Scottish Government agree that lawyers in the Crown Office and Procurator Fiscal Service are paid less than other lawyers at equivalent grade in the Scottish Government? Does it agree that management accepted that there is a shortfall and undertook to address it some time ago? Does it also agree that, as a result of the problem not yet being resolved, there is a problem with staff recruitment and retention in the service? What action has the Scottish Government taken to resolve that worrying dispute? Will it meet at the highest level union leaders to try to resolve the issue before industrial action begins?

The Solicitor General for Scotland: I will make a number of points. Law officers, the Crown Agent, senior management of the Crown Office and Procurator Fiscal Service and, I hope, the Parliament and the Scottish public recognise the contribution that Scotland's procurators fiscal make. Their job is demanding. I am very familiar with that, having been a procurator fiscal for more than 20 years. They play a crucial role in the criminal justice process and they have a long and distinguished history of public service.

That said, the service is funded by public money, and any pay deal must be based on proper consideration and evaluation of the issues. That is why, at the request of the unions, the Lord Advocate agreed to a pay and grading review for legal staff. That process involves an independent consultant and it has not yet been completed. Once it has been completed and the unions are involved in the process, it will be considered by the Crown Office and Procurator Fiscal Service staff, management and unions. The current pay deal runs until July 2008, and it is proper to wait until the pay and grading review has been completed to assess the conclusions and recommendations of the report, and then deal with the issues in light of it.

Until the pay and grading review has been completed, any industrial action would be premature. I earnestly hope that industrial action is not taken, and that the matter is resolved without it. Senior management continues to work with the trade unions on the pay and grading review.

Robert Brown (Glasgow) (LD): I am grateful for the Solicitor General's comments but, as a former procurator fiscal depute and former member of the FDA, I know that the ability of the Procurator Fiscal Service to operate in a competitive staff environment is vital. Does the Solicitor General agree that it is necessary to attract good-quality applicants to the Procurator Fiscal Service and to retain them if the justice system is to work adequately and to a high standard? Is the pay discrepancy with other public sector legal staff unhelpful? Will he take a personal interest in trying to resolve this serious dispute, albeit against the background of the observations that he has just made?

The Solicitor General for Scotland: I agree on the need to recruit high-quality legal staff to work in the Procurator Fiscal Service. I can inform the Parliament that the turnover of legal staff in the service remains low, at less than 4 per cent. Vacancies attract an average of 34 applications and much larger numbers apply for trainee posts.

The current pay and grading review is considering the issue of comparability with other lawyers in the public sector. I re-emphasise that the review—which is being carried out at the

request of the unions—has not yet been completed, so it would not be appropriate to deal with the matter until the review has been dealt with. To reiterate, senior managers are involved in dialogue with the trade unions.

Bill Aitken (Glasgow) (Con): The fact that the Solicitor General has come fairly late on the scene to this difficulty may inhibit his response, but is he aware that the matter has been outstanding for between five and six years? The difficulties should really have been resolved before now. Will he give an undertaking to the Parliament that everything possible will be done to expedite the outcome of the review and to take the appropriate action that the review decides is necessary?

The Solicitor General for Scotland: Bill Aitken makes reference to the 2002 Hay Group report, which identified several comparators for fiscals, such as Scottish Government lawyers and Crown Prosecution Service lawyers. However, the existence of a comparator does not necessarily mean that the pay scales in different organisations for staff who perform different jobs must be identical. No perfect comparator exists, although the pay and grading review is considering the issue and will take it into account. It would be inappropriate at this stage to second-guess the conclusions and recommendations of the pay and grading review, but I will say that the senior management—and, in due course, the law officers, when the matter is reported to us—will take due account of those and act accordingly, having regard to the information provided.

The Presiding Officer: I will allow a final supplementary on the question from Tom McCabe.

Tom McCabe (Hamilton South) (Lab): Like many other members, I have received representations from constituents who work in the service. I am encouraged by some of what the Solicitor General has said. It is important to stress that prosecution lawyers play a vital part in our prosecution system. If they are successful and valued in their work, they bolster confidence in the justice system. I fully realise that pay and grading systems have many anomalies, but can the Solicitor General assure us that he will do all that he can to address the issue? I understand that a pay and grading review is on-going but, to be fair, many such reviews have happened in the past without rectifying the anomaly.

The Solicitor General for Scotland: The pay and grading review was set up at the request of the unions to consider the matter. As part of its work, the review will look at comparators with other public sector lawyers. While re-emphasising that it is not appropriate at this stage to second-guess the recommendations and conclusions of the review, I will say that due account will be taken

of those both by the unions and by senior management in the Crown Office and Procurator Fiscal Service. Once the review has been carried out, the dialogue and negotiations will continue.

Corporate Manslaughter (Legislation)

3. Bill Kidd (Glasgow) (SNP): To ask the Scottish Government whether it has any plans to review the legislation on corporate manslaughter. (S3O-1600)

The Cabinet Secretary for Justice (Kenny MacAskill): Our immediate priority is to ensure the successful implementation of the Corporate Manslaughter and Corporate Homicide Act 2007, which was brought in by the UK Government and comes into force in April 2008. The act sends a robust message to organisations that failure to meet their duty of care to employees and the public will not be tolerated.

Bill Kidd: Can the cabinet secretary explain how the concerns of victims, families and trade unions over the apparent lack of individual responsibility have been and will be addressed?

Kenny MacAskill: We recognise that a majority on the expert group on corporate homicide considered that there should be a secondary offence for individual directors or senior managers whose actions or omissions significantly contribute to the new corporate killing offence. However, we also recognise that the 2007 act does not provide for such an offence. We will therefore monitor the act. Equally, it is fair to say that the opportunity remains for people who carry out such acts, or who fail to carry out such acts, to be prosecuted by way of a culpable homicide offence under common law or other statutory offences under the health and safety at work regulations.

Karen Gillon (Clydesdale) (Lab): Unfortunately, few prosecutions have been brought on the grounds that the cabinet secretary outlined. The forthcoming public inquiry into the Stockline disaster may provide an opportunity to test the efficacy of the provisions under the current legislation and highlight areas that require to be strengthened.

Given that the Government has undertaken to introduce a criminal justice bill in the autumn, will the cabinet secretary undertake to meet me and my colleague Patricia Ferguson to discuss whether there is scope to include in the bill further measures to enhance the situation in Scotland? That would ensure that our families and workforce are given greater protection than at present.

Kenny MacAskill: It would be inappropriate for me to speculate on the outcome of the Stockline inquiry. Clearly, as a Government, we are glad that we could progress the matter expeditiously. The Lord Advocate has commented at length on

the matters that are involved. Obviously, I am happy to meet members whenever I can, subject to diary commitments.

We are seeking to monitor how the 2007 act works out. I say to Ms Gillon that it was introduced by a Labour Government south of the border, with the support of the Labour Administration in Scotland—an Administration that was in power for eight years. If she is so desperate to meet members of this Government because matters appear to be so appallingly bad, questions have to be asked about why the last Labour-Liberal Democrat Administration failed to implement the measures in the first place.

Pleural Plaques (Planned Legislation)

4. Robert Brown (Glasgow) (LD): To ask the Scottish Executive what the timetable is for its planned legislation to reverse the House of Lords judgment of 17 October 2007 on pleural plaques. (S3O-1617)

The Cabinet Secretary for Justice (Kenny MacAskill): On 29 November 2007, we announced our decision to introduce a bill to reverse the House of Lords judgment of 17 October on pleural plaques. We also announced that the provisions of the bill would take effect from the date of the judgment.

The effects of asbestos are a terrible legacy of Scotland's industrial past, and we should not turn our backs on those who contributed to our nation's wealth. We have, therefore, acted quickly to reassure people who have been diagnosed with pleural plaques through being negligently exposed to asbestos that they will continue to be able to raise an action for damages. We are determined that the legislation should be thoroughly prepared and properly scrutinised. That will include consultation on a draft regulatory impact assessment. Subject to parliamentary timetabling, I expect to introduce the bill before the summer recess.

Robert Brown: I am grateful to the cabinet secretary for that detailed answer and the announcement on the new legislation. Clearly, there are implications for current actions that are in court. What is his guidance on that, including on any time bar that may have to be dealt with? As he said, the new provisions will take effect from the date of the judgment. Has he had discussions with UK Government ministers on the potential for similar legislation at Westminster? Obviously, as many Scottish claimants worked in England, their cause of action arises there.

Kenny MacAskill: We have been advised that the UK Government's position is that it is not prepared to legislate to address the anomaly that we believe the House of Lords judgment has

raised. Our position is simple: we seek to continue with the situation that has applied in Scotland for 20 years. Obviously, I cannot comment on the situation south of the border: that is a matter for the UK Government. If UK Government ministers wish to discuss the matter, we will be happy to do so. Clearly, as Mr Brown knows, our taking action is a virtue of devolution.

We intend that the bill should apply from 17 October 2007. We are aware of one case in Scotland that has been decided since the judgment. It is fair to say that the bill's provisions on retrospection are under careful consideration. We are talking about a complicated matter of law. I am unable to comment further, except to say that our legal advisers are looking at matters to ensure that we protect not only those who are involved in current and future cases, but those whose cases have been decided.

Antisocial Behaviour

5. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what its priorities are in tackling antisocial behaviour. (S3O-1650)

The Minister for Community Safety (Fergus Ewing): The Government is committed to tackling antisocial behaviour. We would like more emphasis to be placed on prevention and earlier intervention. In particular, we would like our young people to be provided with more positive opportunities that help to instil a sense of personal and collective responsibility.

Johann Lamont: Who could possibly disagree with that? Indeed, in my constituency, the local housing association, along with others, funded a significant play facility for young people for precisely the reason that the minister identified. However, does the minister agree that, along with prevention, he must reassure my constituents and others that enforcement action against antisocial behaviour will remain a priority, given, for example, that the play area that I mentioned has been trashed and young people now have no access to it? Will the minister outline how he plans to engage with local communities and say whom he has met and whom he plans to meet in his review of antisocial behaviour policy? Will the reports of the meetings be available for public consideration?

Fergus Ewing: I am pleased to provide Johann Lamont with the absolute assurance that we take very seriously the need to take appropriate and effective action on enforcement. On consultation, I recently addressed a conference of community safety partnership representatives in Edinburgh and a conference of community wardens in Dunblane. I am happy to meet members who have a particular point to make. However, I suggest to Johann Lamont that we all want to work together

to build consensus and to provide our young people—a very small minority of whom cause problems—with more choices and chances, so that we prevent them from undertaking criminal activity and lead them towards a more productive life, rather than simply hand out bits of paper called antisocial behaviour orders, which plainly do not get to the root cause of the problem.

Local Government Finance Settlement 2008 to 2011

The Presiding Officer (Alex Fergusson): The next item of business is a statement by John Swinney on the local government finance settlement for 2008 to 2011. The cabinet secretary will take questions at the end of his statement, but I stress that those are to be for clarification only, as a full debate will follow. There should be no interventions during the statement.

14:57

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Four weeks ago, I delivered the Government's first budget, in which I set out our spending plans for the next three years. I explained how the budget will enable us to deliver on our plans to make Scotland a more successful country. At that time, we also signed the historic concordat between the Scottish Government and the Convention of Scottish Local Authorities, which signalled a new and much more productive relationship with local government—one that recognises local authorities' unique role in the delivery of public services. The concordat represents a significant shift in the way in which national Government works with local government. Built on mutual respect, it creates the basis for national and local government to work together to develop an agenda of common purpose that will improve the lives and communities of the people of Scotland.

Last month, I announced that the Government is investing record sums in local government, with a package that is worth more than £34.7 billion in the next three years. Today, I will announce details of our spending plans within that overall total, to which some additional transfers to local government have been confirmed since my earlier announcement. The plans have been discussed with COSLA and demonstrate our commitment to work together with local government. I will also announce the non-domestic rate poundage in Scotland for the next year. Copies of summary tables that contain key information from the announcement are available at the back of the chamber.

I can announce that additional funding of £37 million in 2008-09, £34 million in 2009-10 and £34 million in 2010-11 has been added to the sums for local government that I announced previously. That relates mainly to additional specific grant funding, police loan charge support and funding from the Department for Work and Pensions for supported employment. Taking into account those changes, the overall local government settlement provides £11.2 billion in 2008-09, £11.6 billion in the subsequent year and £12 billion in the final

year of the spending review period. Those sums represent considerable increases in local government funding and mean that, by 2010-11, funding will have increased by £1.4 billion, or 12.9 per cent, from the equivalent amount in 2007-08. That has been achieved despite our receiving from the United Kingdom Treasury the tightest settlement since devolution.

Of course, in other budgets, there will be further additional funding for local government, which will be confirmed in due course, including the funding for the popular Edinburgh tram project and transfers from the enterprise budget in respect of the business gateway. It does not stop there. Local government will also benefit from European social fund and regional development fund receipts, which in 2008-09 will amount to almost £55 million.

Overall, therefore, the funding package is substantial, which demonstrates the commitment and importance that this Government attaches to sustaining and improving the public services that are provided for our local communities.

Let me turn to the detail. I will start by giving a breakdown of revenue funding, which makes up the majority of the local government settlement. It will amount to £10.2 billion in 2008-09, which represents a 4.2 per cent increase on the equivalent figure for 2007-08. It will increase by a further 4.3 per cent, to £10.6 billion, in 2009-10 and by another 3.7 per cent, to just over £11 billion, in 2010-11. Overall, revenue funding input is being increased by 12.7 per cent across the period, which is a significant increase in such a tight settlement.

That record level of investment in local government resources is only one part of the package that we agreed with COSLA in our concordat. The concordat also contains a commitment to reduce ring fencing, which will give local authorities much greater freedom to allocate their resources and will open up more opportunities for efficiencies. For the first time, we are giving local authorities the opportunity to retain all their efficiency savings to redeploy to front-line services.

To emphasise that we want to concentrate on what really impacts on individuals and communities, we are moving away from a focus on processes and inputs to one on outcomes. In other words, we are telling local authorities and their partners what the national priorities are on which we must all focus. We want local and national Government to concentrate the resources at our disposal in the most effective and efficient way that we can to deliver on those outcomes. That includes working together to support vulnerable people—an area in which local authorities have been key players for many years.

I will set out how the distribution has been calculated. First of all, in line with the concordat, detailed discussions have been held with COSLA about the distribution of the funding. In those discussions, both sides agreed that it was important to ensure stability. Although that does not rule out further work to refine and improve the distribution mechanism—for example, when more reliable or more appropriate data sources can be used—we agreed that, for spending allocations to local authorities, the existing methodology that underpins the allocations process should be maintained.

We have, of course, updated the distribution indicators to incorporate the latest information on population, deprivation, school numbers, police numbers and other indicators. In short, funding that was previously earmarked, through local government, for deprivation, victims of domestic violence, mental health, homelessness and supporting people, or for any of the previously ring-fenced grants that are now rolled up, such as for flooding, will still be allocated to the same councils in the same way and according to the same practice as before. I have the highest confidence that our local authority partners will continue to deliver strong support in those areas through the national outcomes.

Before I leave distribution issues, there is one further point that I wish to make. I have received representations from a number of quarters that the funding that is allocated to the City of Edinburgh Council does not take sufficient account of the impact on Edinburgh of its role as Scotland's capital city.

George Foulkes (Lothians) (Lab): Hear, hear.

John Swinney: I am glad that Lord Foulkes agrees with me.

I recognise that Edinburgh is increasingly a gateway to the rest of Scotland for visitors and businesses, and that the developments that are needed to sustain and grow Edinburgh will be of benefit well beyond the capital city. Although the distribution formula that we use in the local government settlement takes account of, for example, visitor numbers, travel-to-work flows and population change, I believe that there is a case for examining the funding implications that arise from that wider role. As a first step, I have agreed that a study that will inform that process will be undertaken jointly with the City of Edinburgh Council. I would like the study to be concluded in time for my settlement announcement for 2009-10.

We have retained another aspect of the distribution mechanism that is designed to ensure stability—the so-called floor mechanism. To provide a fair comparison with 2007-08 and to maintain stability, the floor adjustment has been

applied to the total core funding package, excluding all the new specific grant funding streams that have been incorporated into the settlement from 2008-09. The mechanism ensures that all councils receive at least a minimum increase in grant.

That, too, has been discussed and agreed with COSLA and is in keeping with our new partnership arrangements. Today, I confirm that we are setting the floor at 3.4 per cent for 2008-09, 3 per cent for 2009-10, and 2.5 per cent for 2010-11. The councils that will benefit directly from the measure are: in 2008-09, Eilean Siar, East Ayrshire, Inverclyde, Glasgow City, West Dunbartonshire and South Ayrshire; in 2009-10, Eilean Siar, Renfrewshire and the Shetland Islands; and in 2010-11, Eilean Siar, Renfrewshire, the City of Edinburgh, the Shetland Islands and East Dunbartonshire. That will guarantee that all councils receive at least a minimum year-on-year increase in grant support for core services in each of the next three years.

I gave the background to the revenue figures earlier. Included in the revenue funding is an element of loan charge support to help local authorities service their existing debt and provide support for more than £300 million of new borrowing in each of the next three years to help finance capital programmes. Investment in infrastructure is vital to growing the economy, which is why we have significantly increased the capital budget for local authorities. Some £3 billion will be invested in local authority capital during the period. We have front-loaded the investment so that local authorities get the main benefit in the first financial year, with £975 million in 2008-09. That represents a 13.3 per cent increase in the capital budget for local authorities. The equivalent figures for the remainder of the spending review period are £993 million and £994 million.

That substantial increase in capital funding gives local authorities the opportunity to increase their investment in assets that are central to the delivery of quality public services such as schools, housing, flood prevention and roads. In particular, the increase will help councils to plan for the investment that is required to deliver the reduction in class sizes in primaries 1 to 3. As with the revenue funding, a number of specific grants have been rolled up into a general capital grant block. Of the £975 million of capital funding that will be provided in 2008-09, only £278 million will be ring fenced for specific purposes. Local authorities will have the freedom to allocate the remaining funding according to their local priorities.

The significant level of capital funding shows our commitment to supporting a strong, planned programme of capital investment in infrastructure by local authorities and delivering on the

commitments that we have set out. In 2007-08, £2.7 billion of the funding that is given to local authorities is ring fenced. That means that we have more than 60 individual funding streams, each of which has to be accounted for individually. There are 60 sets of agreements with each local authority, 60 reports from each local authority and 60 sets of regulations by the Scottish Government. Those are all part of the micromanagement in which the Government has been involved in Scotland.

The Government wants to give local authorities the freedom, flexibility and respect to meet national and local priorities and to manage their own resources. That is why we are rolling up more than 40 grants that are worth more than £1.7 billion next year, and we will go further by 2010-11. Our approach involves a substantial reduction in the bureaucracy that is associated with all the reporting and monitoring that accompanied the former specific grants. Local authorities, working with their lead partners, will be able to plan their services in a more cohesive and integrated fashion instead of configuring services to meet the rules of ring fencing.

