

# **MEETING OF THE PARLIAMENT**

Thursday 10 January 2008

Session 3

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## Scottish Parliament

Thursday 10 January 2008

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

### Spending Review 2007

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

Good morning. Members should have on their desks a revised section A of the *Business Bulletin*, which shows the amendment in Derek Brownlee's name as an amendment to John Swinney's amendment rather than to the motion in Iain Gray's name. That corrects an administrative error before publication of the *Business Bulletin* yesterday evening.

The first item of business is a debate on motion S3M-1105, in the name of Iain Gray, on the spending review 2007. I remind members that committee reports for the 2008-09 budget process have not yet been published and are private documents. I am sure that members will bear that in mind when making their speeches.

09:16

**Iain Gray (East Lothian) (Lab):** I am pleased to open the debate, which is designed to allow further scrutiny of the Government's spending review. As members know, our opinion was and is that cabinet secretaries should have debated their departmental budgets in Parliament, defended their decisions and clarified how their decisions support their departments' objectives. The Government refused to do that, which raised the question of what it has to hide.

That question remains, for although we have had almost two months to examine the Government's spending plans, we still see them "through a glass, darkly". The "glass" to which that phrase refers is a mirror: it has, indeed, been a budget of smoke and mirrors. First, we had the hysterical but synthetic outrage at the level of the settlement, which I have no doubt will be echoed today. All that sound and fury was intended to divert attention from the fact that Scotland obtained from the settlement what the Scottish National Party expected when it made its manifesto commitments. The settlement amounts to almost £90 billion, which renders ridiculous any argument that when the SNP fails to deliver or welches on its promises, it is someone else's fault.

Then the budget document appeared, but what did not appear were most of the level 3 budget lines, all the grant-aided expenditure totals for major local government services, comprehensive capital expenditure figures and real-terms

spending trends at level 2. All that detail was introduced into budget information at committees' request after consideration of previous budgets. The previous Executive agreed to provide that information, which the Government has now removed without consultation. The Finance Committee wrote to ask the Cabinet Secretary for Finance and Sustainable Growth for that detail, as did the three main Opposition parties jointly, but the response was a list of 170 lines of budget information that had been rolled up—it has disappeared—and which could not be tracked or scrutinised. On top of that, 43 specific and previously ring-fenced funds have been dissolved into the single local government line.

I will return in a moment to the concordat with local government, but first I will get to the heart of the matter. Parliament is being asked to authorise through three budget lines £11 billion of funding to local government to deliver uncoded service developments, without any direct link to outcomes. The same situation applies to the block allocation of £8 billion to health boards. In total, that is £19 billion in year 1 alone that the Government will ask Parliament to sign up to providing through what will be, in effect, a blank cheque.

The minority Government does not have a mandate to govern unsupported. It should provide more information and more transparency in order to build an informed consensus.

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** How many times did the Administration that Mr Gray supported as a minister in the first session set out the budget for NHS boards in any more detail than the current budget document provides and for which he criticises me?

**Iain Gray:** That Administration did not provide more detail, but the point is that, in previous consideration of the budget, it was agreed that more detail would be supplied in future years, for exactly the reason that has been given.

The Government gives every appearance of deliberately hiding the detail of its budget to avoid proper scrutiny. However, we can see clearly the string of broken promises that the budget contains—on police numbers, home buyer grants and smaller class sizes by 2011. Mr Swinney also prefaced his spending review statement with his confession to Scotland's students that instead of dumping their debt, he was dumping them.

Growing anxiety among those who deliver or depend on services is clear. Much of that anxiety relates to previously ring-fenced funds. The Prince's Trust has said:

"Potentially thousands of young people won't get the support they need and deserve."

Children 1<sup>st</sup> has said:

"The current climate is unpredictable".

The Scottish Association for Mental Health has said:

"funding we rely on ... may come under much more pressure".

NCH Scotland has said:

"We could ... have a postcode lottery".

Shelter Scotland has referred to a significant threat to about £600 million to £700 million of what we usually call the housing budget, and Scottish Women's Aid has said:

"This could mean a vast reduction in refuge and support services".

The Government has heaped scorn on those fears and described them as "negativity", but they are not just our concerns—they are the concerns of the homeless, the mentally ill, the disabled and their carers, young people who are fighting addiction, and women who are fleeing domestic violence. If those people find it hard to share the mood of optimism that the Government loves to claim exists, that is because they have been let down by life, society and all of us too many times not to fear for the services that they need. If those people find it hard simply to accept the assurances that the money for all those services is available and that there will be no problem, perhaps that is because those assurances come from the same people who promised to provide 1,000 extra police, smaller class sizes and first-time buyer grants, and to pay off student loans.

Mr Swinney will surely say, as he always does, that I do not understand the new relationship that he has with local government. [*Interruption.*] I do not doubt that many SNP members—from sedentary positions or otherwise—are sharpening their Pat Watters quotations for the debate. However, they should remember that when it was put to the president of the Convention of Scottish Local Authorities that Alex Salmond had promised to Parliament that there would be class sizes of 18 in primaries 1, 2 and 3 by 2011, Pat Watters said:

"And which council is he a member of?"

When COSLA's chief executive was asked about the concordat indicators, he said that COSLA had

"not signed up to them."

The Government cannot give the assurances that it has given.

I have heard John Swinney being compared to a bank manager. I think that it was meant kindly and was meant to suggest that he is dependable and can handle figures, but he asks us to see him as a bank manager—as someone who handles other people's money with little more than a word of

advice as to how they might spend it. A bit of a threat of bank-managerial sternness is also present. On ring fencing, the minister responsible for housing told *The Big Issue*:

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

That is called having your cake and eating it.

Such services matter so much because they tackle disadvantage and deprivation. Any budget should be measured by its contribution to social justice. I accept that removing ring fencing does not mean that services will certainly be lost, but it creates such fears, which the Government should not dismiss.

Other budget lines are also central to social justice and, as the smoke clears a little, we see that they are certain losers. On the day of the spending review announcement, every housing organisation protested that the housing budget would be cut in year 1 of the review period. They were told that they had to consider the whole three years and that the housing budget would really rise by 19 per cent. The budget allocates £1.6 billion to housing over the spending review period, but the previous Executive spent £1.5 billion on housing and regeneration over the previous spending review period. In real terms, that is a cut in the housing budget.

We now have detail of the fairer Scotland fund. It rolls up seven existing funds and it is budgeted at £145 million for each of the next three years, but those seven funds already add up to £145 million, so that is another real-terms social justice cut.

If the budget fails the social justice test, surely it must invest in economic growth, given that the Government's all-embracing priority is sustainable economic growth. However, again the Government remains unconvincing.

On infrastructure, we have already lost the rail link to Edinburgh airport and we still await an announcement on the M74, although to be fair we are assured that the funding is in the budget. There is no funding allocated to upgrading Scotland's digital infrastructure and there is no replacement for the route development fund, which has supported more than 40 direct air routes from Scotland.

In recent weeks we have seen the cancellation, or at least the postponement, of the new route between Aberdeen and Houston and the cancellation of the Inverness to Heathrow link. Those are straws in the wind, but they are not encouraging.

It is when it comes to investing in its people that the Government's budget fails most. We have very good participation rates in higher education, but

they are still lower than in many of the countries with which we will have to compete in the potentially difficult economic times ahead. Our universities are now telling us that they will, as a result of the budget, have to cap participation rates. When it comes to vocational training in schools and modern apprenticeships, we have still to hear of a single guaranteed extra place, while in England the huge increase that was recommended by the Leitch report will be delivered 10 years early. We are in danger of being left behind.

The budget could be better—small changes could improve it markedly. We will continue to argue for and promote in the budget process funded amendments that would inject social justice into the budget, better secure Scotland's economic future, and invest in our young people and their skills and in those who undertake higher education.

**Alex Neil (Central Scotland) (SNP):** Can Iain Gray give us three examples of amendments that he will lodge and tell us where he will make cuts to fund the additional expenditure?

**Iain Gray:** I cannot because, as the member knows, we are pursuing all the amendments and improvements to the budget through the budget process in committee. Those debates currently remain private. We will lodge those amendments two weeks from now and if they are accepted they will make possible the guarantee of, for example, 15,000 additional apprenticeships, vocational opportunities in every school in Scotland and support for connecting Scotland through direct air routes. Those are three examples that I can give straight away.

I do not doubt that the Tories will hold the Government's hand throughout today's debate, as they have done at every stage of the budget. I am not surprised, because when we defend the interests of the homeless, the disabled, the disadvantaged, poor pensioners and young people trying to get a start in life, we expect to find the Tories on the other side.

I began with an allusion to 1 Corinthians, chapter 13, verse 12, for those who were awake. The next verse refers to the great virtues of faith, hope and charity. The trouble with the budget is that it asks us to accept far too much on faith rather than providing numbers or evidence. In too many areas, including the central one of supporting economic growth, it substitutes hope for solid investment where it is needed. The Government should show a little charity or—even more unlikely—humility. It should respond to concerns about its budget and amend it before it comes before Parliament as a bill. It would be the better for it.

I move,

That the Parliament regrets the difficulties faced by subject committees in scrutinising the Spending Review 2007 due to the failure of the Scottish Government to provide figures to the level of detail established in previous budget consideration; notes the widely expressed concerns that provision in some areas is inadequate or rendered vulnerable through immediate removal of ring-fencing, and calls on the Scottish Government to work with the Parliament's committees in their detailed consideration of these areas and, as a starting point, amend its spending review proposals to boost economic growth and protect the most vulnerable in our society.

09:29

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** I am delighted to be able to take part in another debate on the spending review. When I heard about the topic of the debate last Friday, I was not sure on what ground the Labour Party would stand in the debate. I thought that it would be reasonable to expect that Mr Gray might come to Parliament and substantiate the press statement that he issued—assisted by his party leader, Wendy Alexander—before the turn of the year. It set out numerous commitments on

“tackling health inequalities ... A water charge rebate for pensioners; Increasing the number of modern apprenticeships ... skills academies ... Increased higher education funding; Support for air services ... Increased funding for kinship carers; A town centre renewal fund”

and

“Respite care for disabled children cared for by their parents.”

The problem is that the Labour Party has instead used its debating time to pick nits about process rather than to put forward the constructive alternatives to the Government's budget that Mr Neil has rightly sought. Mr Gray failed in his 14-minute speech to mention in one scintilla of any comment a single budget line that would be changed to pay for anything in that list of commitments.

**Iain Gray:** The cabinet secretary is now hiding behind the Parliament's budget process. That is a disgrace. Two weeks from now, when he brings the budget bill to Parliament, we will lodge amendments on each and every one of those areas according to the proper process, which has been agreed. He should not hide behind the private nature of committee reports. That is a disgrace.

**John Swinney:** That was a pathetic response to my comments. If the Labour Party had seriously wanted to influence my thinking about the budget, it would have been reasonable for it to have set out today the changes that it wants me to make to the budget so that I could give, in the short time that is available to me, appropriate consideration

to how we might address them. Instead, Mr Gray has come forward a week before the budget bill will be published without a scintilla of an idea about how he will pay for any of the additional proposals.

**Richard Baker (North East Scotland) (Lab):** On a point of order, Presiding Officer, I ask you to clarify that the reports that are being compiled by the committees on the budget process are private documents and therefore cannot be referred to in the debate. You made that clear in your comments at the beginning of the debate.

**Alex Neil:** On a point of order, Presiding Officer.

**The Presiding Officer:** Let me deal with Richard Baker's point of order first, if I may.

The reports on the committee's deliberations are private, but anything that is already in the public domain by way of evidence that has been given to those committees can, of course, be referred to.

**Alex Neil:** On a point of order, Presiding Officer. Although the committee reports are still private, is not it the case that any party is free to put forward in the debate its own ideas, if it has any?

**The Presiding Officer:** I do not think that that is a point of order, but it is a reality.

**John Swinney:** That makes my point. The debate is not listed in the *Business Bulletin* as a committee debate; it is a Labour Party debate, in which it is only reasonable for the Government to expect, if the Labour Party wants to change the budget, to hear some of that party's ideas about its alternative proposals—it has publicised a number of them—and to be given some idea of how they might be paid for. Mr Gray singularly failed to address or answer that question in his speech. Perhaps Dr Murray will come to the rescue of her front bench.

**Elaine Murray (Dumfries) (Lab):** I do not claim to be doing that. Does the cabinet secretary accept that there is an opportunity at the Finance Committee next week for Labour Party amendments to the budget to be debated? Labour Party amendments to the budget will be lodged for that meeting of the Finance Committee.

**John Swinney:** We are back to having our cake and eating it. If the Labour Party wants to have a debate about the spending review and to advance its proposals, what is stopping it from telling us today what its changes to the budget would be? The Labour Party is not telling us that. It is telling us what alternative spending proposals it wants, but has given us no indication of how they would be paid for. That is fine—Labour Party members can go to the Finance Committee and argue for that. It is not a matter for me as I am not a member of the Finance Committee. I am a cabinet secretary responding to a debate about the

spending review in which the Labour Party has completely flunked its opportunity to set out an alternative strategy, which shows the poverty of thinking in the Labour Opposition.

Of course, this is just the Labour Party's systematic attempt to undermine the budget process. It started in the summer when the Labour Party advanced an argument in *The Scotsman* on 12 June about how there was going to be an enormous change to the budget process this year, and the Procedures Committee would be called on to review the budget process and change it so that the Labour Party would have more influence over the process. I am not, however, aware of the Labour Party having lifted a finger to try to change the budget process through the committee this year.

We had a debate in November last year in which the Labour Party demanded more debates on the budget. Cabinet secretaries and ministers have gone to a whole series of committee meetings to fulfil their statutory duty to inform committees about issues in connection with the budget. Now we have today's effort, in which the Labour Party has had a splendid opportunity to tell us how it will change the budget. Of course, it has singularly failed to do that.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Will the cabinet secretary give way?

**John Swinney:** I want to cover more ground; I have already been generous in giving way.

The Government has proposed a budget that addresses the needs of the people of Scotland. We have set out in enormous detail the contents of the budget document. We have set out at levels 1, 2 and 3 the volume of information that the Government would normally be expected to set out. I have also taken account of the Finance Committee's legacy paper on improving the presentation of the budget. Our spending plans provide a clear statement of our priorities, we have set out a new performance framework to allow for proper scrutiny and we have set out a clear statement of our plans for a sustained programme of cash-releasing efficiency savings.

The second point that I want to address in the context of the Labour motion is the question of removal of ring fencing. Mr Gray made a number of comments about charities that have expressed concern about that. What he omitted to say was that during the Christmas and new year holidays, virtually every one of the Labour Party's front-bench spokespeople were on the front foot scaremongering about the removal of ring fencing as a result of the budget. What the Labour Party's scaremongering argument about removal of ring fencing is saying is, "For heaven's sake, do not



trust the local authority leaders of Scotland to deliver for the people of Scotland.” They are saying that we cannot trust local authority leaders to deliver the public services that our people depend on. The problem with that is that the largest group of local authority leaders in Scotland comes from the Labour Party—12 out of 32 local authorities are led by the Labour Party. When a cabinet secretary of an SNP Government is prepared to trust Labour local authority leaders in Scotland, why is the Labour leadership in the Scottish Parliament not prepared to do so into the bargain? That is outrageous.

**Margaret Curran (Glasgow Baillieston) (Lab):**

If that is the case, cabinet secretary, why are you not consistent in your approach?

**The Presiding Officer:** Please speak through the chair.

**Margaret Curran:** I apologise, Presiding Officer, through you then. Why have you therefore kept ring fencing, cabinet secretary—[*Laughter*—for some elements of funding to tackle violence against women, but abandoned it for others?

**John Swinney:** We are having a morning of having our cakes and eating them. A lot of cakes are being eaten on the Labour benches. I thought that we were all supposed to be getting trimmer after the new year holidays, but many more cakes are being eaten on the Labour side of the chamber.

What Mr Gray did not highlight in his comments were remarks that were made to *The Herald* newspaper on 7 January by Martin Sime, the chief executive of the Scottish Council for Voluntary Organisations. Mr Sime said:

“there will be few voluntary organisations who will claim that the old ring-fencing methods of control from the centre really were the best way to address such needs.”

I thought that that was a particularly informed contribution—as informed as the contribution from the president of the Convention of Scottish Local Authorities, who said a number of interesting things in his article in *The Herald* at the turn of the year. He said:

“Concern has been expressed that, as ring-fencing is removed, vulnerable groups will not be guaranteed the service they have previously had. The argument goes that these groups are not numerically or electorally important, therefore they can easily be ignored. This is both a slur on local government politicians and a silly argument.

Does anybody really believe that if a section of the community is electorally unimportant, it is more likely to be protected by central government politicians than local ones?”

Councillor Watters went on to say that

“Under the previous executive, Cosla was promised year-on-year reduction in ring-fencing, so it is difficult to see why

such a fuss is being made by the simple acceleration of that process.”

That is another example of Councillor Watters pointing out how the Labour crowd wants to have their cake and eat it.

If ring fencing was to be removed by the previous Administration, why on earth is it complaining because the current Government has had the courage to put in place a framework of policy consideration in Scotland that ensures that we are unified around our purpose of increasing sustainable economic growth, and that is supported by the achievement of national outcomes to make Scotland a fairer and more successful country? If the Labour Party cannot see that, it has regrettably failed yet another test of opposition, as it has failed today in its astonishing omission to propose alternatives to the spending review debate. That shows how weak, poor and pathetic the Labour Party is in its current state of affairs. That is why I am determined to press ahead, in consultation with Parliament’s committees, with delivery of the Government’s budget and to take forward the budget process.

I move amendment S3M-1105.2 to leave out from “regrets” to end, and insert:

“looks forward to the replacement of significant amounts of ring-fencing by single outcome agreements with local authorities that will support the achievement of national outcomes set out in the spending review; recognises that the effectiveness of the national outcomes and the removal of ring-fencing will require to be monitored, and looks forward to the continuation of full scrutiny of the Scottish Government’s budget in the Finance Committee and the Parliament as part of the budget process.”

**The Presiding Officer:** I call Derek Brownlee to speak to and move amendment S3M-1105.2.1, which seeks to amend amendment S3M-1105.2, in the name of John Swinney. After all that, Mr Brownlee, you have seven minutes.

09:41

**Derek Brownlee (South of Scotland) (Con):** Labour’s motion refers to

“the difficulties faced by subject committees in scrutinising the Spending Review 2007”.

As we all know, the subject committees have reported to the Finance Committee and those reports, along with the Finance Committee report, will be published next week. Labour’s call for the Government to work with the committees in their detailed consideration of the budget comes three weeks after all but one committee has completed such consideration. At present, as the Presiding Officer said at the beginning of the debate, the committee reports are not in the public domain, so we cannot discuss or debate them, although it is, of course, open to members to discuss evidence that was heard in public session or other matters that relate to the spending review.

Iain Gray had a point when he spoke about the constraints on what we can say and discuss today. As far as I am aware, all MSPs on the committees were entirely happy with the timetable for publishing reports; it is not novel that such reports are private. What is novel, however, is that we are debating the subject today, because today's debate is one of the five that the Labour Party advocated we should have in its motion that was put to Parliament on 8 November.

I said at that time that we should not change the process arbitrarily a week before the budget process commenced. There could be no better argument for why that was the right approach than the fact that we are told today by the Labour Party, which called for those five debates, that we cannot have a full debate and discuss all the relevant matters. It is rather ironic that those debates, which were supposed to be the main enhancement of the budget process, are ones in which there cannot possibly be a full discussion. That goes exactly to the point that I made in the debate on 8 November that this chamber should not cut across the existing process and the work of the committees.