Although the change is significant, it should not be taken out of context. In 2007-08, some three quarters of the funding from central Government to local government is not ring fenced. Under the concordat, we are extending the element that is not ring fenced to about 90 per cent. A relatively small number of specific grants will remain ring fenced. The largest of those is the police grant, which in 2008-09 amounts to £600 million. I will add some further comments on that.

Funding for the police service in Scotland is contained in the overall local government settlement. About half the funding is provided directly to police authorities as police grant. That amount will remain ring fenced. The balance is provided to police authorities by local authorities. In the next few years, the police service will experience a relatively high level of retirements, which in turn will lead to higher pension costs. I give an assurance today not only that the police grant includes an uplift for police pay and inflation and for the completion of the levelling-up commitment that was begun in the previous spending review but that the cost of police pensions is included within the wider settlement.

The list of ring-fenced grants that will continue also includes the new fairer Scotland fund for improving lives through regenerating communities, which will be worth £145 million in the next financial year and is the result of rolling up seven smaller grants, including the former community regeneration fund. The allocation to councils of each retained specific grant for the next three

years is set out in the finance circular that is being sent to each local authority today.

The concordat and the budget document both include a commitment to move to a single outcome agreement for every council, based on the agreed national outcomes and indicators. Through the single outcome agreements, we will know whether there is delivery across council areas. We, together with local government, are committed to having agreements in place for every local authority, and I want them to be in place by 1 April 2008. We agree that we should seek to have similar agreements in place for all councils and their community planning partners by 1 April 2009 at the latest. Together, they will help to achieve our aim of making Scotland a more successful country.

The overarching purpose that we have set out for this Government is focusing public services on creating a more successful country with opportunities for all Scotland to flourish through increasing sustainable economic growth. Through our concordat with local government, we have, for the first time, aligned the focus of national and local government on shared national outcomes and national priorities—to focus what we want to achieve together for Scotland.

The Government's economic strategy and the budget last month show how we will deliver on that. Today's settlement creates the environment in which local authorities can make an even greater contribution to improving the lives of the people of Scotland. In the concordat and in the local government settlement, we have shown how we will back our commitments.

For example, in education, we will work to improve the learning experience for children and young people in schools and nurseries; to reduce class sizes to a maximum of 18 in primaries 1 to 3 as quickly as possible; to make substantial progress towards a 50 per cent increase in pre-school entitlement with access to a nursery teacher for every child; and to give more pupils opportunities to experience vocational learning. We have also signed up to extend entitlement to nutritious free school meals to all primary and secondary school pupils in families that are in receipt of maximum child or working tax credit and to provide allowances for kinship carers of looked-after children.

In community care, we have agreed to improve care homes, increase the current standard payment levels for free personal care and deliver an extra 10,000 respite care weeks per year at home and in care homes, along with additional resources for local care centres.

For justice, we are providing £54 million over three years to recruit an additional 500 police

officers by 2011 as part of our commitment to make an additional 1,000 police officers available in our communities through increased recruitment, retention and redeployment.

Another commitment in the concordat is that council tax rates in each local authority will be frozen at 2007-08 levels. We have made an additional £70 million available in the next financial year to cover the cost of a council tax freeze so that each council can keep its council tax at 2007-08 rates. On average, households in Scotland across all income and council tax bands will be better off with a council tax freeze.

The measure to freeze the council tax is, of course, the first step to reduce the burden of local taxation. That work will continue with our proposals to replace the council tax with a fairer local tax. While our proposals are being developed, the council tax freeze will give some respite to people who have seen their council tax bills grow by well above the rate of inflation over the past decade under the previous Administration.

We are also making things better for businesses in Scotland. Small businesses are the life-blood of our communities and we want to provide them with the competitive advantage that they need. The Government's economic strategy identifies lower business taxation for small and medium-sized businesses as one of a range of measures to create a more supportive business environment and increase sustainable economic growth in Scotland.

There has long been consensus that the current system is unfair on small business. Business rates account for a higher proportion of fixed costs for small companies than they do for larger businesses. That is why we are introducing the small business bonus scheme from 1 April 2008 to deliver a substantial reduction in the burden of business rates for the smallest businesses, which will benefit the most.

The new scheme, which will be administered by local authorities, will give firms the freedom and resources that they seek to grow and to invest in their future, creating more and better-paid jobs and increasing the vibrancy of our villages, towns and cities.

A fairer taxation system is vital if we are to attract and retain the best businesses to grow and thrive in Scotland and in our local communities. In our economic strategy, we gave a commitment to

“ensure that the business poundage rate in Scotland will not rise above the English rate during the lifetime of the Parliament”.

I can confirm today that the Scottish non-domestic rates poundage will be 45.8p for 2008-09—the same as in England. The modest poundage

supplement, which larger businesses pay on properties with a rateable value of more than £29,000, will be set at 0.4p, again in line with England. That means that Scottish firms, large and small, will not pay more in rates than comparable businesses south of the border, which is more than could be said under the previous Administration.

Finally, I will talk about another key player in delivering our public services—the third sector. The Government attaches the greatest importance to developing the role of that sector. That is why we are substantially increasing our own funding to the third sector to more than £93 million over the next three years. Of that, £30 million will be for our new Scottish investment fund, which is designed to make social enterprises more sustainable in the longer term and better placed to deliver quality public services. I encourage local authorities to foster a positive relationship with the third sector and to recognise the enormous contribution that the third sector can make to the delivery of our shared national outcomes.

I am delighted to be able to present the detail of the local government settlement to Parliament today, knowing that it is based on a new relationship and joint working with local authorities; that the Government is putting record levels of investment into local authorities; and that we have taken the right decision to open up resources for local government, which will create new and better opportunities for the people, the businesses and the communities of Scotland. That relationship opens a new era. Working in partnership with local government, we can make Scotland a much more successful country.

The Deputy Presiding Officer (Trish Godman): The cabinet secretary will now take questions for clarification only—as members are aware, there is a debate to follow—for which I intend to allow 20 minutes.

Andy Kerr (East Kilbride) (Lab): I thank the cabinet secretary for the advance copy of his statement. In the settlement only £175 million—or 0.5 per cent—is available for services. The rest of the uplift is to cover 2.7 per cent inflation and the cost of the council tax freeze. For clarification, are the parents of children with disabilities to assume that the £34 million consequential for them is to be found from within that £175 million?

The cabinet secretary stated:

“the cost of police pensions is included within the wider settlement.”

How much is the cost of police pensions, and how much, therefore—for clarification—will be left to fund the Government’s manifesto commitments and the commitments and priorities of local authorities throughout Scotland?

John Swinney: The settlement is the largest ever given to local authorities in their history. It represents a 4.9 per cent increase in the budget and funding for local authorities, which is—in a very tight settlement—an extremely good deal for local government and for public services. Of course, if Mr Kerr had his way, only a proportion of the resources that this Government is delivering would be allocated to local authorities.

I mentioned in my statement the importance of our commitment, which is enshrined in the concordat, to the delivery of additional respite care weeks for children in Scotland. I simply point out to Mr Kerr that the line about the £34 million figure has been advanced by the Labour Party for some time, and that I have looked with great care at what is offered by the rest of the United Kingdom. The rest of the United Kingdom is offering a package that is inferior to the objectives that we have set out in the settlement.

Mr Kerr must adjust to the fact that there is a new way of working in Scotland—he will possibly be the last person to adjust to it, as he has spent all his time trying to thwart the sensible and productive co-operation between the Government and local authorities of all political persuasions throughout the country that is leading to a refreshing way forward for local authorities.

I have given details on police pensions, respite care and various other matters, and I have spoken about local authorities’ ability to retain their efficiency savings. We should accept that the settlement is a very good deal for local authorities. I thought that Mr Kerr would have welcomed it in the spirit of grace that he brings to the chamber.

Derek Brownlee (South of Scotland) (Con): On Monday, the cabinet secretary said that even if every council in Scotland freezes its council tax, perhaps upwards of 40 per cent of pensioners in Scotland who are eligible for council tax benefit will not claim it. What will the Government do in collaboration with local government and the UK Government to ensure that people who are entitled to council tax help get it?

John Swinney: Mr Brownlee asks a fair question, as that issue has been a recurring—*[Interruption.]* I do not know what Labour members are muttering about. Guess who presided over council tax benefit take-up rate failures for eight years?

The Administration is determined to raise awareness of the matter that Mr Brownlee raises and to make it as easy as possible for individuals who are eligible to apply for council tax benefit to apply for and receive it. We will work with our local authority partners to raise awareness of the issue and to undertake activities that we can undertake to improve the unacceptable take-up rate of

council tax benefit by individuals who are entitled to claim it.

Tavish Scott (Shetland) (LD): I thank the cabinet secretary for the advance copy of his statement.

Will the cabinet secretary confirm that the council tax freeze is for one year only, as the president of COSLA has said? How will councils be able to take sensible decisions for the long term if they do not know how much of Mr Swinney's £70 million pot of money they will get on top of what is in today's announcement? What method will be used to distribute that money to councils? Will distribution be on a population basis, will it be based on existing grant-aided expenditure share or will it be based on whether the administration is an SNP administration? Can the cabinet secretary guarantee that no local social work service, primary school or home help will face cuts as a result of the settlement? Finally, now that he has abolished regional transport partnerships in all but name by removing their capital allocations, what will he do if a council fails to fund transport services adequately?

John Swinney: Perhaps we have found the second last person who will adjust to the new way of working in Scotland.

Local authorities make their council tax decisions annually. I have put adequate funding into the funding settlement to support a council tax freeze for the duration of the three years that the settlement covers. If members will bear with me, I will illustrate the distribution method for the £70 million to pay for the council tax freeze. If, for example, a local authority currently collects 4 per cent of total council tax revenue in Scotland, it will get 4 per cent of the £70 million. I clarified that matter to the Local Government and Communities Committee last week and to the Finance Committee on Monday. I understand that local authorities have broadly welcomed that distribution mechanism.

On the funding of public services, Mr Scott should be aware of the scale of the increase that has been delivered. There has been a 4.9 per cent increase in funding, local authorities can retain their efficiency savings, ring fencing has been relaxed and the Government is determined to change the excessive scrutinising of local authority affairs.

Mr Finnie was on the radio this morning. I listened to him with interest and must share with members the excellent thing that he said. He said that undertaking micromanagement is the road to ruin. We have learned the lesson that Mr Finnie was talking about on the radio. We are not going to micromanage local authority services; we are going to give local authorities the ability to

exercise flexibility in the design of their local services.

Mr Stevenson and I, along with our colleagues from COSLA, had an excellent discussion with regional transport partnerships on Tuesday. We discussed how regional transport partnerships can make a contribution to the wider delivery of transport priorities throughout Scotland. Mr Stevenson and I will consider the output of that meeting swiftly, to ensure that we can work effectively with regional transport partnerships.

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree that it is utterly iniquitous of Labour members to hint—as they have done in recent weeks—that the removal of ring fencing from Scottish councils' budgets in some way impacts adversely on vulnerable service users? Does he share my view that local authorities care deeply about the people in the communities that they represent and deliver services to—

The Deputy Presiding Officer: Mr Gibson, this is questions for clarification on the minister's statement. Will you be careful and get quickly to the clarification bit?

Kenneth Gibson: Does the cabinet secretary agree that to infer otherwise is to insult local government staff and councillors, who work for an improvement in people's lives, day in, day out, week in, week out?

John Swinney: Not for the first time, I agree with the points that Kenneth Gibson makes. He raises a serious issue. I have listened with interest to the different discussions that have taken place about the arrangements that the new Government is putting in place in its work with local authorities. Some of the criticism of the removal of ring fencing almost assumes that local authorities are just waiting for the opportunity to punish vulnerable people for being vulnerable. That is exactly what Labour members have been suggesting in countless committee meetings and in countless debates in the chamber.

I am putting in place arrangements that I think will lead to a sharing of priorities and work to deliver outcomes that will benefit the people of Scotland. That process is having a positive and constructive effect on the debate about public services. In considering the stances of the previous Government, I was interested to read an answer that Mr McCabe gave in 2003, as the Deputy Minister for Health and Community Care, to a question from Linda Fabiani. At that time, Linda Fabiani was very off-message, as she was demanding the ring fencing of funding for services. Mr McCabe said:

"Authorities have the flexibility to decide how to use the total resources available to meet local needs and priorities,

including respite care.”—[*Official Report, Written Answers*, 17 November 2003; S2W-3862.]

I very much agree with Mr McCabe.

Elaine Murray (Dumfries) (Lab): I ask for clarification from the cabinet secretary. He stated that funding that was previously earmarked through local government for such issues as domestic violence and supporting people will be allocated to councils in the same way. How will the voluntary sector agencies that provide support to vulnerable groups be able to monitor how those funds are being spent? Also, how will the specific grants that were allocated on the basis of bids, such as the strategic waste fund, be allocated in the future?

John Swinney: Those are two different questions. On the question of the strategic waste fund, we will allocate resources in discussion with local authorities on the design of services and infrastructure of that nature. On the question of funding for projects such as those that deal with domestic violence, many local authorities in many areas where their budgets are not ring fenced are already involved in partnerships with voluntary sector organisations in the provision of such services.

How resources are being used will be assessed through a combination of the focus on delivering the national outcomes and indicators that were included in the budget statement on 14 November; the single outcome agreements that will be negotiated with each local authority to structure the design of services and to ensure that commitments are in place; and the mechanisms that the Government has put in place—it rather surprised me that these were not part of the furniture of government previously—to have regular dialogue with local authorities to discuss progress in implementing the priorities in the concordat. The Cabinet Secretary for Education and Lifelong Learning and I had the first of our review meetings with the COSLA leadership team just yesterday. It was a very constructive discussion, in which everybody was focused on how to make Scotland a more successful country.

Liam McArthur (Orkney) (LD): Following his remarks to the Finance Committee on Monday, is the cabinet secretary going to give councils the power to set business rates locally, or is he planning a pilot scheme to allow councils to keep the growth in business rates income?

How does the SNP’s slash-and-burn attack on Highlands and Islands Enterprise square with assisting local councils in the north with economic development? Is the £50 million that is being cut from the HIE budget to be transferred to local councils? If so, on what basis?

John Swinney: When Mr McArthur attended the Finance Committee’s meeting on Monday, he will

have heard me say that a proposal that I am interested in examining further—I made it quite clear on Monday that this is not the Government’s position but is something that I am prepared to consider—is to give local authorities the power to reduce business rates from the national poundage that I have confirmed today. The objectives in giving local authorities such a power would be to incentivise growth in particular areas and to enable local authorities to retain some of the growth in revenue that is delivered as a consequence of any change. I have no specific proposals in that regard but, in response to questions from the Finance Committee, I felt it important to share my thinking on that point.

On support for businesses in the Highlands and Islands, I am pretty sure that businesses in Kirkwall, Stromness and other towns in Mr McArthur’s constituency will welcome the fact that, as a consequence of the Government’s decisions, they will not have to pay as much in business rates and can therefore invest more in their businesses.

Joe FitzPatrick (Dundee West) (SNP): I welcome the cabinet secretary’s confirmation that, in spite of all the scaremongering that we have heard from the Opposition, the rolled-up moneys have not disappeared from the settlement. I seek clarification on one of the areas in which moneys have been rolled up. I think that the cabinet secretary has been clear on the matter but, for the avoidance of doubt, can he confirm that the money that would have been available to Scotland’s cities had the cities growth fund remained ring fenced will continue to be available to Scotland’s cities? How will that money be allocated?

John Swinney: The resources are rolled up into the local government settlement, so the money that was there for the cities growth fund continues to be there. It has been distributed to local authorities on the same pattern as it was when it was ring fenced.

Mr Frank McAveety (Glasgow Shettleston) (Lab): For clarification, will the minister tell me what benefit a one-year council tax freeze will give to constituents such as mine in Glasgow Shettleston who already receive full council tax benefit and to the 20 per cent of Scottish households overall that receive full council tax benefit?

John Swinney: Clearly, if people are not paying the council tax, they are unlikely to get any additional benefit—they are not paying anything in the first place. It will be very welcome news and a relief to those pensioners in Mr McAveety’s constituency who are paying full council tax that they do not have to put up with another council tax increase, like those that his Government delivered on such a number of occasions over such a

number of years. [*Interruption.*] As Karen Whitefield and other members well know, the Labour Government presided over many council tax increases in Glasgow before the city council bucked the trend of that spendthrift administration, which put up council tax by 60 per cent in 10 years.

David McLetchie (Edinburgh Pentlands) (Con): The cabinet secretary chooses his words with care. In his statement, he referred to the Government's

"proposals to replace the council tax with a fairer local tax."

The observant will notice that the word "income" was missing. Just in case of any SNP U-turn by stealth, perhaps the finance secretary could confirm that it is still the SNP Government's intention to introduce a "local income tax" at a nationally determined rate, as is stated in the SNP manifesto.

John Swinney: If my memory serves me right, one of Mr McLetchie's heroines used the phrase:

"You turn if you want to".

I assure Mr McLetchie that the Government is determined to introduce to Parliament proposals to deliver a local income tax with a national rate, just as we promised in the election campaign. I look forward to the enthusiastic support of Mr McLetchie in easing that proposal through the parliamentary scrutiny process.

Brian Adam (Aberdeen North) (SNP): Will the cabinet secretary clarify exactly the impact of the business rate poundage, especially in relation to the supplement? What are the differences between Scotland now and the situation under previous Administrations? Can he tell us from his discussions with the representatives of small businesses how they feel about the small business rates scheme?

John Swinney: I confirm to Mr Adam that, for 16 of the 18 years of the Conservative Government, Scotland had higher business rates than in England. For each of the eight years of the Labour and Liberal Administration, we had higher business rates. Now, rather than punishing businesses as the previous Administration did, this progressive SNP Government has introduced business rates that will fall for small companies and a business rate poundage that is pegged to the same level as south of the border. I also confirm that the Government's small business proposals have been warmly welcomed by the representatives of the small business community to whom I have spoken.

James Kelly (Glasgow Rutherglen) (Lab): The cabinet secretary said that, because of the cut in ring fencing, there will be a substantial reduction in the bureaucracy associated with reporting and

monitoring. Will there be any central Government job losses as a result of reduced bureaucracy?

John Swinney: I confirmed to the Local Government and Communities Committee that it was likely that fewer people would be involved in bureaucracy by the end of this Government than at the start because more people would be involved in delivering front-line services. I think that that will be warmly welcomed around the chamber.

We want to ensure that as many of the resources that we have at our disposal as possible are focused on delivering quality front-line interventions, rather than undertaking a vast number of processes that result in a lot of meaningless bureaucracy that is gathered by the Scottish Government.

The Deputy Presiding Officer: That ends questions of clarification to the cabinet secretary.