**Jeremy Purvis:** The member will be aware that there was nothing to stop the Finance Committee publishing the committee reports that fed into its report if it so chose. There is no requirement for those reports to be private; it was simply the Finance Committee's decision, and one that it has taken in previous years.

**Derek Brownlee:** Indeed, and I wonder how the Liberal Democrat and Labour members of the Finance Committee reacted when that proposal was made. The committee has followed the same process that it followed in previous years. There is nothing novel about it.

**Christine Grahame (South of Scotland) (SNP):** There is certainly confusion about the situation. There is absolutely nothing to stop anyone in this chamber from making a point about what they think ought or ought not to be in the budget as long as they do not attribute it to a committee. They can make comments in this chamber that they made in private, but they must not say what a committee discussed in private or what it reported. That is an end to the matter.

**Derek Brownlee:** I will take the member's advice on that. It was open to committees, as it was to individual MSPs, to ask for additional information. As I understand it, the thrust of the Labour Party argument is that the budget documents do not contain the same level of detail as in previous years, and in particular they do not contain all the level 3 detail that was published previously. If I understand it correctly, the thrust of the Government argument is that it has included all the level 3 information. Clearly, both the Labour Party and the Government cannot be right.

Even if we assume for the moment that the Labour Party is right, it is entirely open to anyone to ask for further detail on the budget. For example, the day after the budget was published, I lodged a parliamentary question asking for a breakdown of a level 3 figure in the justice budget. I wanted more detail on the sum of £25.5 million under an "Other Miscellaneous" heading. As a result of the question, we now know that £0.01 million of the justice budget will be spent on the "HR Scotland project". That may not be a particularly consequential part of the budget, but the example shows that it is open to any member to ask for further information. As far as I am aware, where information has been requested, it has been given.

**Des McNulty (Clydebank and Milngavie) (Lab):** Mr Brownlee is, of course, a veteran of the Finance Committee in the previous session of the Parliament. Perhaps he will therefore recall that the former Finance Committee received level 3 information at every single budget round. Furthermore, on the efficiency savings to which Mr Swinney referred, the committee insisted on being given identified efficiency savings and not simply a figure, which is all that we have had from Mr Swinney.

**Derek Brownlee:** My point is that members can ask for further information, and that when we do so it is forthcoming—certainly, I found that to be the case. [*Laughter.*]

**The Presiding Officer:** Order.

**Derek Brownlee:** Liberal Democrat members may laugh, but it was also open to them to ask for information. If they could not be bothered to do so, that is a matter for them.

I am not saying that there is no scope for improvement in the budget process. Later in my speech, I will address the Liberal Democrat conversion on the matter. I was delighted to read the reference in the Labour motion to protecting "the most vulnerable". I assume that it is not merely a subtle way of reaffirming additional office support for Wendy Alexander.

I note the comments that have been made on the removal of ring fencing. The key issue in the debate is the decision whether the removal of ring fencing is the right way to go forward. Clearly, there is political disagreement on that. The key to all of this is how effective the outcome agreements are in practice at delivering outcomes.

**Iain Gray:** Mr Brownlee makes a fair point. However, we know that the outcome agreements will be available to us at the beginning of April at the earliest. My point was that we are being asked to sign off £11 billion of spending against outcome agreements that we will not have until April. Have I missed something? Perhaps the member will correct me.

**The Presiding Officer:** You are now in your final minute, Mr Brownlee.

**Derek Brownlee:** All that the member has missed is that the £11 billion is to be spent by democratically elected councils.

I turn to the Liberal Democrats' amendment. I will pay them what must be, in the world of the Liberal Democrats, the ultimate compliment: we support and oppose parts of the amendment at the same time. The part of the amendment that we support is where it calls for

"a review of the budget process".

Indeed, my amendment refers to that, too. Of course, when we debated the subject the Liberal Democrats did not find it in their heart to support the process when we proposed it. However, we look forward to them playing a full part in such a review and to hearing their constructive proposals.

I do not agree entirely with all that the Liberal Democrat amendment says on the level of information that has been provided or on the efficiency savings. In 2005, the detailed efficiency technical notes were published two weeks after the Budget (Scotland) Act 2005 received royal assent. At the time, the Deputy Minister for Finance and Public Services was, I think, Tavish Scott.

**The Presiding Officer:** You should close now, Mr Brownlee.

**Derek Brownlee:** The review of the budget process for which the Parliament voted on 8 November is critical. We should engage fully in the review when it comes. Iain Gray and other members will discover soon enough the Conservatives' response to the budget.

I move, as an amendment to amendment S3M-1105.2, amendment S3M-1105.2.1, to insert at end:

"notes the decision of the Parliament on 8 November 2007 in relation to a review of the budget process for future years, and calls on all interested parties to participate fully in that review when it commences."

09:49

**Tavish Scott (Shetland) (LD):** I wish a happy new year to all, although there has not been much of that this morning. Before Mr Swinney jumps to his feet, I say to him that I had a good share of Christmas cake this year, although I do not notice much humble pie being eaten by members on the SNP benches. The party used to make much of consensus, saying that this was a Parliament of minorities in which it was a minority Government. It used to say that politicians should work on the issues on which they agree and that it would propose and debate any changes for which it sought parliamentary approval.

Well, well, well. Eight months have gone by, and we have a minority Government, but with a majority ego. We have a Government whose motto is, "If you say it often enough, people will come to believe it"; a Government with the arrogance to dump its promise to scrap student debt without even bringing its plans to the floor of the chamber; and a Government that goes on to claim, without an ounce of shame, that it is delivering for students, when not one Scottish student will see their loan debt written off as promised. It appears that the SNP's promises are easily made and easily broken.

We now have a Government that, when it found itself skewered by its own budget plans for a real-terms cut in university funding next year, was prepared to instruct civil servants and publicly paid spin doctors to produce dodgy tables to hide that fact. This is a Government that is prepared to send hecklers to disrupt a legitimate protest by students from across Scotland who came to the Parliament to point that fact out. [*Interruption.*] There are plenty of paid hecklers on the SNP benches today.

We now have a Government that is prepared to be so economical with the truth that the BBC has been forced to set up a whole new webpage on the topic of SNP spin. This is a Government that is so hopelessly wedded to spin that a key manifesto pledge to cut class sizes to 18 was deemed to be met by issuing a single piece of paper that was backed up by not a single extra penny—not one penny. I do not know whether the penny should be described as an historic penny, a landmark penny or simply one that has already been spent. It makes no difference: I see no mood of optimism sweeping the classrooms.

We now have a Government that is prepared to threaten councils with the loss of both their share of the extra council tax money and their efficiency savings, and the re-imposition of ring fencing. It is prepared to do that simply because councils may reasonably assess that, without a single penny of extra funding, they will be unable to make progress on class sizes.

**Kenneth Gibson (Cunninghame North) (SNP):**

Is it not the case that there is a 13.2 per cent increase in capital funding over the next year, specifically to ensure that the class size commitment is met?

**Tavish Scott:** Mr Gibson should ask local authorities how much money they have been given to achieve the policy, on which I assume he stood at the election. All 32 local authorities will tell him that they have received not one single penny.

This is a budget of broken promises. The problem for the SNP is that its sums did not add up before the election and they do not add up now. The SNP overpromised, and now the SNP

Government has had to backtrack and break promise after promise. It has blamed Westminster and the Opposition parties. Liberal Democrats suspect that it is now gearing up to blame the councils.

The 2007 spending review and the budget for the next year are an object lesson in parliamentary hoodwinking. The SNP strategy is simple: disguise, hide and obfuscate. It has made its budget choices, as any Government should do. Liberal Democrats do not oppose the right of the SNP Government to make choices—absolutely not. Our criticism is that the choices that it has made are set out in a budget that lacks detail and transparency. Quite simply, this is the most opaque budget since 1999.

Budget lines have been renamed, merged and dropped without explanation. It took a fortnight for the Government to admit that. Members across the political spectrum have found the presentation of financial information on the transfer of budget lines to local government to be wholly inadequate, completely lacking in transparency and unhelpful in any analysis of the impact of the spending review. On that point, the Liberal Democrats agree with Labour. However, we will not support the Labour amendment. An amendment that supports ring fencing is an amendment that supports centralisation. Liberal Democrats trust local government and we trust local councillors. As I said before Christmas, Liberal Democrats support the principle of ending ring fencing.

There is innovative thinking in local government that can be helped and promoted. I refer to thinking such as that on the City of Edinburgh Council, where the Liberal Democrats are promoting new business-friendly tax regimes in the city centre and on the waterfront. However, the Parliament should be clear on ring fencing.

There has never been less time in a budget process for councils to reappraise their budgets. We know that, every day, officials are phoning the Scottish Government seeking clarification on one or other budget line. No wonder the Parliament does not know where the money will go and to whom—neither does the Government, nor local councils. Given that elected members have to set budgets early next month, the best that they can hope to achieve in the impossible circumstances that the SNP timetable allows is a budget rollover, which is much the same as last year.

**John Swinney:** Does Mr Scott recognise that, in the local government finance settlement of December, the Government gave local authorities more information on a greater sum of money earlier in the process than any previous Administration in Scotland has done?

**Tavish Scott:** I would need to come back to Mr Swinney on whether there was more information—

I simply cannot give him an honest or straight answer on that, because I do not know. However, I know that all the councils have been telephoning his department to ask for clarification on budget lines, because they simply do not know what the situation is and they need to inform their members so that they can set a budget in the coming weeks. That does not suggest to me that more information was provided to local councils in the process that Mr Swinney mentioned.

Mr Swinney's position is that there should be no compulsory public sector redundancies, so it is ironic that local enterprise network staff in the Highlands and Islands already know that 50 of them will go throughout the network, including some from Lerwick, Kirkwall and the Western Isles. The £40 million cut from the Highlands and Islands Enterprise budget is a cut by the SNP in investment in the area's economy.