Local Government Finance Settlement 2008 to 2011

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on the local government finance settlement from 2008 to 2011.

15:38

Andy Kerr (East Kilbride) (Lab): The settlement is a con—a concordat con that will lead to service cuts in communities throughout Scotland. Many members will not believe me, but let me give just one quotation from our national media:

“Council Tax Smokescreen Masks SNP’s Bonfire of the Pledges”.

That is exactly what we have here. Those are not my words—they are from a headline in *The Times* of 15 November, and there are many others like it.

The broken promise is becoming the hallmark of the Alex Salmond-led minority Administration. In its manifesto, the Scottish National Party promised an additional £2.2 billion for local government; in real terms, it has delivered less than £500 million. We will hear a lot today about the tight settlement, but let us be clear about that, too: it is double the budget that was available to Donald Dewar. It rises to more than £30 billion and it is more than 99 per cent of what Mr Swinney assumed in his manifesto.

For accuracy, the increase in resources that is provided in the block grant from Her Majesty’s Treasury is 1.7 per cent per annum over three years. Mr Swinney always says that it is 0.5 per cent, but the Scottish Parliament information centre says 1.7 per cent. I know who I believe.

I also want to put on record my disappointment and grave concern that the budget documents that have been made available to us contain a greatly reduced amount of information on key local services. In effect, an £11 billion budget has been reduced to just three lines. Such a change in approach should have been discussed and agreed with the Finance Committee prior to its introduction.

It is not only the Scottish National Party’s manifesto that is in tatters. As we have seen in the committees throughout this Parliament, its budget is also falling apart under the scrutiny that has been brought to bear on it in Parliament and beyond.

As we all know—and the people of Scotland know—the SNP made an explicit pledge to the Scottish people during the election campaign that it would increase police numbers by an “additional”

1,000. For “additional”, now read “equivalent” and for “1,000”, now read “500”—a clear broken promise.

The First Minister promised to reduce class sizes in primaries 1, 2 and 3 to a maximum of 18 by 2011, but no new money has been provided in the settlement for local government to meet that pledge. When asked in this very chamber whether every local authority will be required to show year-on-year progress towards that target, Alex Salmond said, in his usual arrogant but ill-informed manner:

“Yes. It is item 4 in the agreement with COSLA, which states:

‘Local government will be expected to show year on year progress toward delivery of the class size reduction policy.’—[*Official Report*, 15 November 2007; c 3465.]

That statement led us all to believe that the pledge will be met and that local government will be expected to show year-on-year progress.

Even yesterday, the Deputy First Minister said:

“We intend to deliver all our manifesto commitments over the Parliament’s four-year session.”—[*Official Report*, 12 December 2007; c 4296.]

However, the Convention of Scottish Local Authorities says that that target will not be delivered in this session; in fact, it completely disagrees with the Government’s position. At last week’s meeting of the Education, Lifelong Learning and Culture Committee, the SNP councillor Isabel Hutton from COSLA said:

“we did not sign up to deliver the commitments in the concordat in this session of the Parliament.”

In relation to class sizes in particular, she said:

“the concordat did not say that there would be a reduction in class sizes within the current session of Parliament. COSLA did not sign up to that.”

That is another clear broken promise by a Government that is shaping up to blame local government for its failures.

On nursery provision, the SNP promised to increase the number of hours by 50 per cent. However, the budget and the concordat indicate that that pledge will not be met, as insufficient money is being made available—again, a clear broken promise. Moreover, COSLA told Parliament that

“no specific amounts of money were assigned to any commitment in the concordat.”—[*Official Report, Education, Lifelong Learning and Culture Committee*, 5 December 2007; c 415, 416, 421]

Of course, as we know, the list of broken promises goes on: from sports facilities to kinship care and additional support needs for children, we see big promises broken and people being let down.

It is shameful that families with disabled children are victims of the concordat con. In the

comprehensive spending review, the Treasury allocated £340 million for disabled children in England and Wales. That money was to empower children and their families, improve access to childcare for families with disabled children and deliver a significant increase in the provision of short breaks for severely disabled children. Labour backed the every disabled child matters campaign for the corresponding £34 million consequential money to be spent in Scotland. However, SNP minister Adam Ingram has said that it is a matter for Scottish ministers to determine how the money should be spent, so there is no commitment that the £34 million that parents and families have fought for will reach them.

Today, at First Minister's question time, Alex Salmond said that the money was contained in the funding of the concordat that has been agreed with COSLA. As the First Minister well knows, there is no specific indicator in the concordat relating to children with disabilities and neither is it one of the outcomes of the concordat. Therefore, it is not a stated priority.

David McLetchie (Edinburgh Pentlands) (Con): The member's complaint is about the spending of Barnett consequentials in respect of funding for disabled children. My understanding of the Labour manifesto was that all the consequentials were to be spent on education. If that was to be the case, how could Labour have also spent the money on disabled children?

Andy Kerr: Quite simply, we would have used our budgets to ensure that we did not have the projects and the manifesto commitments that the SNP have brought to us, which are clearly ill thought through, ill defined and ill costed. We would have spent that money more wisely.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): It is important that Mr Kerr clarify his answer to Mr McLetchie. When he launched Labour's election manifesto, Jack McConnell said that every penny of consequentials above inflation would be spent on education. If that is the case, how could what Mr Kerr is talking about have been delivered by Labour if it had been re-elected?

Andy Kerr: First, in terms of the approach that Labour was taking to Scottish society, we intended to work through our nurseries, primary schools and secondary schools, to invest the money in education and ensure that those institutions used their money more wisely—money that the SNP is throwing about in a disorderly fashion.

I seek to make progress on holding the Government to account for its broken pledge to people in Scotland. When the First Minister was asked where the £34 million is, he said that it is with local government, under the concordat.

However, when, following his statement, the Cabinet Secretary for Finance and Sustainable Growth was asked the same question, he refused to answer it. I suspect that the answer is that the money has been taken away from families with disabled children and put into the local government budget.

Is it possible for local government to deliver the £34 million if there is growth of only £175 million? Both the cabinet secretary and I know that the rest of the money is taken up by the council tax freeze and inflation. Will the Scottish Government write to all local authorities to insist that funding for families with disabled children be prioritised? How does that compare with other priorities in communities? Families who have fought for that money have seen it taken away from them by the Government, which is abdicating its responsibility to disabled children and letting down thousands of Scottish families who fought hard for the money that has been made available. That is the concordat con at its worst.

At every question time, we hear ministers say, "Don't worry, the concordat will take care of it. It's all in the concordat," but we know fine well from the funding arrangements and the budget that the money is not available to local government. The jointly signed concordat is intended to represent a commitment to local democracy, but that is an unduly rosy assessment. When the concordat is stripped down to its financial essentials, the revised framework increases local government's financial dependence on central Government, as it increases the proportion of expenditure that is funded by grant. The concordat asserts that the settlement halts the fall in local government's share of the Scottish budget, but closer inspection shows that £210 million-worth of the growth in funding is simply to support the council tax freeze which, as others have mentioned, means that people in more expensive homes will pay less and those who are less well off will pay more.

As Pat Watters said at last week's meeting of the Finance Committee,

"neither the cabinet secretary, the First Minister nor COSLA can freeze council tax".—[*Official Report, Finance Committee*, 4 December 2007; c 180.]

After looking at the matter more closely, Professor David Bell said:

"it is largely more affluent individuals that gain most in money terms from a council tax freeze ... Those in household income deciles 1 and 2 (the poorest 20% of households) do not gain at all from a council tax freeze."

In other words, the freeze as it is currently proposed is regressive. Only Mr Swinney could have come up with that plan, which punishes those in society who are least well off. He has done that again in the announcement of the distribution mechanism for the £70 million that has

been made available, which will disbenefit and punish most harshly the local authorities that have the highest levels of poverty and non-collection. Contrast that with our pledge to remove water charges from our pensioners, which would have had an immediate benefit.

Let us not forget that the average saving across Scotland will be £71—less than the cost of one night's drinks for the First Minister and a lot less than the cost of a hairdo for Ms Sturgeon. Mr Souter will be proud of how they have spent his money. More important—the cabinet secretary did not take the opportunity to clarify this point—is that the amount that will be available for crucial and valued local services up and down Scotland is only £175 million, a real-terms increase of only 0.5 per cent per annum, which is much less than the 1.8 per cent increase in the Scottish budget as a whole. That leaves our local authorities little scope to deal with the pressures that they face and to address local community needs. The hidden danger in the concordat and in the settlement is that local government will become responsible for the Government's failure to keep its promises, regardless of whether local government likes that or agreed to it. All ministers—not just the First Minister—are already using the concordat as a shield.

Even the much-heralded removal of ring fencing is being undone by one signatory to the concordat, Fiona Hyslop, who made it clear that there is a pot of £150 million for capital projects and urged education leaders to get "first dibs", as she put it, on that funding. Stewart Maxwell said:

"If we find a local authority who decide to use the money for something else entirely, we can always re-introduce the ring-fencing."

In agreeing to recommend a council tax freeze, COSLA has given up arguably its most powerful mechanism for delivering for local communities. [*Interruption.*]

The Deputy Presiding Officer: The minister may not intervene from a sedentary position.

Andy Kerr: He needs to calm down, as they say.

From the evidence that was given to committees last week and this week, it has become clear that the concordat has no real substance. It is for councils to decide to what extent they can make progress on meeting the commitments in the Scottish National Party manifesto. That is not acceptable. The SNP has failed to demonstrate the financial competence that is necessary if Scotland is to be governed well. It has put the "con" in concordat.

15:50

Derek Brownlee (South of Scotland) (Con):

The real test of the local government settlement is not what is said in this debate but what the implications are for the 32 local authorities during the next year. On the council tax freeze, which is undoubtedly what the public are thinking about, the real test is less about whether the Government can convince COSLA to sign up to a concordat that supports a freeze and more about whether the Government can convince councillors in every local authority in Scotland that the allocation that was announced today is sufficient to enable councils to freeze council tax without affecting services. That assessment can only be made locally. For the sake of council tax payers up and down the country, I hope that the Cabinet Secretary for Finance and Sustainable Growth has got it right.

Conservative members have long said that the problem with council tax is not the principle but the level of the tax. That is why we proposed specific targeted council tax reductions for pensioner households. It is why today we ask the Government to use whatever means it can to improve uptake of council tax benefit among people who are eligible but do not claim it. It is why we welcome a council tax freeze, if it can be delivered.

I am not an academic and I take a simple view of tax. A freeze is better than a rise, and a cut is better than a freeze. I think that most people in Scotland think the same way about council tax. Given that uptake of council tax benefit is a long-standing issue, would it be appropriate for the Government to consider building into the concordat a target on increasing uptake? I appreciate that the issue relates to reserved matters as well as to the consequences for individual taxpayers, but the matter should be considered in detail.

We welcome the broad move to reduce ring fencing—a policy that was part of the Conservative manifesto in May. We should all acknowledge that we are entering new political territory. The consequences of ending ring fencing will be positive. There will be greater discretion for local councils and less bureaucracy, which we welcome. However, to some extent it is unclear how the approach will work in practice. We will have to wait to see what happens.

I want to tackle head on an issue that has been raised in relation to the reduction in ring fencing. It will always be possible to build a plausible or compelling case for ring-fenced spending on one service or another, so that services are protected and vulnerable groups do not suffer. However, we need to reflect on the implications of going down that road. Do we think that members of the

Scottish Parliament are the only elected representatives who are capable of compassion? Are we the only elected representatives who care about services for vulnerable people? Do we think that local councillors are capable of exercising discretion on a range of issues that are fundamental to people's lives, such as education, but are somehow incapable of assessing the needs and demands of vulnerable groups locally?

George Foulkes (Lothians) (Lab): I have been a councillor and I agree absolutely that power should be given to elected representatives on councils. Does the member agree that that includes the power to decide what level the council tax should be, so that a council can be accountable to its electorate for the level that it has set, which has not been dictated by Government?

Derek Brownlee: I understand that councils have been given the choice about whether they apply for funding from the council tax freeze fund. If a Labour council wants to increase council tax substantially, it will be free to do so.

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD): During the meeting of the Education, Lifelong Learning and Culture Committee on 5 December, when Elizabeth Smith asked the Cabinet Secretary for Education and Lifelong Learning whether councils would be able to adopt some aspects of the concordat and not others, the cabinet secretary replied:

"If an authority decided not to pursue or not to deliver on the specified set of commitments, we would not be able to reach a single outcome agreement with it and it would not benefit from the end of ring fencing or be able to keep its efficiency savings".—[*Official Report, Education, Lifelong Learning and Culture Committee*, 5 December 2007; c 472.]

It is not just about councils having discretion to freeze council tax; it is about the whole package. There is no local discretion for councils.

Derek Brownlee: The Government will answer questions on the detail of the concordat, but as I understand it each individual council will still set the council tax level in its area, which is as it should be. We take the simple view that priorities in each local authority area differ across the country—what is right in Glasgow is not necessarily right in Aberdeenshire—and individual councils should have greater freedom to reflect the wishes of their electorates.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I know that the member has given way already, but will he take another intervention?

Derek Brownlee: Oh, just for Mr Rumbles.

Mike Rumbles: Aberdeenshire Council has not received its fair share from the budget settlement.

It is £29 million short, so cuts are going to have to be made in Aberdeenshire. That will be about local councillors deciding where the cuts will fall.

Derek Brownlee: It is a real issue and Aberdeenshire is an interesting example because it is probably one of the parts of the country that will be hit hardest by a local income tax. I am sure that Mr Rumbles will make that clear to all his constituents as the discussion progresses.

We still need answers to questions about what the outcome agreements will be like in practice. We need to see those agreements before we can see how they will work. However, surely it is right in principle for local government and the central Government to move away from a culture of believing that spending is inherently good, and that more spending is inherently better. The real question ought to be about how we achieve desirable outcomes.

In that context, we should be looking at what is achieved rather than how it is achieved. In doing so, there might be opportunities for smarter working and greater efficiencies within councils, which will hopefully allow councils to deliver efficiency savings of the scale that will be needed if they are to be able to manage their services under the local government settlement. Until we see the local outcome agreements in action, it will be difficult to assess how comprehensively managed they will be, and whether we have moved from ringfencing to being more flexible in order to achieve the outcomes. It will be interesting to see whether the cultural change that is sought is effective.

There is also a wider debate to be had about what is expected of local government and its current statutory and non-statutory roles, as well as its broader vision of where it sits in post-devolution Scotland, and what can best be achieved locally and nationally. Part of the concordat shows that the Government has set its face against reform of the local government structure. I understand why COSLA thinks that is good thing; reform is always painful and can distract from the day-to-day pressures of delivering services. However, sometimes the only way to achieve better-aligned services is to tackle the issue head on and to reform the structure and role of local government. I accept that such reform will not happen during the current session of Parliament, and that there is much to be done in delivering more efficient services—for example, by sharing services across council boundaries and with other organisations. However, at some time in the not-too-distant future, we will have to tackle questions about what we expect of local government, what finance it should raise and how local it should be. For example, the move away from ring fencing suggests that local government should be more autonomous.

At the same time, the share of spending that local government raises is set to continue to decline. That is not a new decline; it has happened under Governments of all parties—it certainly happened under the Conservative Government and under the previous Administration. It is continuing today and it will get worse if we have a fixed local income tax of 3p in the pound.

Different arguments could be had about the correct proportion of funding that local authorities should raise, although I am not suggesting that we should get into those arguments today. It seems to be rather odd that, last week, there was a remarkable outbreak of consensus that the Scottish Government should be more financially accountable, or that we should at least debate that concept. At the same time, there seems to be no appetite for a similar debate on local government. That is a fundamental issue for current and future settlements, and it must be debated if the Government is to bring in a local income tax. Many questions are posed by the local government settlement and the consequences of those questions will not flow out fully for many years to come.

15:59

Tavish Scott (Shetland) (LD): Liberal Democrats will pass no verdict on the financial allocations that have been made by SNP ministers until we see what the councils say. Many a finance director will pore over the detail today. I wish them good luck, for there has never been less. There might be particular disappointment in Edinburgh because the City of Edinburgh Council and MSPs from all parties have argued strenuously for action. They are to get a working group.

The detail might be a slow burn for the SNP. If the figures are to be so simple and easily digested, the SNP's usual enormous quantities of spin and counter-spin will be lit up to show them as they are.

Despite asserting that funds have been transferred from central budgets to local government, ministers have not provided the equivalent 2007-08 figures. Today, we have been given a snapshot that is most definitely not the full picture. We shall wait and see.

The SNP has made much of its new relationship with local government. It is a party masquerading as Government, in full 24/7 campaign mode, with a determination, a vision and a pledge to manage competently. There is nothing wrong with managing competently—indeed, it is an admirable aim—but it is hardly an underpinning approach to local government. It is hardly a philosophy.

Some SNP members—Mr Swinney, Mr Mather and Mr Salmond—are small-c conservatives. They

are fiscally reticent, aim to reduce public interventions in the economy and are determined to reduce the amount of money that is spent on public services. They might be described as the Irish tiger wing. However, that non-interventionist wing is balanced by the SNP's tax-and-spend socialists, who for eight years have racked up enormous policy commitments with the constant refrain of universalism. They are more the Scandinavian reindeer brigade. In many ways, that contrast between the party's two ideologically opposed wings reflects the nationalists' approach to local government today.

The reductions in ring fencing and the strengthening of local councillors' powers of determination to meet local needs are good—I agree with that approach—but even Mr Swinney accepted earlier that three quarters of local government funding in the current financial year comes with no strings attached. He was, I thought, rather quiet and spoke quickly at that point during his speech. The SNP should not spin this settlement as an end to ring fencing, as that is demonstrably not the case. Some £0.5 billion of ring-fenced funding—excluding expenditure on the police—will still remain next year and COSLA awaits an announcement on the detail of other ring fencing that is to be removed. Such spending is still centrally controlled. As usual, the rhetoric is great but councils and Parliament would be well advised to dig behind the spin.

If the SNP's approach to local government was simply about local responsibility and accountability, that would be good, but its overall approach is quite the reverse. It has replaced ring-fenced funding with national Government outcome agreements that will cover the entire settlement. It aims to replace the power of local councillors to determine local income by introducing a national tax. It has replaced locally mandated policies with its national manifesto—the manifesto of a minority Government. Ministers have made it clear that the number 1 priority for councils is to deliver the commitments of the minority SNP Government. The Government needs to accept that many local administrations throughout Scotland have a greater electoral mandate than the SNP Government has in Parliament. The SNP will not get away with saying, "We agree with you, but only if you do what we say." That is not an historic new way of doing things.

The Liberal Democrats want the end of the discredited and unfair council tax. We will propose, and argue for, a truly local income tax instead of a national income tax. Mr Swinney should change his mind on that. He and the SNP used to support—quite rightly—a local income tax. Despite the extraordinary contention by Mr Salmond in a recent newspaper article that the difference between local and national taxation is mere detail,

the Liberal Democrats will argue for and propose a real local income tax.

Derek Brownlee: Tavish Scott should stick to his guns on that one. However, does he agree with Chris Huhne, whose recent leadership manifesto suggested that

“we must also revive thinking about land values as a source of fair tax revenue”?

Tavish Scott: Over the years, many Liberal Democrats and Liberals have studied land value taxation. It is a shame that Donald Gorrie is no longer a member of the Parliament because he could have delivered an eight-minute speech on that without repetition, deviation or hesitation. I must ask Donald to come back to give Derek Brownlee some personal tuition on the matter by way of help.

Local income tax is important for the reason that local councillors should have—and want—the same fiscal discipline that MSPs of all parties have argued for. It would be at best curious for this Parliament to gain more powers over the raising of finance while it removed those same responsibilities from local authorities. However, that is the Government’s position. Liberal Democrats would welcome a change of position from the SNP. A U-turn back to its previous policy of local income tax would be correct.

The figures that the cabinet secretary announced today will be digested in the coming days and weeks. However, on that point, I urge the SNP to show some consistency. I am told by COSLA and the local authorities—some of which Mr Swinney met in recent days—that he will not play the blame game. In this very tough settlement for local government, where councils choose to make difficult decisions, the SNP Government in Edinburgh will not blame them for taking those decisions. That is welcome. We expect Mr Swinney to be as good as his word. That applies to his fellow ministers and back benchers, too. I trust that we will see no SNP motions in which a local council is condemned for taking a difficult decision that was caused by the settlement that it has received from the SNP Administration.

However, some signs are inauspicious. On class sizes, Fiona Hyslop has been playing the blame game—my colleague Jeremy Purvis will deal with that later. The simple truth on class sizes is that the SNP promised but cannot deliver. It cannot deal with class sizes alone; they are not its responsibility. It is worrying for the SNP Government’s new relationship with Scotland’s councils that it has blamed the local authorities. That is not a good start.

The Liberal Democrats are disappointed by the SNP’s approach to co-ordinating transport across Scotland. In the previous session, the SNP

supported regional transport partnerships and pushed for them to have more and more powers—indeed, Mr Ewing pushed for them to have more and more money. However, less than two years later, the SNP has pulled the plug on the RTPs. We will get no effective regional transport partnerships.

We have also had the disgraceful butchering of Highlands and Islands Enterprise. How will local government take forward vital economic initiatives when the SNP is cutting the assistance that it needs? Only this week, the issue of the business gateway and the transfer to local authorities was mired in yet more doubt and disagreement. The numbers are unclear; councils do not know where they are at. What is dangerous about all of that is that business, which needs advice and help, will not get it. Mr Swinney should sort out that mess, which is of his own making.

Given how important transport is to growing the economy, which is the principal purpose of the Government, why is there no certainty over the funding for rural public transport grants, demand-responsive transport and the bus route development grant? I would mention Mr Souter, but not quite in the way that Mr Kerr did. Mr Souter regularly lobbied previous transport ministers on the importance of the bus route development grant because it did good things across Scotland. It still does. I am sure that Mr Souter will continue to lobby my successor. I wish him well in that. The bus route development grant is a good example of an appropriate mechanism for delivering better public transport services for local people. Where is it? We know not.

This afternoon, and on every day in previous weeks, the cabinet secretary has done to death his concordiat. Every ministerial utterance now has the concordiat as its centrepiece. This morning, we were surprised to hear Stewart Maxwell bow to the inevitable and accept the sensible Liberal Democrat argument on sportscotland. In nearly explaining yet another SNP U-turn, he did not mention the concordiat and yet the SNP considers it to be so historic that it has commissioned a book on it from the pre-eminent Scottish historian, the professor emeritus of history at the University of St Andrews.

The settlement encapsulates the choices that this Government has made. Local government will have tough decisions to make, as a result. Concordiat or no concordiat, the Liberal Democrats will stand up for local people who are left exposed by the cabinet secretary’s decisions today.

The Deputy Presiding Officer (Alasdair Morgan): We move to the open debate. I ask for speeches of no more than five minutes.

16:08

Kenneth Gibson (Cunninghame North) (SNP):
Presiding Officer,

“With the signing of the concordat between Local Government and the Scottish Government, for the first time, there is a firm commitment from both spheres of government to build a relationship of mutual respect and partnership. The Concordat underpins the funding for Local Government over the next three years, and aligns both the Scottish Government and ourselves to a new, and more democratically accountable, means of producing services for the people of Scotland.”

Those are not my words, but those of the Convention of Scottish Local Authorities in its submission to the Local Government and Communities Committee on 5 December. In evidence to the committee, the COSLA delegation, which was led by its president, Labour councillor Pat Watters, made it clear that the Government has delivered for local government

“the best deal that we could get”,

to which Rory Mair, the COSLA chief executive, added:

“We need to recognise that this is quite different from any previous situation, when leaders would have had no choice at all. Previously, the first that leaders would have known about what money their councils would receive was when the announcement was made. Leaders have much more advance knowledge of the position than was the case before.”—[*Official Report, Local Government and Communities Committee*, 5 December 2007; c 331.]

How much is the settlement worth? Some £34.8 billion over three years. What is significant is that represents not only a welcome 5.2 per cent increase in the resources that are available to local government, if we include the additional moneys that were announced today, but an increase in the local government share of the Scottish budget, which has fallen from 39 per cent a decade ago to 33.4 per cent this year.

Furthermore, the cabinet secretary has allowed local authorities to retain efficiency savings whereas, in the three years of the previous spending review, £168 million was top sliced from Scottish councils at source. He has also increased efficiency savings from 1.5 per cent to 2 per cent. Councillor Watters told the Local Government and Communities Committee:

“Now, we have a commitment from the Government that we can retain efficiency savings and use them to fulfil local priorities.”

He added:

“We still have to make the efficiency savings, but we will be able to use the money to deliver services at a local level. The fact that we will be able to keep that money is an improvement on losing it.”—[*Official Report, Local Government and Communities Committee*, 5 December 2007; c 334, 341.]

Thus, unlike under the previous sleight of hand in which the Labour-Lib Dem coalition indulged, the

money that has been announced for councils will be delivered to them and they will be able to reinvest savings to improve services for the benefit of the communities that they represent, thereby creating an incentive to deliver efficiency savings to the front line.

The 25 per cent of local authority spending that was ring fenced—that perennial bone of contention for local government—has been reduced substantially. Councillor Watters, in support of the reduction, said:

“Having flexibility makes good sense in relation to how we manage our resources.”—[*Official Report, Local Government and Communities Committee*, 5 December 2007; c 342.]

Of course, Labour members have, predictably, used the removal of ring fencing to do what they do best: frighten and scare vulnerable people. We hear that services for disabled children will be slashed and that domestic violence reduction measures will no longer be funded. However, we trust local government.

Mr Mair’s view of the reduction in ring fencing was:

“We have said that the previously ring-fenced funds that are no longer ring fenced should be distributed exactly as they were previously ... All those funds will go where they went. Playing around with the distribution of those funds three or four months before the beginning of the financial year would create a ridiculous level of volatility.”

I realise that that might not be clear enough for some Opposition members, but Mr Mair added:

“The first time that we will look at redistribution will be for the next spending review period.”—[*Official Report, Local Government and Communities Committee*, 5 December 2007; c 349-50.]

Mike Rumbles: Will the member give way on that point?

Kenneth Gibson: When I asked Mr Mair what benefit the removal of ring fencing would bring to councils, which at present have to produce myriad reports on small sums of ring-fenced moneys, Councillor Watters replied:

“The reduction in bureaucracy will free up officers’ time, which can then be devoted to more productive elements of service delivery, rather than just producing reports on how we spend £2,000.”—[*Official Report, Local Government and Communities Committee*, 5 December 2007; c 352.]

Mike Rumbles rose—

Kenneth Gibson: I interject here that the reason why I am not taking any of Mr Rumbles’s tedious interventions is that, on half a dozen occasions in a previous debate, I tried to intervene on him, but he did not take an intervention from me or any other member.

Of course, £70 million has been made available to freeze council tax next year, as a prelude to its

eventual abolition. That has been warmly welcomed by council tax payers, who have been forced to endure rises of more than 60 per cent under Labour's tenure. Laughably, even though not a soul will be worse off under the Government's proposals, Labour members shed crocodile tears over what they say, in a rather convoluted way, will be a widening income disparity as a result of the SNP no longer wishing to burden hard-pressed families. If Labour members care about the poorest in society, they will sign my motion S3M-1005, which condemns the United Kingdom Government for removing money from all households with a joint income of less than £17,000 a year through the abolition of the 10 per cent rate of income tax.

I realise that Labour members are incapable of accepting that, under difficult financial circumstances, as recognised by COSLA, the SNP Government has delivered a good settlement for local government and a sea change in the relationship between Holyrood and councils through the concordat—note the pronunciation, Mr Scott—which COSLA president Councillor Watters said

"was accepted by all leaders without any objections."—
[*Official Report, Local Government and Communities Committee*, 5 December 2007; c 331.]

Today has been a good day for local government and a great day for Scotland.

16:13

Tom McCabe (Hamilton South) (Lab): The budget is tight, although it is not as tight as the Scottish Government would have us believe, as evidenced by independent commentators and, as Mr Kerr rightly said, the Parliament's information centre, which logs the rate of increase at more than three times that claimed by the Scottish Government. That said, the budget is considerably tighter than the previous three or four budgets, but everyone knew that that would be the case. In any event, we do not yet live in economic Shangri-la—as with every household budget, there will be good times and not-so-good times.

I do not want the focus of my speech to be the claims and counter-claims that go between the Scottish and United Kingdom Governments, but it is worth spending time on the budget allocation for local government, which is after all more than a third of the Scottish Government's total expenditure. That substantial amount of money is being treated very differently this year. I do not contend that that is necessarily a bad thing—it could result in positives—but it certainly carries risk. One of my concerns is that, as yet, the Government has not proposed ways of minimising that risk. I say that because if the changes—which I would go as far as to describe as innovations—

go wrong, the losers will not be the institutions of government, whether central or local; they will be the people who depend on the services in question, and they will be substantial losers.

Those people might be people who are vulnerable, people who are aspirational or people who are both. Let me give an example. At least 25 per cent of our population will experience a mental health episode at some time in their lives. Some of the most successful people in our society will be affected by mental illness at some point. They will get the assistance that they need to recover and will continue to lead full and successful lives. We do not hear a great deal about that because, despite all our best efforts, there is still a stigma attached to mental illness.

If expenditure on mental health begins to drift away into other areas, that could have a truly devastating effect on individuals. However, the fact is that the changes would be hard to see or track, and if enough time was allowed to pass, considerable damage would be done. In that instance, how much of a drift away of funding would be too much? Is there any point at which central Government would say that that was unacceptable? Would it ever be politically acceptable for central Government to simply stand back and talk of local government's autonomy?

Alternatively, would central Government apply financial levers in the way that the cabinet secretary said that he would do in years 2 and 3 of the settlement, with regard to the money that will be made available to freeze the council tax? On Monday, the cabinet secretary told the Finance Committee that, in years 2 and 3, the money that is used to freeze the council tax will be announced separately from the local government settlement, that any councils that institute a freeze will get a share of that money and that any councils that do not institute a freeze will not. I find it difficult to see how that can be described as anything other than central Government dictating to local government.

I want to make it clear that there is an important distinction between the ending of specific grants—which are more commonly known as ring fencing—and the legitimate demand for the Parliament and the public whom we serve to have the ability to track changes in expenditure patterns. As things stand, that would be extremely difficult to do, and I ask the cabinet secretary to reflect on that.

Let me be clear. I am not saying that we should be instinctively opposed to the ending of specific grants or to the move to single outcome agreements with local government. Nor am I saying that those measures do not, at the very least, hold out the possibility of constructive improvements in the way in which public funds are applied. However, I am saying that they hold

potential dangers. Perhaps the greatest danger is that a feeling will grow among the general public that their ability to hold politicians to account has been diminished and that their ability to track substantial changes in expenditure patterns has been diminished to such an extent that serious harm could be done before anyone could take corrective action. That would be a tragedy for the Government, but it would be an even greater tragedy for the general public.

In my view, that situation is clearly avoidable, if the cabinet secretary is prepared to take on board the points that are made in this afternoon's debate and to work with all parties in the Parliament to obtain the best outcome for the Scottish budget. That would be the best outcome not just for the Parliament and for central and local government, but for the people whom the budget is designed to serve.

16:19

Keith Brown (Ochil) (SNP): I realise that it might be unfashionable to do so, but I take significant pride in having been a local government employee for 19 years, a local councillor for 11 of those years and a council leader for four of those years. I know that for some people, including some journalists, such a job history is enough to provoke a splenetic outburst about the presence in the Parliament of third-rate councillors. However, since coming to the Parliament, my respect for the role of local councillors, who do a difficult job, and, in particular, for local government employees—whether they are teachers, police officers who are partly funded through local government, refuse collection workers, social workers or school catering staff—is, if anything, greater. It is worth remembering that such academic studies as have been done unfailingly show that the public have more trust and greater respect for local councillors—sometimes even planning conveners—than for every other tier of public representatives.

In my view, the key to the settlement is respect. As a council leader back in 1999, I recall attending meetings with the minister who was responsible for local government, Wendy Alexander, and her deputy, Frank McAveety. At those meetings we were assured that there was to be a new partnership with local government that was based on the notion of parity of esteem. I am prepared to believe that Frank McAveety was sincere in that aim, given his local government experience, but I also believe that the actions of the Administrations that he supported for the next eight years were starkly at odds with the idea of parity of esteem.

I also believe that there was an almost unanimous view among council leaders of all parties that that parity of esteem was regularly

undermined by Executive ministers. They remorselessly increased the areas of central direction and used both their legal powers and the ring fencing of the funding that they provided to determine councils' activities and choices. They also presided over successive cuts to the share of national resources that went to local government. The settlement that was announced today reverses that trend.

Andy Kerr: Will the member give way?

Keith Brown: Not just now.

Labour councils that I know of are appalled by Labour MSPs' attempts to cling to the control that they once exercised. When I discussed the issue with Angus MacKay back in 2000 and 2001, he said that the share of national resources was irrelevant, but everybody I know in local government believes that it is a key factor and will celebrate the fact that it has increased.

In respect of the share of the national pie—I apologise for mentioning pies in the same speech in which I have mentioned Frank McAveety—it is true that the increase is small, but it is important. That is not surprising, given the miserly settlement that we had from Westminster. I wonder what happened to parity of esteem between Westminster and Holyrood. However, where it has been able to go further, the Government has done so, particularly in relation to ring fencing. A huge proportion of funding—an increase from three quarters to 90 per cent—is to be freed from ring fencing and the central diktats of ministers. That is the biggest vote of confidence in local government since devolution.

Andy Kerr: The member portrays a history of Labour and local government. What about the ending of compulsory competitive tendering, best value, three-year budgeting, the powers that are available in community planning, and 3.5 per cent per annum increases—the longest period of growth in local government finance since 1945?

Keith Brown: On the point about best value, most people in local government would agree that best value gave rise to a regime of regulation and consultants' fees. It cost so much that it became discredited.

Many in the chamber will not remember or perhaps even have heard of the partnership agreement that was signed by the Scottish Government and council leaders in the early days of the Parliament. However, everyone in local government and many others will remember the concordat that was signed by John Swinney and council leaders a few weeks ago. It has been called historic, and in the context of the recent history of creeping centralism, which started in earnest in the latter part of the 1970s, it is certainly that.

Among Labour members in particular, there is a need for greater realisation of the need for a diffuse democracy in which power is shared between different centres of democratic legitimacy. Some Labour MSPs have expressed legitimate concerns about future expenditure on services for victims of domestic violence and disabled children. Those members are perfectly entitled to have such concerns and to express them, but they have chosen to use them to attack the Scottish Government. That tactic ignores the outcome agreements—I stress the mutuality that is implicit in the word “agreements”—that were signed up to by the Government and council leaders. Their tactic will fail because those members either fail to understand or ignore the fact that such concerns should be focused on the democratically elected councils. They will now have much greater responsibilities—which they should have had long before now—for disbursing resources according to their interpretation of local needs.

This is a new era for local government. Increased freedom of action, increased resources and a dramatic decrease in the central direction of local government will enhance local democracy. In achieving the settlement, the Scottish Government has learned the important lesson that relationships that are built on the control of one party by the other are generally destructive, whereas those that are built on choice, freedom of action and genuine parity of esteem tend to be much more productive. I commend the settlement to the Parliament.

16:24

Rhona Brankin (Midlothian) (Lab): I firmly believe that what was not said in today’s statement is at least as significant as what was said. We have so little information to go on. There are already huge concerns about the settlement, the concordat with COSLA, and specifically the impact on Scotland’s children, schools and families.

The settlement is a poor deal for councils and an appalling deal for children, schools and families. Let us be clear that it is the worst deal for them since the Scottish Parliament was established. The Cabinet Secretary for Education and Lifelong Learning has failed miserably to argue her corner for education and the most vulnerable children and families in Scotland today. By abolishing funding that is specifically targeted at children—including some of our most vulnerable children—families and education, the Government has abdicated its responsibility. Frankly, that is not good enough. How can we assess whether provision is adequate when we have no way of knowing from the statement what is to be spent on schools, children and families?

The most vulnerable children do not have a loud voice, but voices are now speaking out for them. Parents, teachers and children’s charities such as Save the Children are speaking out. They ask where in the single outcome agreements the national target or indicator is for reducing child poverty in Scotland. I can tell the Parliament where it is: nowhere. They ask what has happened to the sure start programme, a national programme that benefits our most vulnerable families. They also ask where the £34 million is that Alex Salmond got as a consequential from United Kingdom funding. That money was to provide respite care for the families of disabled young people. Is it in the £175 million for services? Will the Scottish National Party support ring fencing that money? Alex Salmond said today and the concordat says that the SNP will provide an extra 10,000 respite care weeks. Does he realise that, even if they were all used for the families of disabled children, that would provide only a week every five years? I am sorry, but that is not good enough. You and your Government have all been found out.

I waited in hope rather than expectation for the minister to elaborate in his statement on how the local government settlement will help to deliver class sizes of 18 for primaries 1 to 3. I am disappointed—but, I have to say, not surprised—that he was able to shed no further light on where the SNP Executive stands on that issue. The First Minister said in the Parliament on two separate occasions that class sizes would be reduced to 18 in primaries 1 to 3 by 2011 and that his finance minister would provide councils with the full funding required to deliver the pledge. He is not here to listen to it, but we all know the truth: there is not one penny extra to deliver it. Indeed, the SNP COSLA education spokesperson had not a clue how much it would cost. Neither she nor Mr Swinney has done their sums, but they casually declare that the commitment is affordable. It is not good enough, cabinet secretary. Teachers, parents and pupils have a right to know: will you deliver your manifesto pledge by 2011 and was the First Minister telling the truth—yes or no?