The Parliament is not a rubber stamp to approve SNP plans. We should scrutinise the budget, not have improvements to that process blocked by the SNP and the Tories. The Tory amendment goes only so far. The review of the budget process is a matter of urgency. It must consider the timescale, content and nature of the process, and it must improve the process so that committees can take more and real evidence on alternative spending proposals and increase the scrutiny of the Government's plans. The review must involve wider civic Scotland and it must act swiftly if the flaws in this year's process are to be avoided next year. We urge the Tories to support the Liberal Democrat amendment, which makes that absolutely clear.

It was wrong of the Tories to block extra debates on the budget, especially given that their finance spokesman has rightly supported reform. We hope that the Tories will be consistent today, although not by simply propping up the SNP. We hope that they will be consistent on a more important issue: parliamentary scrutiny of the budget. The Liberal Democrats will give the Tories due credit if they are consistent on that point today.

The budget process has been flawed. The committee reports, which have been watered down through the fair but inevitable process of seeking a consensus, will show that to be the case in the coming days. No matter how much time the cabinet secretary and his taxpayer-funded political advisers spend trying to create terribly clever traps, the Liberal Democrats are not going there. No—the budget process and the Government's choices are flawed.

I move amendment S3M-1105.3, to leave out from "regrets" to end and insert:

"recognises that no party holds a parliamentary majority and believes therefore that the 2007 Spending Review was an opportunity to create a budget of the whole Parliament;

regrets the SNP Government's failure to match its rhetoric on consensus with action in this Parliament; believes that the budget document is the most opaque seen under devolution and fails to provide an appropriate level of detail and transparency; regrets the Government's failure to detail how it intends to achieve the proposed £1.6 billion of efficiency savings; notes the concerns across the public sector at delays to infrastructure investment caused by uncertainty over the future of PPP; believes that urgent reform of the budget process is required to increase the opportunities for parliamentary committees to take evidence on alternative spending proposals and consider government spending plans in more detail; welcomes the resolution of the Parliament to establish a review of the budget process, and calls for this review to commence as a matter of urgency, involve wider civic Scotland, consider the timescale, content and nature of the budget process and report to the Parliament at the earliest possible opportunity in order that its recommendations can be implemented in time for the 2009-10 budget."

**The Presiding Officer:** We now move to the open debate, with speeches of a tight six minutes—and I mean tight.

09:57

**Kenneth Gibson (Cunninghame North) (SNP):** What has the once-mighty Labour Party been reduced to with this pitiful motion, which repeats the same tired old mantra of fears and smears? With the removal of ring fencing, every poor, disabled and vulnerable group will be left to the mercy of those heartless, cruel and uncaring brutes we call councillors. They are an evil and rapacious group of 1,222 men and women from throughout Scotland, who at this very moment are plotting how to deny their most defenceless constituents the largesse that has been bestowed upon them by a generous, loving and caring Westminster via those scoundrels we know as the Scottish Government. So shameful and debased are the councillors that even those who were elected only last year by a naive and trusting public under the once-loved and respected name of Labour are apparently part of that dreadful conspiracy, which is fronted today by that shadowy figure who goes by the mysterious and innocuous-sounding name of John Swinney.

Only the true and noble forces of the mighty Wendy Alexander MSP—who is dazzled by the sunlight after many days and nights holed up in her bunker—can save the day, as she rides out on her white charger to rescue the weak and the meek from that wicked scoundrel, the aforementioned and dastardly Mr Swinney, and his horde of deluded, manipulated and brainwashed local government followers. Honestly, the script of "Enchanted" has more in common with reality than the tired nonsense that we heard today from Mr Gray. It is the weary and worn-out Labour strategy of the big lie—if we say something preposterous loud enough and often enough, people will believe it. For years, Labour

has repeated the big lie that Scotland is too poor and too wee, and that the Scots, uniquely, are too stupid to run our own country.

The latest nonsense—which is, in a nutshell, that councillors do not care about their vulnerable constituents—follows hard on the heels of Labour's deeply insulting Holyrood election campaign, and shows that Labour is a party not of lions but of kittens led by donkeys, and that it has learned nothing in defeat. Scots are fed up with Labour crying wolf, and no one is being taken in by the latest attempt at frightening not just anyone, but the most vulnerable in our society.

To quote, since its election, the SNP Government has used

"executive powers to drive through an astonishing range of initiatives and reforms with no particular consensus sought. Saving hospital A&E departments, abolishing prescription charges, bridge tolls and student fees, freezing council tax, cutting business rates, axing government departments and quangos such as Scottish Enterprise, rejecting nuclear power, opposing Trident, replacing PFI and ending private involvement in the NHS. It was impossible to keep up.

In the process, Salmond has created a new form of progressive nationalism, unlike anything seen in Europe in the past three decades. The image of nationalism as a backward and narrow-minded political force, preoccupied with ethnicity and hostile to foreigners, has finally been dispelled. The SNP has made a reverse takeover of the Scottish social democratic consensus that Labour has presided over for the past half-century.

Instead of the SNP being blown away by the unionist majority, Labour were almost blown away by the sheer verve of Salmond's hyperactive administration. Labour end this annus horribilis in a terrible state, with a leadership crisis and a donations scandal. The new Labour leader, Wendy Alexander, has failed to offer any intellectual challenge to Alex Salmond's populist nationalism, and the party organisation is disintegrating.

Labour have feigned opposition to SNP initiatives ... and then ended up supporting them. In fact, it is hard to find much that the nationalists have done in the past nine months that Labour really oppose as a matter of principle. They even support Donald Trump's blessed golf course. The truth is that the SNP were doing a lot of things that Labour MSPs would have liked to do, but couldn't because of the London connection.

Despite being only one seat behind the SNP, Labour have yet to mount any coherent opposition in Holyrood, and have ceded the initiative on many key issues".

That lengthy quotation, from the esteemed political commentator Iain Macwhirter in the *Sunday Herald* of 23 December last year, sums up where we are politically in Scotland. Could any of us have said it better?

Of course, we are now into 2008. Last Monday, Jackie Baillie appeared on "Newsnight" to offer a stout defence of her leader. During the programme, she ludicrously posited that the SNP is on the run over Labour's virtually-forgotten-already constitutional commission.

**The Deputy Presiding Officer (Alasdair Morgan):** I know that the debate is fairly broad, but the member could perhaps mention the budget occasionally.

**Kenneth Gibson:** With Labour members suffering from that level of delusion, there is not much hope for them, is there, Presiding Officer?

10:02

**Elaine Murray (Dumfries) (Lab):** I will follow that, if I can. I am not sure whether I should be a kitten or a donkey but, as an animal lover, I am not too bothered about being either.

I assure Mr Swinney that his colleagues on the Finance Committee will not have long to wait to find out about Labour's amendments to the budget proposals. In fact, I feel challenged to lodge even more amendments than I was thinking of lodging, so we can look forward to a long meeting on Tuesday.

The consideration of the Scottish budget and spending review has been difficult for all concerned because of the compressed timetable, which I admit is not the fault of anybody in the Parliament, but an inevitable consequence of the election and other factors that delayed the United Kingdom spending review. However, scrutiny by the committees and other interested parties has been hindered further by the lack of detail in the budget, to which our motion refers. As Iain Gray and Derek Brownlee mentioned, members of all parties have asked questions and elicited further information while expressing concerns about the lack of level 3 funding detail and the grant-aided expenditure figures, which were included in previous budget documents. Concerns have also been expressed about the failure to publish real-terms level 2 data.

The cabinet secretary provided the Finance Committee with information about several level 3 lines that have been merged, renamed or dropped, and he gave a commitment to make the real-terms level 2 data available through the Scottish Parliament information centre. Further, he maintained in a letter to the committee that the publication of the GAE figures was often misinterpreted, which is why it has not been done. I say to him that the additional information was not requested to be awkward or negative. In the previous session of Parliament, Finance Committee members of all political parties commented on the difficulty of tracking decisions in the absence of baseline data and when targets were changed.

I will not mention anything that is not on the record, but I will mention information that was given on the record to committees by people such as Professor Arthur Midwinter, who at the time

was acting as an adviser to the Scottish Police Federation. [*Laughter.*] It is rather offensive to cast aspersions on the intellectual rigour of a person such as Arthur Midwinter because of his political opinions. He is an eminent academic in Scotland, so SNP members should behave a little more courteously towards him. He told the Justice Committee:

"One of the great disappointments of the new budget document ... is the reduction in the number of budget lines".—[*Official Report, Justice Committee, 27 November 2007; c 375.*]

He pointed out that two of the budget lines that matter most to the Justice Committee are the GAE line and the police capital grant line, both of which have disappeared, making it difficult for the committee to interpret the figures.

I know that the SNP does not particularly like Professor Midwinter, but his concerns were echoed by the Institute for Public Policy Research in its briefing on the Scottish budget of 7 December. The authors noted that the supporting documents made it extremely difficult to assess how the reallocation had affected the 2007-08 baselines of the transferring budget. They also noted that the detail necessary to make an informed judgment through independent scrutiny was largely missing.

I know that the cabinet secretary is proud of the concordat, but there is confusion about what it will mean. The cabinet secretary seeks to purchase a council tax freeze for the sum of £70 million, yet Councillor Pat Watters, the president of the Convention of Scottish Local Authorities, advised the Finance Committee on 4 December that it was not in the gift of Government to say that there would be a council tax freeze. I understand that COSLA is now seeking legal advice on whether the Government is able to withhold from local authorities that do not freeze council tax their proportion of that £70 million.

The following day, Councillor Isabel Hutton advised the Education, Lifelong Learning and Culture Committee:

"We have not agreed in the concordat to reduce all P1 to P3 class sizes by the end of the specified period."—[*Official Report, Education, Lifelong Learning and Culture Committee, 5 December 2007; c 413.*]

There was further confusion on the extent to which the Government could ensure the protection of vulnerable people. Pressed by Wendy Alexander on the issue of domestic violence, the First Minister assured Parliament on 29 November that the outcome agreements that he was negotiating with each individual local authority would

"have the reduction of domestic violence as the highest priority."—[*Official Report, 29 November 2007; c 3938.*]

However, just five days later, Councillor Watters, when answering a question from me on that very issue, told the Finance Committee:

"the Government cannot give an assurance on behalf of 32 councils. We are independently elected to look after our communities."—[*Official Report, Finance Committee*, 4 December 2007; c 189.]