The education secretary told the Education, Lifelong Learning and Culture Committee last week that councils would not be allowed to keep their efficiency savings if they did not deliver what the Executive expected them to. Will you take efficiency savings away from councils if they do not deliver your reduction in primary 1 to 3 class sizes to 18?

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Will Rhona Brankin give way?

Rhona Brankin: Absolutely. Perhaps you would care to answer some of the questions that I have

been asking. Mr Swinney does not even have the courtesy to be here to answer them.

The Deputy Presiding Officer: I ask members to make their remarks through the chair.

Stewart Stevenson: I note that Rhona Brankin's speech has the running theme that ring fencing should come back and the concordat should leave. Does she—as I do—trust local councillors of whatever political persuasion, including hers, to respond to local needs appropriately and deliver for the people who elected them?

The Deputy Presiding Officer: The member is in her last minute.

Rhona Brankin: I am sorry, but we do not trust you, because your First Minister has said to us—

The Deputy Presiding Officer: Speak through the chair, please.

Rhona Brankin: The First Minister has said on two occasions that class sizes would be reduced to 18 by 2011. Was he telling the truth or not, and did he forget to tell the Cabinet about the SNP's pledge on a £30 million ring-fenced fund for pupils with additional support needs? It was made in a speech on 20 April 2007—I have a copy of it here. He did not tell the Cabinet about it—he certainly did not appear to tell Mr Swinney about it.

The Deputy Presiding Officer: Ms Brankin—

Rhona Brankin: He certainly did not appear to tell the cabinet secretary about it.

The Deputy Presiding Officer: No, I am indicating that your time is up.

Rhona Brankin: Oh, right. Thank you. Do I have a minute left?

The Deputy Presiding Officer: No.

Rhona Brankin: Sorry, but I thought that we were told when we had a minute left.

The Deputy Presiding Officer: That was a minute ago.

Rhona Brankin: I was not told that.

The Deputy Presiding Officer: Ms Brankin, that is why there are clocks in the chamber. Will you wind up, please?

Rhona Brankin: Yes.

I finish by saying that the Government is denying respite care funding to the families of disabled children, yet it can easily find money for its own priorities, including flash new signs, headed paper and the 70 per cent increase in the cost of ministerial cars since it came to power. This Administration would rather buy Lexus limos for the First Minister than provide breathing space for

Scotland's carers. The legacy of the settlement will be gaps in services for some of our most vulnerable people, for schools and for families, while the very richest adults in Scotland will gain a few pounds a month.

The Deputy Presiding Officer: The member must wind up.

Rhona Brankin: That reality should shame every SNP member today.

16:30

Gavin Brown (Lothians) (Con): We heard a very interesting statement by the cabinet secretary today, but it was not quite as interesting as the concordat itself, which truly is a spin doctors charter if ever there was one.

Indicator 31 in the concordat is to

"Increase positive public perception of the general crime rate in local area".

Indicator 41 is to

"Improve people's perceptions, attitudes and awareness of Scotland's reputation"

and indicator 43—my personal favourite—is to

"Improve people's perceptions of the quality of public services delivered".

"Perceptions" is possibly the only term that appears more in the statement and the concordat than "tight spending round".

I thank the cabinet secretary for advance notice of his statement—all 3,316 words of it, lasting for 20 minutes and even coming with helpful instructions for SNP MSPs about where and when to clap and fawn over John Swinney. During questions, watching Kenny—or Kenneth—Gibson and Mr Swinney was a bit like watching a performance of "Romeo and Juliet".

However, there were a number of contradictions in the cabinet secretary's speech. The Government is hiding police numbers now—in the same speech we heard the figure of 1,000 police mentioned, and a few minutes later it was 500 police, alongside the idea that extra officers are due to retire over the next year or two. The number of police goes down each time we hear about it. We heard Mr Swinney say triumphantly that

"Edinburgh is ... a gateway ... for visitors and businesses"

but, in the same breath, mock the important Edinburgh trams project that needs to progress.

We heard Mr Swinney say that the Government is:

"introducing the small business bonus scheme from 1 April 2008",

but we did not see the small print in the statement, which said that only part of it would come in on 1 April 2008, and the rest would come in in 2009 and 2010. I wonder how many times Mr Mather and Mr Swinney, the fiscal conservatives, mentioned that to businesses as they munched on prawn cocktail and rubber chicken while they went round the various businesses throughout Scotland. Perhaps Mr Swinney can intervene and tell us how many times he told businesses—or indeed, anyone—that that important scheme would be phased in instead of being implemented immediately on 1 April.

David McLetchie: Come on, Mr Swinney.

Gavin Brown: He does not wish to take up the challenge.

We wish to comment on the council tax freeze—if indeed the council tax freeze goes ahead, most constituents will, of course, welcome that. It is important that the SNP realises that it is not yet a deal on the table—all 32 local authorities actually have to agree to it before it goes forward. On a point that Mr Brownlee made, most of the council leaders whom the Government has spoken to—if Mr Swinney were to listen, he might learn something—do not even have a working majority, so simply speaking to the council leader is no guarantee that they will sign up to a council tax freeze.

Is the freeze sustainable? It will be £70 million this year—how much next year, and the year after that? If the local income tax does not go ahead—as we heard from Mr Scott today, there seems to be a bit of a fight in the camp over whether it is a local income tax or a local national income tax or a national local income tax—what is Mr Swinney's plan B for funding local government?

We certainly commend our proposal for a 50 per cent council tax discount for pensioners, which the one and only Alex Neil has backed up, and we support the reduction in ring fencing, as Mr Brownlee has said. That will add flexibility to the system. We also think that local authorities should not simply be cogs in the central Government machine; rather, they should find solutions to the local issues that they face. It remains to be seen whether that will happen with the single outcome agreements. There are some positives in the statement, but it is important to reduce ring fencing and that we have sustainable funding for local government in the future. We certainly commend the council tax discount for pensioners.

16:35

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I did not hear John Swinney say in so many words, “’tis the season to

exaggerate” but, in effect, that was the theme of his statement. The new viceroy of Scotland, the First Minister, emboldened after raising the lion rampant over Bute House on St Andrew's day, declared at the launch of his Christmas card:

“This has been a great year for the Scottish Government and for the people of Scotland.”

The minister should note the order in which the First Minister put the Government and the people of Scotland. Perhaps there was a slight tone of self-aggrandisement. The signs are there. I was recently told by a wag that if the First Minister converts to Buddhism, he will want to be reincarnated as himself.

I commend the ability of SNP members to describe the concordat with local government as “historic” so frequently and with so much vacuousness. Indeed, in last week's Education, Lifelong Learning and Culture Committee meeting, Councillor Isabel Hutton of the SNP—she is COSLA's education spokesperson—said:

“There will be regular meetings between COSLA representatives and ministers—that is quite new and groundbreaking”—[*Official Report, Education, Lifelong Learning and Culture Committee*, 5 December 2007; c 417.]

I know that in the eyes of the SNP the world began in May 2007, but it is pushing things a bit far to say that regular meetings between COSLA and ministers did not take place in the past. Indeed, dismissing so easily the presence of the three-year budgeting regime that was agreed in a previous Government concordat—as described—is not fair.

The Cabinet Secretary for Finance and Sustainable Growth again hailed the holy grail of the concordat today. The concordat is now a near-mythical document that is held up to answer all questions on details. Ministers say that we do not need details, as things are in the concordat. Indeed, the signing of the concordat has now been added to the assassination of Kennedy and the death of Diana as an event—people throughout Scotland know exactly where they were and what they were doing when they heard about it.

Under repeated questioning in the Education, Lifelong Learning and Culture Committee about the process that led to the concordat, the decisions on ring fencing and efficiencies and the calculations of costs that led to the agreed position with COSLA, we heard only that we need not ask COSLA about such things because the concordat, like some ancient seer, contains all the answers.

Even the First Minister was at it this lunch time with respect to respite support for children with disabilities. Just because something is not typed in ink on paper, that does not mean it is not there. He said that if we look hard and deep enough, we will find things.

The Education, Lifelong Learning and Culture Committee asked the Cabinet Secretary for Education and Lifelong Learning the same questions and got the same non-answers. For example, the SNP manifesto promise on class sizes—its flagship education policy—was perfectly clear. On 5 September, the First Minister was also perfectly clear that the policy would be delivered in this parliamentary session. Last week, I asked the Minister for Schools and Skills, Maureen Watt, whether that policy still stood. I said:

“On 13 September, the Minister for Schools and Skills told Robert Brown that education ministers had made a funding bid to the Cabinet Secretary for Finance and Sustainable Growth to implement in full the promise to reduce class sizes in primary 1 to primary 3 to a maximum of 18.”

The Minister for Schools and Skills replied:

“The member fails to recognise how matters have moved on since September. We now have the historic concordat with local government”.—[*Official Report*, 6 December 2007; c 4187.]

Things have moved on from a clear commitment to no commitment at all—although, of course, we have the historic concordat.

I have asked about the additional £40 million on capital. We recall the Scottish Government’s spin in describing it as the first step in reducing class sizes. I asked COSLA about it. Robert Nicol said:

“there is no obligation to spend the money on reducing class sizes.”

I said:

“Councillor Hutton said that the money was to contribute towards a reduction in class sizes.”

Robert Nicol said:

“It is one of the contributions.”

When I asked how many local authorities have committed to contributing to a reduction in class sizes, Jon Harris of COSLA said:

“Again, councils have to make the commitments themselves.”

So, we have no baseline information, no costings and a merry-go-round of scrutiny.

One of the fundamental structural problems of the concordat is that it is an agreement with just local government yet, in education and social work, many of the grant-aided support comes from local health boards. Uncertainty is now being built into the delivery of local services.

With regard to accountability, I simply cannot accept the Government’s new relationship with local government. In the Education, Lifelong Learning and Culture Committee, the Cabinet Secretary for Education and Lifelong Learning was asked:

“if one local authority chose not to pursue one of the priorities, could you exercise sanctions against it? How would you react?”

She replied:

“If an authority decided not to pursue or not to deliver on the specified set of commitments, we would not be able to reach a single outcome agreement with it and it would not benefit from the end of ring fencing or be able to keep its efficiency savings”.—[*Official Report, Education, Lifelong Learning and Culture Committee*, 5 December 2007; c 436, 472.]

How the Government can do that with one local authority, I simply do not know. The answers still need to come. As much as there can be self-aggrandisement, we just need some basic answers to some basic questions.

16:41

Bob Doris (Glasgow) (SNP): It gives me great pleasure to say that the local government budget and the concordat that was signed by the Scottish Government and COSLA mark a positive turning point in the way in which councils throughout Scotland are treated and, indeed, respected. They mark a welcome turning point not just in halting the decline in local government funding as part of the overall spending cake that Scotland’s Government provides, but in reversing that trend. Under Labour and the Liberal Democrats, local authorities got an ever-decreasing slice of the overall spending cake and were, in effect, experiencing a relative budget shrink. It has taken an SNP Government to right that wrong, and we should all be proud of that.

Local authorities will see budgets increase in real terms by 4.9 per cent over the lifetime of the budget, compared with 4.6 per cent for government as a whole. That is a clear indicator of the importance that our SNP Government places on local government. It is not only about the money that local authorities will get; it is about the relationship between the Scottish Government and local government—a relationship that engages local government at an earlier stage in a much more meaningful way.

There is

“a firm commitment from both spheres of government to build a relationship of mutual respect and partnership ... We welcome the tenor of the Concordat, which points out it is for the Scottish Government to set the direction of policy and then to jointly agree outcomes with Local Government.”

Members would expect me to say that, but I did not write it—it is part of COSLA’s written evidence to the Local Government and Communities Committee.

Andy Kerr: Will the member take an intervention?

Bob Doris: No, thank you. There is a lot of good news to talk about and I do not have time to take an intervention.

We should not underestimate just how significant and historic the concordat is. One aspect of the concordat has generated much political heat in recent weeks—ring fencing. COSLA and local authorities have welcomed the reduction in the amount of funds that are ring fenced—a reduction from £2.7 billion to £0.3 billion. COSLA has expressed clearly the benefits of the reduction of ring fencing to our communities and to the way in which local authorities are able to support the most vulnerable groups.

I cast my eyes to the Labour benches and notice that none of the Labour members of the Local Government and Communities Committee has bothered to turn up for the debate, which is disgraceful and should not be allowed. They should be chastised for that.

In providing reassurance, Councillor Pat Watters, the president of COSLA, made a telling contribution to my committee—it is my committee now, as the other members have not turned up—and I believe that it is right to mention it again in the chamber. Perhaps this time Wendy Alexander—who also has not turned up for the debate—and her propaganda machine will listen. Councillor Watters said:

“There is not an authority that does not value highly the input of the voluntary sector in its community.”

He went on to say:

“Is there an assumption that, because we have greater flexibility, we will be irresponsible? I do not think so.”—*[Official Report, Local Government and Communities Committee, 5 December 2007; c 347-8.]*

What a bizarre situation we find ourselves in. Councillor Watters—a Labour councillor and certainly no flag waver for the SNP—heads up a delegation from COSLA, meets John Swinney, the Cabinet Secretary for Finance and Sustainable Growth, a historic concordat is signed and Councillor Watters states that the settlement was the best deal possible in a tight financial settlement.

Andy Kerr: Will the member give way on that point?

Bob Doris: COSLA and the SNP Government agreed a watershed deal, having left party-political interests at the door to sit around the table for professional discussions—without political partisanship. There is perhaps nothing bizarre about that.

The Deputy Presiding Officer: You have one minute left.

Bob Doris: The bizarre thing is that Labour in the Scottish Parliament is doing everything in its

power to run a wrecking ball through the concordat, for reasons of petty party-political partisan politicking, which shows the very worst in narrow-minded self-interest. Actually, I should offer an apology. I did not mean to use the word “bizarre”; the word that I was looking for is “shameful”.

Let a Labour MSP intervene now, in my last minute, to tell me about a Labour councillor or council group that they do not trust. Now is their opportunity. Now is their time.

Andy Kerr: But he is in his last minute.

Bob Doris: Their silence is absolutely deafening.

With the end of top-slicing, which robbed local authorities of £160 million in the last spending review—money that you stole from them—

The Deputy Presiding Officer: Speak through the chair, please.

Bob Doris:—and the expected council tax freeze, we will not increase council tax by 3.4 per cent, which is what Labour would like to see happen. I commend the budget and the concordat to the Parliament.

16:46

George Foulkes (Lothians) (Lab): I am glad that I turned up. It is the pantomime season—but I am not going to go down that line.

David Whitton (Strathkelvin and Bearsden) (Lab): Oh yes you will.

George Foulkes: Oh no I won't.

Like you, Presiding Officer, I have experience of different Parliaments and different styles of government. In Scotland, we now have government by slogan. In finance in general, and in local government finance in particular, people pretend that we can get something for nothing—free school meals, free education, free transport and free prescriptions. As Alex Salmond should know by now, there is no such thing as a free lunch.

Locally, as well as in national government, the cost has to be borne by the user, or by the taxpayer, or by a combination of both. Someone has to pay for the vital services that local government provides. If council tax is to be frozen and the Scottish Government's grant to councils is limited, cuts are inevitable. It is already happening. Derek Brownlee should carefully examine the point about flexibility to local government. If councils do not freeze council tax, they will face severe penalty charges. That is not giving flexibility to councils.

The budget that was delivered by John Swinney ought to have been welcomed by Derek Brownlee

and other Tories—and it was, to some extent—because it was a typical Tory budget, albeit a tartan Tory budget. It had tax cuts, which will inevitably result in service cuts. That is entirely the opposite of what the SNP promised in its manifesto. In Edinburgh, an SNP-led administration is implementing those cuts. The new schools that had been planned for Portobello, Boroughmuir and James Gillespie's have all been abandoned. When we ask what progress is being made with the Scottish futures trust—perhaps we will hear about this in the winding-up speech—we are told absolutely nothing.

David McLetchie: George Foulkes talks about tax cuts leading to service cuts. As far as I am aware, the Prime Minister announced a reduction in income tax from next April. Can George Foulkes articulate what service cuts HM Government will be introducing from April next year to match the tax cuts that have been introduced by the Prime Minister?

George Foulkes: Excuse me, but that is coming from a representative of a party that said that we have implemented 20 or 30 or 40 tax increases over the past few years. David McLetchie cannot have it both ways.

In Edinburgh, as Margo MacDonald mentioned, more than 1,000 people applied to live in one council house. There is a desperate need for affordable housing in the city. Where is the money for providing affordable homes in Scotland's capital city? The revenue budget that the City of Edinburgh Council recently considered spelled out the grim reality of an SNP Government at national and local levels: service reductions, staff redundancies, delays in new commitments and scaled-back activity. It is spelled out in further detail by school energy budget cuts, reduced spending on disability and reduced sport grants.

John Swinney said that councils are not standing around looking to punish vulnerable people. Of course they are not, but we do not need a crystal ball to see that vulnerable people will be harmed; we need only look at what is happening in practice in Edinburgh. In education alone, the city council has slashed 300 full-time nursery places, reduced sure start funding for the children most in need by nearly £700,000, and stopped serving hot meals on a Friday. School closures are yet to come. That is the reality of the overhyped, so-called historic, concordat. Removing ring fencing has also increased uncertainty, particularly for vulnerable people.

Cuts in core services and throwing into the pool money specifically ring fenced for Scotland's vulnerable people, rather than the rhetoric of the election campaign, is the reality of the SNP in government. It has been a record of promises broken, hopes shattered and betrayal—which is

slowly but surely dawning on the people of Scotland.

Kenneth Gibson: On a point of order, Presiding Officer. On at least two occasions during her speech, Rhona Brankin accused the cabinet secretary of discourtesy for being absent from the chamber—for, in fact, a total of seven minutes, no doubt on a comfort break. Given the fact that she then left the chamber herself—for 11 minutes, probably for the same reason—should not she also apologise for the discourtesy?

The Deputy Presiding Officer: That is not a point of order.

16:51

Andrew Welsh (Angus) (SNP): It also reduces the time available for speeches.

I will admit a personal bias straight away: I have always been a fan of local government, having served on two Scottish councils—one as provost—and as a council representative on COSLA. I have seen at first hand the massive positive effects that well-run local authorities can have in creating economic and social progress in their communities. Lord Foulkes wanted an example: with a combination of low taxation and high-quality services, Angus Council has pioneered economic development and long-term infrastructure improvements that show local government at its very best.

Over past decades, local authorities have faced reduced or restricted funding, bureaucratic burdens and ever greater central Government control over capital and revenue spending, allied to ever increasing centrally imposed workloads. Now is the time for central Government to work in partnership with Scotland's local authorities, providing strategic overview and resources that will maximise available capital and revenue budgets.