The cabinet secretary has appeared confused on how funding for issues such as flood prevention, which previously was ring fenced, will be distributed in the future. Mr Swinney will probably recall answering my question on 10 December. He said:

"There will be a number of instances in which allocations will be made on the basis of need. The flood prevention budget line is a good example of that. Work will be done in individual localities. Once that work is complete, money will no longer be needed there, so it can be reallocated to other areas. The issue forms part of the distribution discussions that we have undertaken with local authorities".—[*Official Report, Finance Committee*, 10 December 2007; c 225.]

A few days later, he told Parliament:

"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."—[*Official Report*, 13 December 2007; c 4460.]

Even the cabinet secretary is confused about the spending review and how funding is to be allocated. I therefore urge him to work with the Parliament's committees to achieve clarification and to produce a budget that promotes sustainable economic growth and also promotes social justice.

10:08

**Alex Neil (Central Scotland) (SNP):** This morning, we have learned from members on the Labour benches that an intellectual vacuum now pervades new Labour in Scotland. During the summer, we were promised a swathe of new bills from the Labour Opposition, which would flood the Parliament with new and exciting proposals to implement Labour's manifesto commitments. In eight months, the party has produced one bill, on tanning. That is the sum total of its effort on that front.

During the summer, Labour put forward a whole range of proposals for amendments to the budget, but this morning we have not heard one substantive proposal or one new idea from members on the Labour benches. The party talks about social justice, but where are its proposals for additional expenditure on social justice? What does Labour want to spend more money on, and what will it cut in order to fund that expenditure?

**Margaret Curran:** I am not on a committee, Presiding Officer, but I presume that, in making this suggestion, I am keeping within the rules. Does Alex Neil agree that we should increase resources to tackle health inequalities and that we should shift some money away from information technology?

**Alex Neil:** I agree that more money should be spent on dealing with health inequality, and more money for that is already in the budget.

**Iain Gray:** Will the member give way?

**Alex Neil:** One way of dealing with health inequality is by making substantial additional investment in housing.

**Iain Gray:** Will the member give way?

**Alex Neil:** We have to deal with the causes of inequality, not just with the consequences.

**Iain Gray:** Will the member give way?

**Alex Neil:** Members should compare our proposals to build 35,000 new houses with the miserable 24,000 new houses built under the Lib-Lab pact—an increase of nearly 50 per cent.

**Iain Gray:** Will the member give way?

**The Deputy Presiding Officer:** Order.

**Alex Neil:** I will let Iain Gray, in his frustration, come in at this point.

**Iain Gray:** Mr Neil is correct—I am frustrated. He is claiming an increase in the housing budget, but I demonstrated this morning that it is being reduced in real terms over the next three years. Changing £1.5 billion to £1.6 billion is actually a reduction in real terms over a three-year period.

**Alex Neil:** That is comparing apples with oranges. Iain Gray talked about our housing budget but compared it with Labour's money on housing and regeneration. Anyone who cannot see through that should not be a finance spokesman.

A big race is going on in the Labour Party to see who will succeed Wendy.

**The Deputy Presiding Officer:** Please use people's full names, Mr Neil.

**Alex Neil:** After Iain Gray's contribution this morning, my money is on Malcolm Chisholm.

One thing that the Labour Party did not mention is that, since the summer, the price of oil has gone up to \$100 a barrel. If we are talking about budget revision, fairness and the distribution of resources, we should say that we would have an additional £3 billion to spend in each of the next three years if we had control over our own money.

The Labour Party has made a big thing about ring fencing, but the party does not understand two fundamental points about the removal of ring fencing. The first concerns a vote of confidence in local democracy. Every other major party in this chamber—the Tories and the Liberal Democrats as well as the SNP—has faith in local democracy. The Labour Party leadership wants to return to the Stalinist centralism that it has practised for the past 30 years.

**Rhona Brankin (Midlothian) (Lab):** Will the member give way?

**Alex Neil:** No, I have taken enough interventions.

The second point that the Labour Party does not understand relates to single outcome agreements. It has missed the point entirely. Single outcome agreements do not apply only to areas that were previously ring fenced; they apply to the whole scope of local government funding. We therefore now have a far better and more appropriate balance between local government and the Government, which allocates resources to local government. It should be noted that, like the universities, local government now has, over the three-year period, a higher share of total Scottish Government expenditure than it had under the previous Executive.

**Richard Baker:** Will the member give way?

**Alex Neil:** I do not have time for more interventions.

We now have a proper balance between allocating resources from the centre and allowing people in local areas to decide how to spend their budget. If a local council wants to ring fence its funding internally, it is entitled to do so. If it wants to shift expenditure from one priority to another, it is entitled to do so. A council is best placed to know its community's priorities. Decisions should not come via some centralised diktat from Edinburgh.

The logical conclusion of Labour's argument is that we should not just ring fence what was ring fenced but ring fence all local government expenditure. Why do Labour members not totally destroy local democracy while they are it? That is the logic of their argument. That is why, on this budget, their arguments are vacuous and their intellect is a vacuum.

10:14

**John Park (Mid Scotland and Fife) (Lab):** I will try my best to fill that vacuum. I am new to the budget process but I have to admit that I have been disappointed by and concerned over the lack of detail in the Government's first budget. I am disappointed because the SNP has been vague,

at best, on most issues since it formed a minority Government—the policy-lite themed debates that began in May 2007 were followed by a summer of parliamentary questions that could not be answered until the spending review had taken place.

What concerns me most about what we can glean from the little detail that is in the budget is that the budget priorities of the SNP appear to be vastly different from those of any other Government that claims to be social democratic, no matter what Kenny Gibson says. The SNP's budget has a business tax-cutting agenda that would make David Cameron blush—no wonder the Tories have been falling over themselves to support it.

Scotland needs collective solutions and leadership from Government. Let us look at skills, for example. It is particularly unclear how money will be spent to support vocational training. I suppose that that is not much of a surprise, given that the SNP manifesto said next to nothing about workforce development. That showed in the skills strategy's lack of substance and the fact that the economic strategy said more about a desire to have control over corporation tax and workers' rights than it did about workplace learning. We are in a period in which no strategic action will be taken while we wait for a skills body to be set up to deliver the few targets that the Government has set.

Given that few targets have been set and no measures have been taken, I find myself asking what the money that has been set aside for skills in the budget will deliver. Will it deliver 50,000 modern apprenticeships by 2011? Unfortunately for Scottish industry, it will not. It is clear that the Cabinet Secretary for Education and Lifelong Learning, Fiona Hyslop, has tried to portray the SNP's plan to have 50,000 people in training as being the same as providing 50,000 modern apprenticeships. In a parliamentary debate on 21 November 2007, at column 3591, she said:

"this Government will see 50,000 people in training. The Westminster Government's recent announcement of 120,000 apprenticeships brings its total"—

**Christopher Harvie (Mid Scotland and Fife) (SNP):** Does Mr Park accept that the quality of apprenticeship training has a great deal to do with an economy's level of manufacturing?

**John Park:** Absolutely. I accept that that is an issue, but as the member knows—[*Interruption.*]

**The Deputy Presiding Officer:** You do not get a second bite at the cherry, Mr Harvie. [*Interruption.*] Order.

**John Park:** Manufacturing is an issue but, as Mr Harvie knows, the Labour-led Executive created a number of modern apprenticeships in a number of



different disciplines over the eight years for which it was in power. We should not forget that the most worrying factor is that this Government has no targets for modern apprenticeships.

If the Government thinks that 50,000 nondescript training places are a substitute for the 50,000 modern apprenticeships per year that Labour would have delivered, I suggest that it should read the Leitch report to find out what the real challenges are. Once the Cabinet Secretary for Education and Lifelong Learning has read the Leitch report, if she still thinks that the provision of 50,000 training places compares well with the 7 million comparable places that are being rolled out across the rest of the UK, I suggest that she should go for a lie down in a darkened room. Frankly, zero targets for modern apprenticeships does not compare well with anything.

The fact that the Government has made no commitment, financial or otherwise, to increasing apprentice numbers sends out completely the wrong message to employers, who will think that it is okay not to train their own employees. Exasperated by the lack of opportunities, young Scots will give up looking for slots. Everyone is telling me—they must be telling the Government, as well—that the Government must provide leadership on modern apprenticeships.

For me, the most disappointing aspect of the SNP Government's behaviour, in a Parliament of minorities, is that it appears that it does not want to be seen to provide financial support specifically for modern apprenticeships because they are seen as a Labour Party priority, both here in Scotland and south of the border. In other words, its motivation is purely political.

Before the end of last year, in a parliamentary question to the Cabinet Secretary for Education and Lifelong Learning, I asked what targets the Scottish Government would set for training modern apprentices. Her response was:

"We will not overburden Skills Development Scotland with volume based targets, as these in isolation can drive behaviour."—[*Official Report, Written Answers*, 4 December 2007; S3W-6985.]

I say to the cabinet secretary that the whole point of investing and setting targets in training is about changing behaviour. There is a lesson from the recent past on that issue. The last Tory Government cut Government funding for training and left workforce development to the free market. We are still paying the price for that approach, through skills shortages and a culture wherein training is seen as a cost rather than an investment by many businesses.

Over the past 10 years or so, significant progress has been made in encouraging employers to change course and recognise the

importance of workforce development for performance, productivity and staff retention.

In conclusion, I am deeply concerned about the message that the Government is sending out with its budget priorities. It is giving business the clear message, "We're not setting any targets on apprenticeships, so you don't have to provide any apprentice places. By the way, here's a cut in your business rates—spend it as you like." Ironically, businesses will probably have to spend any future tax cuts that they get from the Government on staff wages in a few years' time, when skill shortages get even worse as a result of the Government's flawed policy on workplace training.

I assure the Parliament that I take no pleasure in making such points because, in reality, the long-term ability of our economy to help deliver social justice is being undermined by the budget, and I am sure that no member wants to see that.

10:20

**Christina McKelvie (Central Scotland) (SNP):**

I saw the motion for today's debate and wondered why it was that, among the people who have an interest in local government funding in Scotland, Labour MSPs alone do not understand the deleterious effects of ring fencing. Given that Labour councillors the length and breadth of the country have welcomed the removal of ring fencing and that Labour MPs have supported the London Government in following the example set by the Scottish Government, one would have thought that Labour MSPs would embrace changes that will free up local authority spending. I thought that it was strange that they had not done so, so I took the time to have a wee glance back through the *Official Report*. I would like to offer a few quotations that might help to illuminate the debate.

Let us go back eight years to 2000, when the then Minister for Finance and Local Government, Angus MacKay, said:

"we want to move away from ring fencing ... we will move away from the current approach of ring fencing in some areas to give the maximum flexibility to local authorities in the delivery of services."—[*Official Report*, 7 December 2000; Vol 9, c 706.]

So Labour has known for at least eight years that removing ring fencing would help councils to deliver services more effectively.

But there is more. In January 2002, Andy Kerr, the then Minister for Finance, said:

"We will consider the potential for further reductions in ring-fenced controls".

Michael McMahon was moved to reply:

"When the move from ring fencing to local outcome agreements develops further, we will, I hope, see further progress on optimising service provision."

**Rhona Brankin:** Will the member take an intervention?

**Christina McKelvie:** Not right now, thanks.

Des McNulty added:

"We should also welcome the steps that have been taken to reduce ring fencing."—[*Official Report*, 31 January 2002; c 6007, 6016, 6020.]

In June of that year, Andy Kerr was back on the subject. He said:

"Ring fencing remains a concern of the Parliament and the leaders of local authorities and I continue discussions on the matter."—[*Official Report*, 19 June 2002; c 12795.]

His then deputy, Peter Peacock—I am not missing anyone out—said:

"We have listened to the arguments about ring fencing; we want to take action on a case-by-case basis to reduce ring fencing."—[*Official Report*, 19 June 2002; c 12834.]

**Rhona Brankin** rose—

**Christina McKelvie:** In September 2005, Hugh Henry, the then Deputy Minister for Justice, said:

"the Scottish Executive cannot be a substitute for local decision makers making local funding decisions".—[*Official Report*, 15 September 2005; c 19116.]

The same applies, of course, to any central Government.

In November 2005, in reply to Labour councillor and Glasgow City Council leader Steven Purcell, Des McNulty, as convener of the Finance Committee, said:

"I accept that you need there to be less ring-fenced funding."—[*Official Report*, Finance Committee, 1 November 2005; c 2970.]

Indeed, that committee, with Des McNulty as its convener, Wendy Alexander as a member and Arthur Midwinter as its adviser, produced a cross-cutting expenditure review of deprivation in April 2006. Elaine Murray was highly selective in her quoting of Professor Midwinter. A key conclusion of that report was:

"the Committee believes greater accountability and better effectiveness can be achieved by removing ring-fencing of resources allocation, giving local partners greater scope to identify local priorities and implement partnership outcome agreements."

Amazing.

**Rhona Brankin** rose—

**Christina McKelvie:** It is abundantly clear that Labour members in the Parliament—especially former ministers—are well aware of how damaging ring fencing is. They know that ending the ring fencing of resources that are given to local authorities will improve the performance of local authorities and of government in general. That begs the question why Labour Party members have become so vehemently opposed to removing that barrier to good governance.

**Rhona Brankin:** Will the member confirm for us that the SNP manifesto contained a commitment to £30 million of ring-fenced funding for additional support for learning? Can she tell the parents of young people who have additional support needs where that £30 million of ring-fenced funding has gone?

**Christina McKelvie:** The money is still there.

There is an issue about trust in councillors. Because of proportional representation, the IQ of local government has increased considerably—perhaps that is because the SNP has the most councillors. Perhaps Labour members are unable to trust Labour councillors or have a terror of subsidiarity and of letting go and allowing decisions to be made at the most appropriate level. Perhaps they simply have not thought through the consequences of their actions. Surely Labour members are not ignoring what is best for Scotland so that they can try to score petty party-political points. Are they talking Scotland down just so that they can scaremonger about everything from mental health groups to Hogmanay parties?

I read the newspapers as they rolled past during the holidays. A procession of Labour members claimed that ending ring fencing would bring plague and pestilence upon the land. Every day I read of another judgment to be visited on the heads of the Scottish people as a result of the sensible move to allow local authorities the flexibility to deliver services in the most appropriate manner for their areas. The messages were so strident that I was reminded of the dire warnings before the May election that if the SNP won the sky would fall in, every employer would immediately leave the country and we would be consigned to a life of darkness. The harbingers of doom were wrong about that and they are wrong about the removal of ring fencing. We know that what they say is rubbish, and so do the people of Scotland. There is a hungry caterpillar somewhere that is starting to eat its own tail and does not have long for this world.

I offer the hand of friendship and an olive branch to Labour members. They still have time to recant and restore a tiny bit of pride. They can support the SNP amendment and show that they still have a shred of decency.

10:26

**Richard Baker (North East Scotland) (Lab):** The day before the spending review was announced, the First Minister outlined the Government's strategy for economic growth and set out aspirations that attracted broad support in the Parliament. However, as happened in other areas, the Government's words on economic growth were not matched with investment through

the spending review. Far from being the vehicle for the delivery of a more prosperous Scotland based on a knowledge economy, the spending review announcements ran counter to that aim. Instead of driving Mr Mather's overarching purpose, the spending review ran it over.

The contradiction was pointed out at the time by university principals, who made clear their astonishment at the funding settlement for their institutions. The student community's fury at the announcement that the promise on graduate debt, which had played a central role in the election campaign, was being unceremoniously dumped, was matched by principals' dismay at the opportunity cost to Scotland of their being awarded only £30 million of the £168 million that they had requested, and a budget share that is at best flatlining. Alex Neil should know that—if not, Universities Scotland will tell him.

That is why we call on ministers to amend the spending review and invest in areas that will boost economic growth.

**Alex Neil:** Will the member take an intervention?

**Richard Baker:** The member would not take an intervention from me, but I will give way to him.

**Alex Neil:** That was only because I was running out of time. The member's interventions are always productive.

How much additional money does the member want to give to the universities? What would he cut to fund that spending?

**Richard Baker:** There are certainly ways of increasing the revenue line for universities and we have made a proposal to the Education, Lifelong Learning and Culture Committee in that regard, as Mr Neil well knows.

There is other action that we can take to ensure that the spending review is consistent with the promotion of a strong knowledge economy. John Park talked about the Government's failure to produce a comprehensive skills strategy. The failure to invest adequately in skills will be a costly decision for our country as we seek to compete globally. Other countries are massively increasing investment in their people's skills and academic expertise.

The previous coalition Executive put its money where its mouth was on the delivery of economic growth through investment in education. Spending on universities increased by some 18 per cent and spending across tertiary education increased by some 22 per cent. We reaped the rewards of that investment. We met universities' funding requests because we knew that Scotland as a whole would benefit if we helped to develop areas such as life sciences and to bring in private investment from companies such as Wyeth Pharmaceuticals.

In contrast, under the current Government the universities have received a settlement that offers only a 2.3 per cent uplift in their budget over the spending review period and a real-terms cut next year. Universities Scotland tells us that given commitments on pay there will be a £20 million funding gap for universities next year. It is an unfortunate irony that the funding settlement was announced by the Cabinet Secretary for Finance and Sustainable Growth, who argued in January 2004 that giving a funding advantage to universities south of the border would lead to

"a draining of Scotland's academic resources"

and to putting

"Scotland's universities ... to the financial sword"—

like Christina McKelvie, I can quote members.

John Swinney's words were eloquent, but his fears were misplaced, because significant extra investment in tertiary education followed. The bitter irony is that under Mr Swinney's budget settlement a 5 per cent funding gap will emerge for the first time between our universities and English institutions, as the Education, Lifelong Learning and Culture Committee heard from Universities Scotland.

It is clear that the Scottish Government's proposals in no way reflect the consensus on the issues. It is incumbent on us to make proposals for a review of the settlement, and we are doing that in the committee. It is also incumbent on the Government to listen and respond to the deeply held concerns of the people of Scotland. People are worried about decisions that have been made about an important part of public life. The vague promise of extra end-year funding for universities and the establishment of the future thinking task force, which includes neither trade unions nor student bodies, represent an inadequate response to people's serious concerns.

We need short-term action to address the issue. In the medium and long term, we need an independent review of how we fund higher education, so that we can maintain and improve our current position. We have two universities in the world's top 100 universities, whereas the Scandinavian countries, to which the Government is fond of referring, have only one university in the top 100.

Not only has the Government dumped its promise on graduate debt but it has no coherent strategy on student hardship. The Government has the wrong spending priorities. It seeks to abolish the graduate endowment but offers no significant increase to the young students bursary, which provides money for students who need it most, particularly students from poor backgrounds. As other members said, the Government's

approach is another example of how it has put political expedience before social justice in its budget.

I say to Mr Gibson that although the SNP has portrayed itself as a socially progressive party for years, its actions in government make it clear that it is nothing of the kind. It does not surprise me that in Aberdeen—where local government certainly has not been improved by PR—SNP members are seeking to invest in expensive new office provision for themselves while cutting care packages for vulnerable people in the city. It is no wonder that there is concern that the SNP nationally is abandoning national strategies that ensure that key services are provided for the most vulnerable people. The SNP is failing the people who should have been prioritised in the spending review, just as it is failing to deliver its strategy for economic growth. If those two key areas are not served by the spending review, Scotland will not be served by the spending review. That is why it must change.