No one, however, should be under any illusion about how tight the settlement from Westminster is. It is the lowest spending allocation since devolution and, allied to a continuing Barnett squeeze, has arrived in the shortest timescale ever, due to the delay in Westminster comprehensive spending review decisions. No matter which baseline we choose—the UK version or the Scottish Government version—the reality is the same: low budget growth in the tightest settlement since devolution. We therefore have to squeeze maximum value from every pound spent. Choices and priorities are inevitable.

The budget marks a major change in relations between local and central Government, and I welcome the concordat. If it is properly implemented and adhered to, it will provide new

freedom for Scottish local authorities to make local choices based on local priorities.

Andy Kerr: Will the member give way?

Andrew Welsh: I would like to, but I regret to say that the member's colleague has prevented that.

The new relationship contrasts with the history of previous central Governments' centralisation and funding cuts, the ring fencing of funds, the raft of performance indicators and value for money, which were all dominated and controlled through central Government diktat. That has been the reality in local government.

I welcome the Scottish Government's pledge that there will be no reorganisation of the local government structure—as, I am sure, will every councillor who remembers the upheavals of past local government reorganisations. The pledge will ensure that there is no unnecessary upheaval and expense, and it will provide settled and continuing local authority boundaries. Within those, our councils can plan ahead properly and with confidence.

I welcome the funding for infrastructure projects and the medium to longer-term planning based on local needs. The increased spending on motorways and trunk roads, as well as public transport improvements, will clearly assist economic growth.

There is indeed nothing new under the sun. As co-sponsor of the original Housing (Homeless Persons) Act 1977, which I actually got extended to Scotland, I find it ironic that in the 21st century we are faced with a lack of affordable housing—never mind the better, modern insulation and quality standards that our people should take for granted.

I welcome the infrastructure improvements, the proposed medium to longer-term planning and the co-ordinated economic development that will maximise scarce resources and target them. However, much now depends on co-operation and good will in order to deliver the reality of a working concordat that can use the freedom that has been given to local government to a positive purpose on behalf of our communities.

I place on record my thanks to John Swinney for the openness, competence and grasp of detail that he has displayed when he has explained his detailed and complex budget proposals and for the spirit of co-operation that he has shown towards all the organisations that have been involved in the budget creation process. We have an opportunity to make progress through co-operative working between our local authorities and central Government. I look forward to the implementation of the proposals, knowing what the history has been.

16:56

David Whitton (Strathkelvin and Bearsden) (Lab): My constituency falls into the area that is administered by East Dunbartonshire Council. Of the 32 local authorities in Scotland, East Dunbartonshire is regarded as the least deprived and one of the most affluent. However, although there is wealth, there is also poverty.

During the election campaign, my SNP opponent—a former headteacher of the High school of Glasgow and a native of Bearsden, which is the most affluent part of the constituency—spoke a lot about his party's proposals to introduce local income tax. He told anyone who would listen that those proposals would see people paying less for council services than they pay under the council tax. However, he did not speak much about the findings of the report on local government finance by the eminent banker Sir Peter Burt. It is worth reminding the chamber what Sir Peter had to say about local income tax. In section 10 of his report, paragraph 139 on page 113 states:

“Our modelling suggests that a local income tax levied only on earned income at basic and higher rates would have to be set at a rate of 6.5% in order to replace the current council tax yield.”

When that report came out, the SNP panicked and its deputy leader, Nicola Sturgeon, announced that her party would give councils enough money to cut the local income tax burden, and said later that any rises would be capped at 3p in the pound.

Jeremy Purvis: Will the member give way?

David Whitton: No, I cannot. I have only four minutes.

Today, Mr Swinney said that the SNP still wants to introduce a local income tax, and that it will be set at a national level. So much for local accountability. We should ask today if the figures that Nicola Sturgeon gave are still accurate or, indeed, whether they should be higher.

We have already heard from Andy Kerr that the report from Professor David Bell, the independent budget adviser to the Finance Committee, had some revealing things to say about the SNP's council tax freeze. Again, it is worth repeating, although I know that Mr Doris will not like it. Professor Bell said:

“It is largely more affluent individuals that gain most in money from a council tax freeze. Those in household incomes deciles one and two, that is the poorest 20 per cent of households, do not gain at all from a council tax freeze.”

We already know that the SNP does not intend to levy its local income tax on the wealthy who live off the proceeds of stocks and shares and other unearned income, but how will the council tax freeze affect an area such as Strathkelvin and

Bearsden? The total number of houses in the upper bands F, G and H is just under 13,000, or around 30 per cent of the housing stock. The number of houses in bands A, B and C is also just under 13,000—again, roughly 30 per cent of the housing stock. The SNP has made much of its wealthier and fairer objective, but I fail to see how that objective is achieved by delivering cuts in council tax to the wealthiest people in my constituency at the expense of those who have little to gain.

Another part of the SNP's famous concordat with local government relates to the decision to transfer responsibility for running the business gateway to local authorities and away from Scottish Enterprise. In my constituency, that meant the closure of two business gateway offices in Kirkintilloch and Bearsden. It is true that a new, small local office has been opened but, instead of a visible high street location, it is located in the enterprise centre in Southbank business park.

The minister might shake his head, but I tell him that since the business gateway changes were introduced in my area, the rate of new business start-ups has dropped dramatically. Over the past two months, only 31 starts were delivered in the business gateway Dunbartonshire area, and only 10 of those were in East Dunbartonshire. That compares with 81 from the same period last year. Indeed, there are still arguments about how much money needs to be transferred to local authorities to run those gateway services. Scottish Enterprise says that it is £10 million, and the Convention of Scottish Local Authorities says that it is £100 million. They cannot both be right, so perhaps the minister can tell us which one is correct. He may also want to tell us who will have ultimate control. Scottish Enterprise says that it should keep it, but local authorities say that they should have it.

Indicator 2 in the famous concordat is:

"Increase the business start-up rate".

So far, the SNP Government's changes have decreased the business start-up rate in the area that I represent and, I dare say, elsewhere. The SNP says that it wants Scotland to be wealthier and fairer. I suggest that the announcements that it has made today fail completely to hit that target.

17:00

Liam McArthur (Orkney) (LD): At First Minister's question time earlier this afternoon, Mr Salmond, with his now customary penchant for self-effacing understatement, trumpeted Mr Swinney's announcement as the

"best financial settlement for a generation".

That is but the latest example of the worrying phenomenon of government by assertion that is

practised by the First Minister and his ministerial and special adviser team. However, the real judgment on the settlement will not be made today, this week or even when councils come to decide whether to freeze their council tax levels in February next year. The judgment on whether the First Minister's bombastic assertion has any credibility will take a little longer to make.

Jeremy Purvis highlighted how Mr Swinney and his colleagues take great satisfaction in waving around in the chamber their concordat with COSLA. From observation, the concordat often appears to be the only piece of paper in his briefing folder on which Mr Salmond can lay his hands during First Minister's question time. However, Liberal Democrats have no difficulty with the concept of freeing up local authorities to take more responsibility and more control over decisions that affect the people whom they are elected to serve.

I turn to the council tax freeze. No one wants to pay more tax, although Derek Brownlee deviated a bit from the Cameronian mantra in appearing to call for council tax cuts—even David Cameron now seems to appreciate that tax cuts at the expense of local services are not good politics. As Andy Kerr and Tavish Scott pointed out, the concern is the lack of detail to date on what moneys have been transferred to councils as part of the deal. There remain serious questions as to whether the council tax freeze is fully funded. In his evidence to the Finance Committee in Dundee on Monday, the Cabinet Secretary for Finance and Sustainable Growth suggested that he had erred on the side of generosity. Time will tell whether that is the case: if it is not, the cuts in local services may be deep and painful.

As Gavin Brown said, what has been of truly historic proportions is the Government's spin operation, which has been most impressive throughout. I do not deny that Governments need to get their message across and to set their decisions in context, but time and again over recent weeks, COSLA representatives have had to clarify what they intend to deliver and, importantly, not deliver under the terms of the historic concordat.

Jeremy Purvis highlighted the inconsistencies in ministerial statements on education. For all the warm words about parity of esteem and a marriage of equals, the reality seems to be somewhat different. Ministers appear to have a gun to the heads of local councils in case they fail to agree to everything that the Government wants, and they are busy telling councils where their efficiency savings should be spent—not on local priorities, of course, but on uncosted and undeliverable SNP manifesto pledges.

The First Minister was keen to quote in the chamber the views of COSLA vice-president Councillor Neil Fletcher, so he and his colleagues may be interested to hear Councillor Fletcher's comments on the SNP Government's assertions regarding class size reductions:

"this spin by the SNP led Scottish Government on its policy of class size reduction is a very dangerous threat to its relationship with local government".

Similarly, the SNP's assertions that it has secured a freeze in council tax for the next three years were flatly denied by COSLA's president, Councillor Pat Watters, in evidence to various parliamentary committees earlier this month.

We have been treated to a procession of SNP back benchers heralding the settlement as excellent news for their councils and constituents. I congratulate each and every one of them—their feat of speed reading of the detailed figures is worthy of hearty acclaim. However, it could just be that they have not read the detail and have not spoken to council members or officers; instead, they have sought reassurance from the briefings provided by ministers. Again, time will tell whether they have been too quick to pass glowing judgment.

The truth is that councils will scrutinise the detail of the cabinet secretary's announcement and pore over the figures relating to their local authority area, trying to detach raw facts from the overblown rhetoric. Undoubtedly, all councils will have to make difficult choices—that is inevitable—but it is not yet clear what effect the single outcome agreements will have on the process. Will they force councils to contort budgets to deliver SNP promises, or will councils, in the spirit of mutual respect to which the Cabinet Secretary for Finance and Sustainable Growth has referred, be free to respond to local priorities?

What is not clear, despite questioning at the Finance Committee earlier this week and again in response to the cabinet secretary's statement today, is what sanctions the Government proposes for councils that do not deliver elements of the single outcome agreements. What constitutes a breach? Who decides? Do local or national priorities take precedence? Tom McCabe highlighted those tensions in an excellent speech that was applauded throughout the chamber. Tavish Scott rightly questioned whether the settlement will lead to an end to the blame game, which is what the cabinet secretary indicated.

Those who are involved in the provision of mental health services and support for vulnerable members of our communities have already expressed the understandable concern that with the removal of ring fencing, the resources that are available to them may be cut. The issues are hugely difficult, and the impact will no doubt vary

throughout the country. However, without a clearer understanding of how the outcome agreements will operate when they move from the drafting to the implementation stage, it is difficult to see how those issues will be managed satisfactorily.

Tavish Scott referred to the likely commissioning of Christopher Smout, the professor emeritus of history at the University of St Andrews, to capture the true historic proportions of the concordat and today's settlement for local government. I suggest that a better hire might be the less illustrious and presumably cheaper Ray Hammond. As a futurologist, he is probably better placed to assess whether the settlement is indeed historic.

17:06

David McLetchie (Edinburgh Pentlands) (Con): I congratulate Mr John Swinney on his astute playing of the blame game that we have been discussing today. The blame game is, of course, a feature of both the overall construction of the budget that he put together and the local government settlement that he has just announced. Not enough money? Just blame Brown. Ignoring the SNP manifesto? Bemoan one's minority status and blame all the other parties. Fail to deliver on reducing class sizes? Blame the councils. Indeed, the councils will no doubt be blamed for every failure to achieve any of the 15 national outcomes and 45 national indicators and targets set out in the concordat. That strikes me as very much a Faustian bargain that COSLA's leaders may well come to bitterly regret.

I wish to bury the myth of a so-called tight financial context to the council settlement, which has been perpetrated today by Andrew Welsh and other SNP members and, I regret to say, parroted by Mr McCabe in an otherwise thoughtful speech. The fact is that the SNP Government has at its disposal more money—in real and absolute terms—to spend on schools, hospitals, transport, police and all the other devolved services in Scotland than any other Government before or since the establishment of the Parliament. Accordingly, there is no reason for the SNP to fail to deliver on any of the promises in its manifesto, other than the fact—given belated and sometimes welcome recognition—that many of them were fraudulent, uncosted, unaffordable and undesirable.

Jeremy Purvis: I recall that Annabel Goldie took credit for most of what the Government did in its first 100 days. Which ideas does Mr McLetchie think were not good ones?

David McLetchie: All the ones that do not coincide with what was in our manifesto, obviously. That is our role in the Parliament—to

implement our policies, not the SNP's policies or the policies of the Liberal Democrats.

One of the interesting features of the agreement with COSLA is the removal of ring fencing from approximately £1.7 billion of the funding that is allocated to councils. As Derek Brownlee said, we agree in principle with such a bold move by the Government—even Tavish Scott acknowledged the idea. We do so despite its having been met by the entirely predictable if understandable objections and concerns of organisations and projects that presently are financed from ring-fenced funds, and despite the fact that the apparently dramatic nature of the move is diminished by the undertaking by councils to maintain spending in formerly ring-fenced areas over the next three years—a point made by Kenneth Gibson.

Instead of ring fencing, we have an SOA—a single outcome agreement—with every council. However, not only has the content of those agreements still to be determined, but how they will be policed and what sanctions will apply in the event of failure to attain an outcome or achieve satisfactory progress towards it have still to be determined. On one hand, outcomes and targets may be treated as mere aspirations, subject only to mild admonition and encouraging words from a genial Mr Swinney. On the other hand, they could be strictly policed with penalties for councils that fail to achieve the goals. We need much more information about that before we pass judgment. Some councils might find that single outcome agreements become more of a financial stranglehold than ring fencing, because outcomes apply across the totality of a council's budget, not just the areas that were ring fenced.

A great deal has been said already about the three-year council tax freeze and the extent to which it is deliverable. I am fairly confident that all councils will sign up to it for next year, but perhaps fewer will do so for the two years thereafter, especially if some major and currently unquantified liabilities come home to roost, arising out of single status agreements and related equal pay litigation. I asked the cabinet secretary about that last week, and pointed out how, less than two years ago, the mere existence of such liabilities—then estimated to be in the order of £560 million—was a huge concern to him as the SNP's finance spokesman. In another life and another role, he described the situation as absurd. However, the current situation is apparently now viewed by him with equanimity. Even though relatively few councils have resolved the issue, the indications are that the liabilities remain as great as before and, crucially, that our councils have very little in the way of reserves to meet them.

Although attention is currently focused on the council tax freeze, we should not forget that it was

intended to be an interim measure prior to the introduction of a so-called local income tax. Of course, I assure David Whitton that the SNP's so-called local income tax will never happen in the Parliament, because the SNP's former Liberal Democrat allies are steadily retreating from the whole idea, partly because it is not a local tax at all—it will be a national income tax to fund council services—and partly because the Liberal Democrats have finally realised—

Mike Rumbles: Will the member give way?

The Deputy Presiding Officer: The member is in his final half minute.

David McLetchie: The Liberal Democrats have realised that the tax does not suit the key groups among their target voters, even in Mr Rumbles's constituency. We will still have the council tax at the end of this parliamentary session, and sooner or later we are going to have to turn our attention not just to freezing council tax but to reforming it.

The Deputy Presiding Officer: The member must conclude his speech.

David McLetchie: That reform might be along the lines of what the Labour Party advocated previously, or along the lines of what we advocated for a pensioner council tax discount—we shall see. The council tax might be frozen, but it is still very much alive. The subject will run and run.

17:12

Sarah Boyack (Edinburgh Central) (Lab): Today's debate has demonstrated that the budget settlement is a bad deal not just for Scotland but for individual communities.

There is a dishonesty at the heart of the budget, because there is not enough money to pay for what the SNP's manifesto promised. If the SNP has national priorities that it expects to be delivered throughout Scotland, it needs to be explicit and up front about the funding that will be available. Tavish Scott was absolutely right to say that never has less detail been available to the Parliament at this stage. Tom McCabe was also right to ask for greater transparency.

In his response tonight, will the cabinet secretary agree to publish what existing capital funds are transferring to local government during each of the years of the spending review period, what new capital grant is being added to the overall capital block, and the details of the distribution methods and calculations that underlie how the allocation to each local authority has been arrived at?

There is agreement throughout the chamber that we need a partnership between the Scottish Government and local authorities. The

Government should not be setting up the local authorities for a blame game.

As Andy Kerr and Rhona Brankin made clear in their speeches, it is increasingly apparent to everyone that there is simply not enough money to meet the SNP's manifesto commitment to reduce class sizes. It is absolutely clear that the SNP manifesto commitment on the expansion of nursery provision will not be delivered either. George Foulkes used the example of Edinburgh where, when the SNP is calling for class size reductions at a national level, the future of existing schools is on the line and there is a lack of commitment to new schools. Ministers have also been rumbled over nursery provision. There is no point in ministers telling Edinburgh parents that there will be more access to nursery education if they are scrapping 300 free places that would have gone to the most vulnerable parents who are trying to return to education or are on low incomes.

I welcome the cabinet secretary's commitment to recognise the capital city status for which we have been calling. He will find that there is cross-party support for that in Edinburgh. However, I am disappointed at the lengthy timescale. Our SNP-Liberal Democrat council—already known as the council in crisis—faces a severe housing crisis and increasing policing challenges, so I hope for early action from the minister.

I will move on to waste recycling, which has not been mentioned today. The strategic waste fund is a classic example of a fund that was created by the previous coalition Government. It was set up to speed up Scotland's ability to meet the European Union's landfill targets and to ramp up our recycling rates. That investment was successful. It provided new money and made a real difference. I simply do not accept Keith Brown's rewriting of history. Only last week, the Cabinet Secretary for Rural Affairs and the Environment admitted that local authorities will face really hard choices. He admitted that he will not make it easy for them. Throughout Scotland, there are fears that the progress on recycling that has been made will be unpicked as the money disappears into local authority budgets to compete with schools and roads investment.

To say that the SNP Government has not thought through its proposals on flooding does not begin to describe the mess and confusion that have been created. Every time an SNP minister or Scottish Government official has answered questions in writing or at committee, it has become apparent that the implications of de-ring fencing flood and coastal protection investment have simply not been thought through. We have received a different story and a different explanation of the detail every time—just read the

Official Report. As a demonstration of how unclear the Scottish Government's position is, MSPs from all parties in the Parliament—including those on the SNP benches—have had to ask some pretty fundamental questions.

The Scottish ministers have given no justification for why the formula for investment in flooding protection—whereby central Government provides 80 per cent of the funding and 20 per cent is matched at local level—is no longer appropriate. We have yet to receive a clear explanation. The cabinet secretary's statement today gave us yet another formulation:

“previously ring-fenced grants that are now rolled up, such as for flooding, will still be allocated to the same councils in the same way and according to the same practice as before.”

I inform members that the current practice involves a bidding system. However, there is no reference to flood protection in the national outcomes, the national indicators or the targets. So what is the policy? We need to know now.