10:33

**Gavin Brown (Lothians) (Con):** I have some sympathy with the part of the Labour motion that criticises the Government for the level of detail that we have been given in the budget. Although in some budget lines, such as the line on tourism, the level of detail is identical to the level of detail that the previous Executive provided in its most recent budget, in other areas, such as the lines on Scottish Enterprise and Highlands and Islands Enterprise, there is less detail than we have been given in the past. Members can talk about level 3 as much as they like, but what has been provided does not correlate to what was provided in previous budgets. The draft budget for 2008-09 provides a budget line for Scottish Enterprise, but under the heading “Scottish Enterprise” in the previous year’s budget we were given figures for “Growing Business”, “Skills and Learning”, “Global Connections”, “Management and Administration”, “Careers Scotland”, “Voted Loans”, and non-cash budgets—seven clear budget lines. In some instances, the level of detail in the current budget is not as good as it could have been. That should be addressed in the next budget.

However, I part company with Labour on most of its motion and on most of what Labour members have said in the debate. A couple of members said that Labour is the party of economic growth, blindly ignoring the fact that growth in Scotland during the past eight years trailed behind growth in the United Kingdom as a whole.

The Labour Party is at best lukewarm about the excellent proposal for business rate cuts—something that we think should be done more quickly. In the chamber, Wendy Alexander

proposed that the business rate cut should be tied to a promise by companies to spend the money investing in something else, such as research and development. However, that would not allow businesses to decide what they do with the money. If Labour Party members are genuinely concerned about economic growth, I suggest that they pick up the phone to the Chancellor of the Exchequer and enterprise ministers down south and explain to them that increasing corporation tax on small businesses by 3p in the pound is not good for economic growth. Perhaps they could also explain to them that the end of taper relief without any consultation with business is not good for business growth—whether in small, medium or large businesses.

We have heard a lot about ring fencing this morning. The Scottish Conservatives strongly support what the Government is trying to do. The reality is that there will be a reduction in the amount of ring-fenced money—it is not an all-or-nothing situation. We are moving from a situation in which about £2.7 billion is ring fenced to a situation in which £0.5 billion is ring fenced. It is a question of degree, as opposed to the absolutes suggested by Labour Party members in press reports and again today. The previous system has been described by local authorities as too rigid. It results in their having to report in 50 separate ways how the ring-fenced money has been spent. That is a waste of time and effort, and it does not help to progress anyone or anything.

In our 2003 and 2007 manifestos, we supported a move to a reduction in ring fencing. It is a good idea. It gives flexibility to councils and allows them to find local solutions to local problems. They can spend the money as they see fit. MSPs sometimes forget that councillors have the same strength of democratic mandate as they do. The electorate put councillors into their positions, and it is right and proper that they should be judged on how they perform. A reduction in ring fencing will give them much greater accountability and could renew and reinvigorate local democracy.

The counter-arguments that we have heard do not hold up. The idea that councillors do not care as much about the vulnerable as MSPs do is wrong. Local councillors can care just as much about issues in their local areas as we do, and can perhaps be far more effective. We heard Iain Gray talk about the dangers of a postcode lottery if we reduce ring fencing. We have one of the most centralised systems in western Europe, and we already have a postcode lottery. There are disparities in health, literacy and life expectancy with that overcentralised system.

**Iain Gray:** I did not say that I was concerned about a postcode lottery. I said that NCH Scotland was concerned about the possibility of a postcode

lottery. I am not expressing the fears of the Labour Party but the fears of those who deliver the services.

**Gavin Brown:** The fact that Mr Gray put great stress on quoting what NCH Scotland said suggests he agrees entirely with it. I have heard a number of Labour members state, to the press and in the chamber, that they are concerned about a postcode lottery, so the point still stands.

The Scottish Conservatives would consider going further by giving some power and even funding to community councils, taking power one step closer to the electorate. However, that is not a debate for today. We are in favour of the reduction in ring fencing, which we believe can reinvigorate local democracy. We want economic growth to be put at the heart of the Government's budget.

10:39

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** This is, again, a budget in which we are discussing figures that are in effect a grant from another Parliament. This is the third parliamentary session in which Scottish expenditure is still predominantly determined by the Treasury at Westminster. That is not sustainable, which is why agreement is growing in Parliament for developing greater responsibility in Scotland for raising revenue. Indeed, one of the conclusions of the report from the Steel commission, which was set up by the Liberal Democrats, is that no self-respecting Parliament should exist solely on the handouts of other Parliaments. That principle applies to local government, too.

We have heard member after member from the SNP talking about local discretion, local freedom and local responsibility, yet in effect SNP ministers are ring fencing the whole of local government expenditure. The Government is threatening councils—and will continue to do so—that they will not be able to retain efficiencies, that they will not be able to have other funding, and that they will not be able to benefit from other elements of funding unless they freeze the local tax rate. That means that 100 per cent of spend in councils will be determined by ministers.

**Joe FitzPatrick (Dundee West) (SNP):** Do the Liberal Democrats support the council tax freeze throughout Scotland?

**Jeremy Purvis:** The Liberal Democrats support greater flexibility for local government to raise its own revenue. That is a fundamental point. The SNP cannot say that it supports local discretion and local freedom while tying the hands of local government in setting the budget for three years.

This is not a budget for education, skills or learning. Education received a passing reference in the First Minister's statement on the Government's priorities. The Government was reluctant to debate its proposals for education policy in the Parliament. When it did so, those proposals were shown to be ill considered and—as is evident from the budget—uncosted. The budget exposes the regrettable betrayal of many people who believed that education was the SNP's top priority. Students from across Scotland have contacted MSPs with a sense of bitterness at the SNP for dumping its policy to scrap student debt. They are angry—rightly so—at having been let down. As Tavish Scott said, when students from the University of Edinburgh chose to indicate their frustration at the Government peacefully outside the Parliament, SNP-paid researchers heckled and jostled not only the students but MSPs who went out to address them.

**Kenneth Gibson:** That is not true.

**Jeremy Purvis:** The member says it is not true, but it is true. An SNP researcher heckled and jostled me outside the Parliament when I was having a dialogue with students. What does that say about a Government in the middle of a budget process? It is afraid to hear the voice of students and seeks to disrupt a peaceful meeting.

The budget is about the SNP's spending choices. Universities and colleges have been disappointed with the priorities that have been set. Next year, there will be a real-terms cut in university funding—not just a slow-down, but a funding reduction. How can any education minister worth their salt sign up to a document that gives a key part of their portfolio a real-terms cut in expenditure in one of the three years of the spending review? The First Minister misled Parliament when he stated that throughout the three years of the budget there would be continuous growth in the education sector. The Cabinet Secretary for Education and Lifelong Learning was more forthcoming, saying that there was a real-terms cut next year. However, the First Minister double-counted £100 million of capital funding that was announced for this financial year and spread it over the following three financial years. We were told by SNP spin doctors that that was for “illustrative purposes”.

Universities Scotland was dismissed when it said that the budget is not consistent with the Government's economic strategy. To easily dismiss the university sector in Scotland, as SNP members have done, lets down one of the key sectors in Scotland, and one of our best hopes for the future of our economy.

**Alex Neil:** Will the member take an intervention?

**Jeremy Purvis:** I will not. If I have time, I will come back to Mr Neil.

Concern has been expressed about the level of commitment in Scotland for schools and skills. The Government has chosen to set up a new quango on skills—a centralised, national body with set-up costs alone of £16 million. The entire budget for delivering the skills strategy is £19 million. It says something when a Government is prepared to spend on bureaucracy just a shade less than it has allocated to an entire budget.

There has been considerable confusion about whether money that has been transferred to local government can easily be tracked. One of the key areas is the promise on class sizes. On 14 November, the Cabinet Secretary for Finance and Sustainable Growth told me that much of the enterprise and education budget was being transferred to local government. I asked COSLA whether that was the case, but it did not know; COSLA said that it did not have those figures. I also asked COSLA whether the Government could put a clear figure on how much local government would have to spend on education. Robert Nicol of COSLA told me:

“No element of the local government settlement was allocated specifically for education”—[*Official Report, Education, Lifelong Learning and Culture Committee*, 5 December 2007; c 433.]

That is COSLA’s statement.

It is not just COSLA, or Universities Scotland, or members of this Parliament who have said that the budget is not good for education and does not match our national priorities. That is deeply regrettable.

10:45

**Christine Grahame (South of Scotland) (SNP):** I will not spend too much time dealing with the Labour Party’s self-denying ordinance on the embargo on addressing committee reports, which is quite right. However, as I said in the intervention that Derek Brownlee allowed me to make, that does not prohibit members from making points in the chamber. The guidance that I issued in that intervention was comprehensive. I can think only either that the Opposition does not understand parliamentary procedure or that some cunning tactics are at hand and the Labour Party intends to reprise its arguments in two weeks’ time. If today has been a trailer for the budget debate, I will not be sitting in on Labour members’ speeches, because they will not be worth the candle.

Having taken my advice, Margaret Curran made a point about reallocating money from IT to health inequalities. That is a fine idea but, if she looks through the *Official Report* of the Health and Sport Committee, she will see that the committee has

taken no evidence on that matter. However, the committee is the place in which such a proposal could be tested on witnesses and put to the cabinet secretary. A debate in the chamber is not the place for such a proposal to be raised, as its quality cannot be tested. Nothing about such a reallocation appears in the *Official Report*—members can check it.

**Margaret Curran:** With the greatest respect, Christine Grahame cannot have it both ways. She says that I should make a specific proposal but, when I do so, she tells me that the place for that to happen is the committee. She should make up her mind.

**Christine Grahame:** The specific proposal is fine, and the committee might have agreed to it, if it had had the opportunity to test it on witnesses. For example, we could have asked about the impact on the IT budget and how the money would have gone towards tackling health inequalities. However, we were unable to ask such questions because, as the *Official Report* shows, no one gave the committee the opportunity to test the proposal. It is not sufficient to make a proposal in a debate without evidence to prove its value.