The awkward truth for SNP ministers is that, even though we all agree that the creaking, dysfunctional consent and planning processes need to be radically changed, the money that the SNP is putting into the system for future local government spending is simply nowhere near enough. On the Government's own figures, it is clear that significant increases will be required if flood protection schemes that are in development are to be delivered. The £42 million that is being spent this year will not pay for the £65 million of investment that it is predicted will be needed in 2008-09.

A freeze in council tax will be of little comfort to people who experience flooding in years to come. Some people in my constituency worry when we get severe and prolonged rainfall. However, as I have pointed out before, I am still waiting for an answer from the Scottish Government on whether the Water of Leith scheme will be funded in full. We need to know the principles of distribution that have been agreed with COSLA, the precise formula by which money has been allocated and what will happen to those schemes that are being worked up—there is a huge list of them—but which were not submitted as completed schemes by 14 November. Similar questions are waiting to be answered across the Government.

The debate has shown that the SNP Government stands ready to ditch its manifesto commitments on class sizes, the provision of nursery facilities, urban and rural public transport, and support for children with disabilities and their families. The SNP promised more in its manifesto than it could deliver, and it knew it. SNP ministers already have their excuse made up. Their argument will be that it is not their fault, as money

was given to local authorities. They will say that it is the fault of local authorities if SNP priorities are not delivered. That is simply not good enough.

People in our communities are already beginning to bear the brunt of this dishonest budget. In Fife and Edinburgh, vulnerable people are first in line to see their services being squeezed and chopped. Labour members will defend the capacity of local government to provide high-quality public services that people need.

In his opening speech, John Swinney made great play of the ability to hold the Scottish Government and local government to account. However, as Gavin Brown demonstrated, the indicators that are in front of us today are utterly vague and totally meaningless.

We on the Labour benches want to make it clear that our objective is not to object to the removal of ring fencing per se, but to object when we see that not enough money is going into local government for national priorities that everyone agrees need to be delivered. The SNP has not said where the money will go or how much it will be. We need a clear commitment and clear funding for national priorities. The SNP has provided increases for inflation and to deliver the council tax freeze; they are not about new resources or meeting new national policy priorities. We will not let the SNP off the hook. The real test of the settlement will come into play when local authorities throughout Scotland set their budgets. That is when this settlement will truly fall apart.

17:21

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): First, I will address some of the specific points that members raised in the debate. Gavin Brown asked why we had made no announcement on the phasing in of the small business bonus scheme. I say to him that I made the situation clear in my budget announcement of 14 November. The phasing in of the scheme is also expressly stated on page 12 of the budget document.

Mr Rumbles raised the funding situation for Aberdeenshire. I assure him that, in each of the three years of the budget settlement, Aberdeenshire Council will receive an allocation that is higher than the average for Scottish local authorities.

Mike Rumbles: Does the cabinet secretary accept that, in its FairShare campaign—which all three of the council area's constituency MSPs allegedly support—Aberdeenshire Council says that if the settlement had been divvied out on a fair basis, it would have received another £29 million in the next financial year? The sum of £29 million is missing.

John Swinney: Aberdeenshire Council is receiving an allocation that is higher than the average for Scottish local authorities.

Mr McArthur might be interested to know that 1,733 businesses in his Orkney constituency will benefit from the small business bonus scheme. I am sure that he will write to each of them to tell them that he congratulates the Government on the intervention that it has made.

Lewis Macdonald (Aberdeen Central) (Lab): If it is significant that Aberdeenshire Council's allocation is above the average in each of the three years, is it not also significant that Aberdeen City Council's allocation is below the average for each of those years?

John Swinney: I was addressing Mr Rumbles's point on Aberdeenshire. I deal with facts. In that instance, I was dealing with the fact that Mr Rumbles had not given Parliament an accurate reflection of the Government's position.

Liam McArthur: When I write to the businesses in my constituency, I would also like to give them an answer to the question why the transport investment that the previous Executive pumped in over the past three years appears not to be part of the settlement.

John Swinney: Mr McArthur will find that, in the settlement for 2008-09, Orkney Islands Council will receive a year-on-year increase of 6.68 per cent. Given that the national average increase is 4.55 per cent, Orkney Islands Council's increase is the third highest in Scotland. The Government cannot be accused of not supporting services adequately in the Orkney Islands.

Mr Kerr accused us of using the mechanism for the distribution of moneys to meet the cost of the council tax freeze to punish local authorities that have poor collection rates. I assure him that our council tax income figures take into account predicted non-collection rates in different parts of the country. He has no reason to be up late tonight worrying about that.

Mr Scott asked about the bus route development grant. I assure him that that has been incorporated into the local government settlement. Part of the additional funding that I announced today will go towards demand-responsive transport and regional public transport grants.

Derek Brownlee said that the concordat makes it clear that no structural reform will be undertaken in this session. That is absolutely correct. However, the Government does not want the view to take hold that somehow, in the absence of structural reform, organisations do not need to work effectively together to deliver more cohesive public services at the local level. Indeed, an essential element of the Government's public sector reform

agenda is that effective delivery is taken seriously at the local level.

Mr Purvis said that the single outcome agreements will involve only local authorities and not other partners. In my discussions with a range of partner organisations, I have been encouraged by their willingness to be involved in the single outcome agreements. My firm expectation is that all local authorities will have a single outcome agreement in place for 1 April 2008. I hope that all community planning partnerships will have single outcome agreements in place with the Government in 2009. I will certainly encourage that, to ensure that we draw together effectively the areas of local public service.

Jeremy Purvis: On the policing of the deal, will the cabinet secretary clarify the Cabinet Secretary for Education and Lifelong Learning's statement to the Education, Lifelong Learning and Culture Committee that if a local authority chooses not to implement all the national Government's priorities in their entirety, that local authority will not benefit from the end of ring fencing or be able to keep its efficiency savings? How would that operate in practice?

John Swinney: The Government will have positive discussions with local authorities to establish single outcome agreements—that is the positive message that the Government sends out.

I will spend some time addressing Mr McCabe's points because, not for the first time, he made a substantial contribution to the debate and raised significant issues. He made two essential points. The first was about how key services on which there is no great spotlight—in terms of resourcing or design—are protected under the formula. The second was about how local people can exercise control over these matters. I acknowledge that those are big issues.

In relation to the first point, Mr McCabe mentioned mental health services. The Government's performance framework has a specific indicator on mental health, which illustrates how we must make a choice about the factors that we assess to judge in the round the effectiveness of the delivery of services. The framework is the Government's contribution to that debate and I have confidence in it. However, we must accept that we need to examine carefully all the relevant indicators to guarantee that we track performance properly on the issues about which Mr McCabe expressed concern.

On the second point, in many respects, the greatest intensity of pressure to deliver on people's expectations is on local organisations and authorities. If anywhere is remote, it is the Parliament, because we are not in the front line, taking the difficult decisions in communities. The

element of public pressure on local authorities is fundamental. I hope that my comments have addressed Mr McCabe's points. I look forward to further debate on them in the same fashion.

Rhona Brankin: Will Mr Swinney take an intervention?

John Swinney: I will.

Rhona Brankin: I am grateful to Mr Swinney for that, because he was not in the chamber when I asked several questions. I have a key question for him. The First Minister said clearly on two occasions in the Parliament that class sizes in primaries 1 to 3 would be reduced to 18 by 2011. Was he telling the truth?

John Swinney: Perhaps Rhona Brankin will go away and read the concordat, because it makes the position on that crystal clear.

Margo MacDonald (Lothians) (Ind): Will the member give way?

John Swinney: In one second.

Sarah Boyack mentioned capital city status for Edinburgh and bemoaned the Government's timetable for addressing the issue. However, we have started to tackle it in six months, whereas her Government did nothing about it in eight years.

Margo MacDonald: The minister read my mind. Although, in common with the other Edinburgh members, I am glad that Edinburgh's situation has been recognised and that a study is to be carried out, I am worried about the two years that the study will take. I spoke on the telephone to officials this afternoon, but they were not absolutely certain of the up-to-date situation for Edinburgh. However, I notice that annex B of the explanatory notes on the local government finance settlement has a line that says, "To be distributed later". Could we have money distributed later to bridge the terrible crisis that may well arise in Edinburgh in the next two years?

John Swinney: Just to be picky, I gently point out to Margo MacDonald that the study will take about 18 months, not two years. I am glad that she said what she did because she has been clear in making her point to me about Edinburgh's capital city status, and I am glad that we have got some movement on the issue. It is likely that Edinburgh will receive part of the resources that are to be distributed at a later date, particularly in relation to affordable housing. I hope that that will be made clear in the next few weeks.

I have two final remarks. Mr Whitton cited the Burt review and the critique of local income tax. I politely say to Mr Whitton that the Burt review did not have much to say about the council tax either, which it felt was beyond redemption.

My final point is about the concordat, the status of which has been the subject of a tremendous amount of debate. The concordat is extremely important to the Government and to local authorities because it creates a completely new way of working, whereby central and local government in Scotland can work collectively to achieve shared priorities and shared objectives.

Last night, I answered 140 parliamentary questions from Mr Kerr, every one of which was about the concordat, about which he has been particularly exercised. As it costs £100 a time to deal with a parliamentary question, £14,000 was spent on dealing with those PQs alone. Just think what we could have spent that money on instead. One gentle and delicate—[*Interruption.*]

The Presiding Officer: Order, Mr Kerr.

John Swinney: I will take an intervention from Mr Kerr, if he will just let me demolish the point a little bit more.

Andy Kerr: You are in your last minute.

John Swinney: I will take an intervention, Mr Kerr—don't you worry.

The Presiding Officer: You have one minute left, Mr Swinney.

John Swinney: We will hear from Mr Kerr, then.

Andy Kerr: Is Mr Swinney somehow suggesting that, in asking questions about the concordat, I was not exercising my right to find out whether his Government will be responsible for his manifesto pledges, which he knows fine well he cannot deliver? Will he reflect on the fact that when we were in government, we had many agreements with local authorities? Every time we imposed what the SNP called an additional burden, we fully funded it, which this Government has failed to do.

The Presiding Officer: Minister, you should be winding up now.

John Swinney: I am glad that I took that intervention, because it shows how prickly Mr Kerr is about the issue. One appearance by him at the Local Government and Communities Committee would have enabled him to ask every one of those questions of me, but he did not bother to attend the committee's meeting to get those answers in person.

The Presiding Officer: You should close now.

John Swinney: I will do, Presiding Officer.

Let me finish on a beautiful point. In between answering the 140 questions from Mr Kerr, I went on the internet and typed in the word "concordat". Members will never guess what appeared. What appeared was the central Government-local government concordat that was signed yesterday,

12 December, between Her Majesty's Government and the Local Government Association of England and Wales. [*Interruption.*]

The Presiding Officer: Order. Briefly, please.

John Swinney: That concordat contains a commitment to dramatically reduce ring fencing. Thank goodness we were ahead of the game.

Points of Order

17:34

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer. I draw your attention to rule 7.3.1 of the standing orders, which covers conduct in the chamber. It calls on all members to be “courteous and respectful” at all times.

I would like to raise two points about the events at First Minister’s questions today. The first is that, during her questions to the First Minister, Annabel Goldie stated that, on 3 December, the First Minister was accompanied by a Government special adviser in his meeting with the Trump Organization. That turns out not to be true. Therefore, I hope that Miss Goldie will take the opportunity to correct that assertion. [*Interruption.*]

The Presiding Officer (Alex Fergusson): Order.

Alex Neil: Secondly, and much more seriously, in his questions to the First Minister, Nicol Stephen alleged that Aberdeenshire Council had to ask for the Trump representatives to leave the chief planner’s room during a phone call last Thursday, implying that there was something improper in the chief planner’s behaviour. This afternoon, the chief executive of Aberdeenshire Council, Alan Campbell, issued a press release in which he categorically states:

“There was no question of the Trump organisation being with the chief planner at that time.”

Alex Neil: It is one thing for members to attack others in the chamber when they can reply, but to attack a civil servant and official, who does not have the right of reply, is unacceptable. [*Interruption.*]

The Presiding Officer: Order.

Alex Neil: I put it to you, Presiding Officer— [*Interruption.*]

The Presiding Officer: Excuse me, Mr Neil. I will have order in the chamber, please.

Alex Neil: Presiding Officer, I put it to you that, in the light of the press release from Aberdeenshire Council, which totally contradicts the allegations from Mr Stephen, he has breached rule 7.3.1. He has not been courteous or respectful and he should withdraw the allegation and apologise profusely to the chief planner.

The Presiding Officer: Robert Brown has a point of order, which I will take now.

Robert Brown (Glasgow) (LD): It is on the same matter, Presiding Officer.

At the very time when the First Minister was on his feet at First Minister’s question time today, his

press team was busy briefing the BBC on the telephone calls between the chief planner’s office and Aberdeenshire Council. There were two such telephone calls on the afternoon of Tuesday 4 December. The BBC had specifically asked about the first call. The BBC website indicates that it received an e-mail three minutes after the start of First Minister’s question time stating that members of the Trump team were not in the room with the chief planner. The Government’s answer to the BBC’s question about who was in the room was:

“No-one other than the chief planner and ... head of planning decisions. The Trump organisation were not in the room.”

That denial was repeated twice.

Later, the statement to which Alex Neil referred, which was issued by the chief executive of Aberdeenshire Council, Alan Campbell, confirmed that, in the context of the first call, he was informed that members of the Trump Organization were in the chief planner’s room. The chief executive, entirely properly, asked that they leave the room. That is all in the chief executive’s press statement.

Presiding Officer, I seek your guidance on the situation, which in my experience is unprecedented. The Scottish National Party Government, through its press office, has deliberately misled the BBC. It did so in the context of a controversial Government call-in and an unexplained 24 hours in which there were crucial exchanges between the Government, its officials and the applicant.

Presiding Officer, can you advise me whether there is any procedure under which the Scottish Parliament can get answers on something that goes to the heart of the probity of the First Minister’s Government? The chief planner acts in the matter on the instructions of Scottish ministers. If the First Minister maintains his position that he cannot answer, how can the Government be required to send a minister to the Parliament to give those answers?

The Presiding Officer: Let me say to both points of order, because I think that they both fall into the same category, that, as I have repeatedly made plain, members are themselves largely responsible for what they say in the chamber. The allegations are very much of the “he said, she said” variety. If members, on reflection or on the uncovering of other facts, find that they have inadvertently misled the Parliament, I am sure that they will act accordingly. These are not points of order for me, as I have repeatedly made plain, and I would like to move to decision time.

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer—it is really a point of clarification. We should all be aware of how much

privilege we have in the Parliament. You have just ruled that members are entirely responsible for what they say. Is there no privilege such as exists in Westminster?

The Presiding Officer: Members have protection but not to the same extent as in the House of Commons, as I understand it.

Before we move to decision time, I am sure that members would like to join me in welcoming to the gallery this evening the United States Under-secretary of State for Political Affairs, Ambassador Nicholas Burns. Ambassador, you are very welcome. [*Applause.*]

Decision Time

17:40

The Presiding Officer (Alex Fergusson): There are six questions to be put as a result of today's business. The first question is, that amendment S3M-1018.2, in the name of Stewart Maxwell, which seeks to amend motion S3M-1018, in the name of Ross Finnie, on sport and young people be agreed to. I point out that, if the amendment is agreed to, Jamie McGrigor's amendment will be pre-empted. 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)
 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)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 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)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McMahan, 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)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Etrick 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, 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)

The Presiding Officer: The result of the division is: For 45, Against 79, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-1018.1, in the name of Jamie McGrigor, which seeks to amend motion S3M-1018, in the name of Ross Finnie, on sport and young people, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, therefore, that motion S3M-1018, in the name of Ross Finnie, on sport and young people, as amended, 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)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 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)
 MacDonald, Margo (Lothians) (Ind)

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)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 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)
 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)
 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)
 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 81, Against 44, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament rejects the case for the abolition of sportscotland without prejudice to any proposals which may improve the performance of that body; notes the importance of grass-roots sport and the opportunities that currently exist to increase sporting participation and enhance sporting performance, particularly among young people, in Scotland as we look forward to the London Olympics of 2012 and the Glasgow Commonwealth Games of 2014; recognises that sportscotland has established itself as an effective arms-length body for distributing both Treasury and lottery funding as well as successfully performing important co-ordinating and strategic functions in the development of integrated sporting performance pathways, and therefore calls for sportscotland to be retained.

The Presiding Officer: The next question is, that amendment S3M-1017.1, in the name of Bill Aitken, which seeks to amend motion S3M-1017, in the name of Margaret Smith, on civil liberties, 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

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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)
 Scott, Tavish (Shetland) (LD)
 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)

ABSTENTIONS

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)
 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)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McMahan, 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)

The Presiding Officer: The result of the division is: For 16, Against 18, Abstentions 91.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-1017.2, in the name of Patrick Harvie, which seeks to amend motion S3M-1017, in the name of Margaret Smith, on civil liberties, 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)
 Brown, Robert (Glasgow) (LD)
 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)
 Finnie, Ross (West of Scotland) (LD)
 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)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 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)
 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)
 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)
 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)

ABSTENTIONS

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)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 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)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahan, 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 16, Abstentions 42.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-1017, in the name of Margaret Smith, on civil liberties, 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)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 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)
 Finnie, Ross (West of Scotland) (LD)
 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)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 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)
 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)
 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)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST:

Brocklebank, Ted (Mid Scotland and Fife) (Con)

ABSTENTIONS:

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)
 Brown, Gavin (Lothians) (Con)
 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)
 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)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 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)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 1, Abstentions 60.

Motion, as amended, agreed to.

Resolved,

That the Parliament believes that the fundamental liberties enjoyed by generations of our citizens must not be eroded; welcomes the commitment by the previous Scottish Executive that ID cards would not be needed to access devolved services and its proportionate position on DNA retention; is concerned at the threat to civil liberties from the UK Government's expensive and unworkable proposal to introduce compulsory ID cards; believes that the Scottish Government should not put citizens' privacy at risk by allowing the UK ID database to access personal information held by the Scottish Government, local authorities or other devolved public agencies; therefore calls on the Scottish Government to ensure that all data protection procedures comply with the principles of data protection, namely that personal information must be fairly and lawfully processed, processed for limited purposes, adequate, relevant and not excessive, accurate and up to date, not kept for longer than necessary, processed in line with individuals' rights, secure and not transmitted to other countries without adequate protection, and that audit of data under its jurisdiction is independent of government

and accountable to the Parliament; further calls on the Scottish Government to review plans for Scottish Citizens Accounts on the basis of these principles, and takes the view that there should be no blanket retention of DNA samples and that the Assistant Information Commissioner for Scotland should have specific powers to carry out spot checks on the compliance by Scottish government agencies and bodies with the Data Protection Act 1998.

Glasgow's Pakistani Community

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-868, in the name of Bashir Ahmad, on standing united with Glasgow's Pakistani community. The debate will be concluded without any questions being put.

Motion debated,

That the Parliament is united with members of the Glasgow Pakistani community who protested outside the Pakistan Vice-Consulate's office in Glasgow in November 2007; shares their concerns over the emergency rule imposed by General Musharraf in Pakistan; joins in their calls demanding that the rule of law is adhered to, the judiciary is reinstated and free and fair elections are held as scheduled in January 2008, and considers that representations should be made to Westminster on their behalf and that appropriate pressure be applied to General Musharraf to comply with the democratic wishes of the Pakistani community.

17:48

Bashir Ahmad (Glasgow) (SNP): We have all been watching closely the events that have unfolded in Pakistan over the past month, since President Musharraf imposed emergency rule on 3 November. I lodged the motion because it is an issue that affects not only those who are living in Pakistan, but the global Pakistani community. In addition, the motion is for everyone who wants to secure democracy in areas that currently lack it.

On 15 November, Glasgow's Pakistani community protested outside the Pakistan vice-consulate's office. They were there to express their feelings towards the emergency rule that had been imposed by President Musharraf. It is with them that I wish to show solidarity. Immediately after declaring a state of emergency, President Musharraf arrested over 3,000 people. Many of them are lawyers, many of them are politicians, and almost all of them want a more democratic Pakistan. Those actions have affected many people in my Glasgow constituency. Some people's family members and friends have been arrested for no apparent reason.

People who gathered outside the consulate office clearly directed their displeasure at President Musharraf. They were displeased at his attempt to undermine the democratic process. His attempt to disguise his actions as part of the war on terror seems far-fetched. Was it necessary to sack the judiciary in the war on terror, or was that to do with the announcement that the judiciary was about to make on the President's legitimacy as head of state?

We are disappointed not only by President Musharraf. I have talked with many fellow Glasgow Pakistanis, and none of us has been

surprised by the undemocratic actions of someone who came to power as a result of a military coup. However, there is also resentment at the United Kingdom Government's response—or lack of it—to what has happened. A state of emergency was declared, but the Foreign Office simply expressed grave concern—almost the weakest reaction of all the international reactions.

Members should compare the situation in Pakistan with that in Burma. As Burma does, Pakistan faces a state of emergency under military rule and thousands of innocent protesters have been arrested there. In Pakistan, as in Burma, the media have been suppressed. However, there have been completely different reactions to what has happened in those countries. The Prime Minister, Gordon Brown, made no speech on Pakistan. There were no immediate calls to reverse the emergency rule and no calls for democracy to be restored. An overdue call to do so was made only after Pakistan was suspended from the Commonwealth. I have talked to my fellow Pakistanis who have made Scotland their home, and they are frustrated about the glaring double standards that the UK Government and the Foreign Office have shown.

Many of us have seen the story of Pakistan unfold in front of our eyes from the very beginning. It has been under military rule for 33 years in its 60-year history. We should not be misled into thinking that there is now a civilian President simply because he has changed his attire. Emergency rule is scheduled to be lifted in a few days, but many opponents of President Musharraf will be banned from taking part in the elections in January, or will take part in them under protest. It may be easy to ignore calls from within Pakistan, but we cannot and should not ignore the voices of angry Scots-Pakistanis in our constituencies.

We welcome the removal of the state of emergency on 15 December. However, we, too, must join in the call for Pakistan's original judiciary to be reinstated; for all political prisoners to be released; for free and fair elections to be held; and for the basic democratic rights to freedom of speech, freedom of assembly and a free press to be restored without delay. I hope that Parliament will send out the clear message that we are supportive of democracy wherever it exists and that we are similarly opposed to dictatorship wherever and whenever it exists.

17:55

Bill Aitken (Glasgow) (Con): I congratulate Bashir Ahmad on having his motion selected for debate. We have all regarded the situation in Pakistan over recent months with concern, and there are clear lessons that must be learned from the events there.

Members will have heard me say before that I am fully supportive of the military when the military operates in defence of a particular country. However, although the military may have a role to play in government, I do not think that a country that is run by the military is in a very healthy position. History is littered with similar situations that have ended pretty disastrously for the countries concerned.

Although the matter will not be voted on today, I will be careful in what I say, as I do not wish to be seen to want to intervene in any respect in the affairs of another sovereign state. However, I see a danger in the fact that a conflict arose between the Executive and the judiciary in Pakistan. Labour members, especially, will have heard me talk on this theme many times. In any democracy, there must be a clear separation of the powers of the Government and the powers of the judges. When those powers become confused, or if a situation arises—as in Pakistan—in which judges are arrested and incarcerated because their judicial decisions do not accord with the Government's policies, that is a serious matter. Again, I point out that history is littered with similar situations that have ended disastrously for the countries concerned.

I hear what Bashir Ahmad says about the current state of emergency in Pakistan. The state of emergency perhaps became necessary because of the Government's decision to confront the judiciary as it did. When that happens, people feel that they are not being listened to, that there is no independence in law and that democracy itself is under attack, so there is an instinctive reaction. We saw the results of that in the fairly riotous behaviour that caused the state of emergency to be imposed. The optimistic aspect is the fact that the state of emergency will end shortly, as Mr Ahmad said. However, I return to the point that a state of emergency being imposed in a country on the basis of a conflict between the judiciary and the Executive is a very disturbing situation.

It is not for me nor, with respect, is it for anyone here to intervene in the sovereign affairs of another country. That is a matter for that country. Pakistan is independent of the United Kingdom, and although we obviously retain a close affection for the people of Pakistan—many people in Bashir Ahmad's community in Glasgow have a particular affinity with them—it is still not for us to intervene. Nevertheless, we very much hope that the state of emergency ends, that the conflict between the Executive and the judiciary is over, that Pakistan reverts to the normal course of any democracy, whereby the rule of law is imposed by judges and not by Government, and that the elections that are due to follow will be free, democratic and devoid of military threat. I am sure that that is the unanimous view of all members who are present tonight.

17:59

Hugh O'Donnell (Central Scotland) (LD): I, too, congratulate the member on securing the debate.

Those of us with an interest in history, ancient and modern, will know that Pakistan's history has often been bloody and turbulent. From the invasions of Alexander the Great, through the time of the White Huns and then, ultimately, the British, Pakistan's struggle for independence has been long. It can reasonably be argued that the emergence of the country as an independent force can be traced back to the mutiny of 1857 and the collective will and desire of the Muslim population to have their own state. Even Gandhi associated himself with that in relation to the khalifat movement.

What is going on today is not good. That is a mild way of describing it. Using the war on terror—such as it is—as a mechanism to retain yet another military dictatorship in a country that is struggling with its own democracy, and has done for much of its history, is not acceptable. Nor is it acceptable for western Governments to be light in their criticism. That area of Asia has always been part of the great game, as Kipling called it. It has always been a tool, and it continues to be a tool. I am very disappointed that Governments, including the United Kingdom Government, have not been more vociferous about what happened—fearing, I suspect, that they might impede their own agendas on a wider front. That is sad.

Members of the Pakistani community in Glasgow, some of whom are friends and acquaintances of mine, have relatives, including close relatives, in Pakistan. In many ways, they have their hearts and roots in that country. Seeing an emerging democracy yet again being curtailed in such a way grieves us all.

The motion says the right thing. The debate is worthy. I lend my support to the motion and to the people who are affected by the situation in Pakistan.

18:02

Sandra White (Glasgow) (SNP): I congratulate the member on securing the debate, and I thank him for doing so. This is a very important subject that has caused great concern not just in the Pakistani community in Glasgow, but throughout Scotland.

I wish to pick up on an issue that Bill Aitken raised. I know that members' business debates tend to be conciliatory, but I cannot let this pass. Bill Aitken said that it is not for us to intervene in another country's affairs, which are for the people there. Perhaps there is a lesson to be learned—we did intervene in other countries' affairs not that

long ago, and we are suffering the terrorism aspects of that now. I feel that I had to say that.

Hugh O'Donnell touched on the history of Pakistan. I, too, want to give a wee bit of background. We are all aware that the country has had a troubled past since its creation through the partitioning of British India. More than 100,000 people died in the early days after partition, through communal violence. The Indo-Pakistan war followed in 1947, as a direct result of the flawed partition. It was the first of four wars between India and Pakistan over territorial disputes, which are still a source of great tension today. The last, in 1999, was considered an unmitigated disaster for Pakistan, and many people believe that it led General Musharraf to stage a coup, after receiving criticism for his part in the Kargil war. It was claimed that he went on to bury a report on the conflict.

It is essential that the Pakistani people's faith in their right to determine their future is restored. The people have suffered a great deal in their desire for democracy. As Hugh O'Donnell and I have mentioned, we are a part of that history on account of the time of the British empire—which I would put in inverted commas. Because of that, we have a duty to support the Pakistani people's call for free democratic elections. It is important that we highlight the present situation.

I express my concern about reports, which I learned about today, that suggest that prospects for a free and fair general election in Pakistan next month are very poor, and that a rigged result could lead to more instability and play into the hands of Islamist militants. It seems that although the international pressure to hold a general election has been bowed to, it will not be free and fair, as the motion rightly calls for it to be. That is very worrying for the future of Pakistan, as it could fuel unrest and lead to a rise in support for other groups.

We have had assurances from President Musharraf that there will be a fair election, but a weak caretaker Government such as his, a tame judiciary and restricted media freedom do not bode well for the election or for the future of Pakistan. I think that we can do something for the people of Pakistan, and I hope that by our actions today we can send out a clear message to the UK Government that more action must be undertaken to ensure that the general election is fair and transparent. Anything short of that will be a real disaster.

The main opposition leaders have already stated that they will protest against an unfair result. That could lead to severe civil unrest in Pakistan. I echo Bashir Ahmad's call for the state of emergency to be lifted this weekend. That could be used as an ideal building block to restore faith in the upcoming

election, and I support the calls that we have heard today for the UK Government to put pressure on the president to ensure that that happens.

18:06

Margaret Curran (Glasgow Baillieston) (Lab):

I, too, thank Bashir Ahmad for securing the debate, and I will address my comments to the motion.

I have worked, sort of, with Bashir Ahmad in the past through my own relations with the Pakistani community. Bashir Ahmad will know that that work has been more with Mohammad Sarwar than perhaps directly with him, but we have both genuinely worked together to support the Pakistani community in Glasgow. He will know that Mohammad Sarwar has worked hard both to educate Scots about the issues in Pakistan and to support democratic movements within Pakistan itself.

From my experience—and I am sure that the minister will agree—I know that, if we consider the work of women's organisations in Pakistan, we can begin to understand some of the challenges that face Pakistani people in trying to develop and deepen the roots and practices that democratic institutions must have to allow democracy to grow and stabilise.

Sandra White and Bill Aitken alluded to the many tragedies that there have been along the way as democracy has tried to develop. The practices of the judiciary, free and independent elections, and the protection of the political process are all central to that. We have seen the challenges along the way.

I say in passing that one of the great achievements of the Atlee Government, alongside the establishment of the national health service, was that it led the anti-colonial movement. It forced the issue on the independence of India, which in the context was not particularly easy to do but was nonetheless important— notwithstanding some of the difficult issues that we have seen.

Like Bashir Ahmad, I will address remarks to the issues facing the Pakistani community in Glasgow. Many members of that community maintain close links to Pakistan, and we would want to support them, ensuring that we have solidarity with our friends who are in Pakistan and people who have continuing communication there.

It is important that we recognise in this Parliament the Pakistani community's contribution both to that on-going solidarity and to Scotland. In some ways, it has a dual contribution—to progressive and democratic politics in Scotland

and to progressive and democratic forces in Pakistan. Many people, across different political parties in Scotland, support that strongly, and we should continue to do that. The Pakistani community has made an enormous contribution to our appreciation of democracy and democratic practices in Scotland.

Hugh O'Donnell referred to many forces in Pakistan recognising the challenge of the terror that we face in the world, and they should be recognised as playing a vital part in resisting fundamentalist extremism and the forces of terrorism.

When I was a minister, we placed great emphasis on tackling Islamophobia in Scotland and ensuring that the progressive democratic role of the Pakistani and other Muslim communities was recognised. There was wide support from members for that and it remains important.

We must look at Bashir Ahmad's motion in that context. We need a comprehensive approach to dealing with those issues while properly showing solidarity with others who are facing enormous threats to their own well-being. We must ensure that we properly stand side by side with those who want democracy and human rights throughout the world.

18:10

Alasdair Allan (Western Isles) (SNP): Like others, I congratulate Bashir Ahmad on bringing this debate to Parliament. As he pointed out, there are concerns about the dual standards that are applied to various dictatorships around the world. Quite rightly, the British Government and many in this Parliament condemn the atrocity that passes for a Government in Burma. However, we should also be as strong in the statements that we now make about the situation in Pakistan under the Musharraf regime.

The explanations that General Musharraf gives for his claim to be Pakistan's head of state are fascinating. The general more or less admits that he broke the constitution, but claims that he did so to "save the country". Evidently, the rule of law was inadequate for that purpose, so he had to resort to other methods. As has been said, he decided to get himself sworn in as head of state all over again, this time in a suit rather than a uniform, in a desperate attempt to make his claim to constitutionality a bit more convincing.

What is more important, we all know that any regime that locks up judges when they disagree with the Government has something fundamentally wrong with it. The judges were, of course, among many thousands of people who have been arrested in recent months, which has led to the international community—particularly the

Commonwealth—losing faith in the Government of Pakistan.

Some people have been squeamish about the idea of this Parliament expressing views on international affairs and on matters that are reserved to another place. However, we can all agree that we should be coming to a view and expressing that view in relation to the situation in Pakistan, partly because Scotland is part of the world and the wrongs that are inflicted on people in Pakistan ultimately affect us all, but, more specifically because, as has been said, Scotland has a substantial Pakistani community whose relatives are suffering as a direct consequence of the uncertainty of the situation in Pakistan. That community seeks a clear indication from Scotland and this Parliament that Scotland stands with them in that concern and suffering. It is worth putting on the record that that concern exists in Parliament.

Regrettably, Pakistan is now a dictatorship. Although General Musharraf no longer has to explain away that situation in court—even in the presumably compliant courts that now exist—he still has to explain it to us and to the world.

These are difficult international times. As others have pointed out, the threats of terrorism and extremism are real. However, the war on terror—a phrase that has been rather misapplied throughout the world in recent years—is nowhere used with more unconscious irony than in Pakistan, where General Musharraf uses it as an explanation for imprisoning people without any good reason and for dismantling constitutional government, not to mention hand picking who can and cannot stand in elections, if they ever happen.

I am sure that the Parliament will want to join Bashir Ahmad in making it clear that Scotland has no pet dictators.

18:13

The Minister for Europe, External Affairs and Culture (Linda Fabiani): I would like to thank Bashir Ahmad for bringing this motion to the Parliament. I would also like to thank those who have contributed to the debate, during which there was not a lot of disagreement.

Bill Aitken talked about an essential element of democracy that we all recognise: the need for the Government and judiciary to have a clear separation of powers. Hugh O'Donnell and Sandra White talked about the history of the Indian subcontinent and the turbulence that it has experienced over the centuries. Finally, Alasdair Allan brought us up to date by talking about the current regime and the turbulence that still exists. All members picked up on the revulsion that is felt in this chamber, in this country and beyond at the

events that we witness on our television screens and read about in our newspapers.

As Margaret Curran said, the Government and the Parliament support the Pakistani community in Scotland regardless of who forms the Government. That is something precious about our country; we support the community's concerns about the imposition of the state of emergency in Pakistan, and the suspension of the constitution. It is difficult for us, who have the privilege of living in a generally peaceful place, to understand the awful helplessness that people who have moved here, and second and third-generation members of the community who were born here, feel when they watch such terrible events unfold. Although they now call Scotland their home—and it is—they still love and care about the place with which they have a shared history, and the people who live there.

Many members of the Pakistani community in Scotland still have close connections with Pakistan and have family there. The situation is very difficult for them, as they are terrified about what is happening to people who are not just part of their community, but members of their family for whom they have a deep love. That is an on-going, precious feature of the Pakistani community. Margaret Curran spoke about the work that leading representatives of the community, including Bashir Ahmad and Mohammad Sarwar, have been doing for years.

This year, we have been celebrating the 60th anniversary of the founding of Pakistan as a sovereign state. It is particularly regrettable that, at what should have been a happy anniversary time, a state of emergency has been imposed on the people of Pakistan. As well as the state of emergency, there is a new provisional constitutional order, a key feature of which is the suspension of constitutional articles guaranteeing security of the person; safeguards on arrest and detention; freedom of movement, assembly, association and speech; and equality of citizens. Another was the removal of the Supreme Court's authority to issue any order against, or to challenge in any way, the President, the Prime Minister or any person exercising powers or jurisdiction under their authority.

Alasdair Allan referred to President Musharraf's actions. Separate ordinances have been issued to tighten up regulations for print and electronic media, forbidding them from criticising the head of state, military or judiciary. Those are fundamental rights that all democratic Governments should safeguard for their citizens. The Pakistan Government has robbed its citizens of those rights.

The international community condemned the imposition of the state of emergency and

requested that President Musharraf resign as head of the Pakistan army. It said that media restrictions should be lifted, that political prisoners should be released, that basic constitutional order should be restored and that free and fair elections should take place.

We have heard from Mr Ahmad and others that, when the Commonwealth ministerial action group met to discuss the situation, Pakistan ended up being suspended from the Commonwealth. The reason for that suspension was the Government of Pakistan's failure to implement the series of measures that the Commonwealth ministerial action group had requested. On 3 November, President Musharraf abrogated completely Pakistan's constitution.

Some members think that what we call the west has been rather light in its criticism of the regime. Following his statement of 3 November, the Secretary of State for Foreign and Commonwealth Affairs made a statement in the House of Commons on Wednesday 7 November, in which he condemned the Pakistan Government's decision to impose a state of emergency and to suspend the constitution. He advised that he had spoken to the Prime Minister and Foreign Minister of Pakistan and to Opposition leaders, and that he had requested that the restrictions on the people of Pakistan be lifted. He also advised that he had spoken to the British high commission in Islamabad, to get a wider understanding of the situation.

We have heard that the situation in Pakistan seems to be changing and that the state of emergency is likely to be lifted this weekend. That has not happened yet, but we all hope that it will.

The Pakistan Government has announced that elections will take place on 8 January 2008. On the surface, we welcome that. The people of Pakistan have a democratic right to take part in full and fair elections, but we have heard understandable concerns today, and previously, about whether those elections will be free and fair.

We need Pakistan to move forward towards democracy and the rule of law, and to build on the work that has been done over the years. For more than half its existence, it has been under military rule. There is a unanimous view from the international community that democracy, human rights, political freedoms and constitutional rule are absolutely necessary for the security and future stability of Pakistan.

I can say to Mr Ahmad that I am at one with his concerns. We will ensure that the strong feelings that have been expressed in the debate will be relayed without delay to the Foreign Secretary at Westminster.

Meeting closed at 18:20.

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