I will deal with three issues: the clarity of the budget; the timescale for committees; and ring fencing. Clarity of the budget has been an issue for a long time. It is enlightening to look back to the Finance Committee’s previous draft budget report. Annex C, which is the Communities Committee’s report to the Finance Committee, says:

“The Committee is of the view there is insufficient transparency in the draft budget in relation to the CUP ... Whilst the Committee recognises that the autumn and spring Revisions include departmental transfers to and from the CUP, it notes that there is a lack of consistency and insufficient detail in the recording of the transfers”.

There are many comments about lack of clarity. Further on, we read a comment from the Education Committee:

“The Committee noted concerns that a number of points in last year’s budget report had not been fully addressed, and expressed disappointment that, despite its continued concerns, the budget has been presented in the same format.”

The parties that formed the previous Administration have a cheek to come here and complain about the budget process when it was within their power for eight years to assist the parliamentary committees, which said, time after time, that they could not see where the money was coming from or where it was going to.

**Iain Gray:** Will the member give way?

**Christine Grahame:** Let me make some progress first.

In the Finance Committee's report, the Education Committee also said:

"The Committee expressed continued concern that the budget continues to be presented in the same format. The Committee would welcome any refinements in budget presentation that would make tracking of performance and expenditure and budget scrutiny in general more meaningful."

Hear, hear. That is why the Parliament needs a proper review process, as proposed in the Conservative amendment.

The Finance Committee's report also contains this comment from the Enterprise and Culture Committee:

"members are not convinced that the current budget process and the type of information provided to subject committees enables scrutiny of cross-cutting expenditure".

The Health and Sport Committee fully agrees with that view. Therefore, in relation to the alcohol and drugs budget, we asked three cabinet secretaries to come before us—the Cabinet Secretary for Justice, the Cabinet Secretary for Health and Wellbeing and the Cabinet Secretary for Finance and Sustainable Growth—and made them present to us and to members of the Local Government and Communities Committee and the Justice Committee how their budgets were being fully utilised to address a matter that we all agree is a major scandal across Scotland and which costs this country a great deal of money and causes a great deal of human misery. We have tried to tackle the scrutiny problem that has been identified. Indeed, in the very format of the Cabinet, there is an endeavour to streamline and tighten that process.

There are many comments in the previous Finance Committee's draft budget report. Even ministers in the previous Administration would agree that the committees' job is not only to hold ministers to account but to assist them, through detailed examination of witnesses.

**Margaret Curran:** Will the member give way?

**Christine Grahame:** I have only one minute left.

One does not need to go far to hear about the problems of ring fencing. Pat Watters—no doubt he will get the black spot from Labour now, poor man—said:

"I am entering this debate, not on a party political basis, but in an attempt to provide reassurance to vulnerable members of our communities and those who make provision for them that removal of ring-fencing can lead to better, more effective services—not, as some claim, the opposite."

I could not have put it better myself. Ring fencing is a lazy way of handling funding. It looks smart and it makes it look like people know what is happening, but neither of those things is true. I will never forget the words of one of the previous

Executive's many health ministers, Malcolm Chisholm, who, when asked by the Health Committee whether his investment of £10 million in cancer services had made any difference, said that he did not know.

With outcome agreements, we are trying to make a difference by giving local authorities the democratic control that they deserve. Goodness me, how would we feel if Westminster told us what to do with our money in our various portfolios? We would be screaming with anger, which is what local authorities were doing. The Labour Party should be ashamed of attacking its own councillors.

10:51

**Paul Martin (Glasgow Springburn) (Lab):** Christine Grahame and Alex Neil referred to ring fencing and have confirmed their confidence in local democracy throughout Scotland. Why does that confidence not extend to the setting of local income tax levels? I understand from the SNP's manifesto that those will be set centrally.

**Christine Grahame:** I am interested that Mr Martin attacks us for moving towards a local income tax. At no point during the eight years in which the Labour-Liberal coalition was in power did the Executive deal with the council tax's penalisation of low-income families and pensioners. Paul Martin should be ashamed of himself for trying to prop up the council tax.

**Paul Martin:** Earlier, I heard some poor comments from Christina McKelvie regarding the intellectual deficit in the Parliament, but, given that answer from Christine Grahame, it is just not good enough to say that.

After being elected as First Minister, Alex Salmond said:

"My pledge to the Parliament today is that any Scottish Government that is led by me will respect and include the Parliament in the governance of Scotland over the next four years."—[*Official Report*, 16 May 2007; c 36.]

The First Minister should transmit such aspirations to his cabinet secretaries, who, at various committees during the scrutiny of the spending review, have failed to respect the role of committees in ensuring that we interrogate effectively the spending plans.

I will elaborate that point in relation to Kenny MacAskill's performance during his session with the Justice Committee on 4 December 2007. As we know, and have discussed a number of times, the SNP said that it would deliver 1,000 additional police officers on our streets throughout Scotland. It is perfectly legitimate for members of the Opposition to interrogate ministers about how they intend to deliver those 1,000 police officers.

Ministers have said that that will be achieved through improved retention, redeployment of officers and increased recruitment.

The Cabinet Secretary for Justice is absolutely confident that he will deliver those extra police officers, but I am afraid that I am not. It is perfectly legitimate for us—

**Kenneth Gibson:** On 17 October, Strathclyde Police acknowledged that 121 jobs of a non-front-line nature have already been civilianised, which will release 121 police officers on to the streets of Strathclyde from February this year. Is Mr Martin aware of that?

**Paul Martin:** I will take no lectures from SNP members with regard to the creativity that we showed during our coalition years to ensure that officers were released for front-line duties. Our alliance contract, which I understand the members of Kenny Gibson's party opposed, was one of the measures that released 250 officers for front-line duties throughout Scotland. However, the issue here is that the minister has advised us that the process of retention will assist the Government in ensuring that an additional 1,000 police officers can be recruited.

It is perfectly legitimate for members to ask the Cabinet Secretary for Justice how he expects to achieve that increase from retention, and whether his Government officials have carried out any illustrations or simulations of how they expect to do that. The Cabinet Secretary for Justice's answer was that there are no illustrations of how he expects to achieve that increase as a result of the retention of police officers, and that there have been no projects within his Government office to ensure that that happens. We have seen back-of-a-cigarette-packet politics from ministers—they are not willing to provide illustrations of how they expect 1,000 police officers to be delivered.

The Government announced last year that it would procure a new prison in the Bishopbriggs area of Glasgow through the publicly procured process. As part of the interrogation process in the Justice Committee on 4 December last year, it was legitimate for us to question the cabinet secretary on how he expects that to progress. We received no information from him on how the procurement process would be pursued. Again, there is not enough information from the Government on how it will pursue its agenda. For the Government to sign a blank cheque in that regard is not good enough. Our motion sets out very clearly what we expect from the Government, and we expect the Government to deliver on that.

10:57

**Joe FitzPatrick (Dundee West) (SNP):** I welcome the opportunity that is provided by

today's debate, because it clearly highlights the difference between a Government that is delivering and an Opposition that is just going through the motions. We have heard a lot of scaremongering from Labour members regarding ring fencing. Despite reassurances from the COSLA president—the Labour councillor Pat Watters—that ending ring fencing will enable local authorities to deliver services better to the most vulnerable groups, the Labour Party persists with its misguided attacks.

"We know that effective service delivery for families and communities cannot come from central command and control but requires local initiative and accountability. For all the time I have been involved in politics I have believed in devolving power, so that those who are affected by the decisions are close to and can hold accountable those who make the decisions—and our aim must always be the maximum devolution of power possible: government encouraging not stifling local action, local people making local decisions about local needs ... the goals we share cannot be realised in practice without central government devolving power to local communities"

and that is why this Government is committed to

"reductions in ring fencing of revenue from central government".

I should have said that in a Fife accent, because those are not my words, but the words of the then Chancellor of the Exchequer, Gordon Brown, in a speech to the Local Government Association general assembly in 2001.

**Margaret Curran:** Why did the SNP have the increasing of ring fencing for mental health services in its manifesto?

**Joe FitzPatrick:** I would have to check the specifics, but I am sure the cabinet secretary will look at that—later, perhaps.

We have heard derogatory comments about the historic concordat that the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, has made with Scotland's local authorities, particularly from Iain Gray, who has left the chamber. Yet when the Labour Secretary of State for Communities and Local Government, Hazel Blears, signed a similar concordat with local authorities in England last month, she stated:

"The historic shift outlined today will help unleash the potential of local communities, giving them new freedoms in delivering what local people want. For local authorities, it promises the progressive removal of obstacles that prevent them from pursuing their role."

The United Kingdom 2007 comprehensive spending review clearly supports the reduction in ring fencing, and the UK Government has established a presumption against ring fencing in local authority spending.

So to recap—we have the Labour leader in favour of scrapping ring fencing and the Labour Secretary of State for Communities and Local



Government enthusiastically signing up to greater financial freedom for local authorities. Labour councillors throughout Scotland also support the reduction in ring fencing, and Scottish Labour MSPs appear to be the only ones who disagree. That has, however, not always been the case, as we heard from Christina McKelvie earlier. In the past, Labour MSPs have been clear about their support for the removal of ring fencing, and today their UK counterparts are enthusiastically moving towards financial freedom for local authorities.

Today's debate has seen Labour members at their most petty, as they have failed to grasp the issues and ignored the reassurances of Pat Watters and COSLA. They have failed to read the concordat, which clearly states the outcomes that are expected of local authorities in relation to vulnerable groups. Their message is clear: the removal of ring fencing is acceptable as long as it is proposed by Labour politicians.

One thing that is evident from today's debate and from Labour members' response over the past couple of months to the budget is their inability to give credit where credit is due. The SNP has produced a budget that will benefit the whole of Scotland, and although we do not expect Opposition parties to agree with everything in the spending review, I would have hoped that they could put party politics aside in the areas that clearly aim to improve the lives of Scots.

One such area is the commitment in the budget to delivering a healthier Scotland. In Labour's manifesto, the party called for action on tackling health inequalities in areas of multiple deprivations. That is a laudable aim, and when the spending review announced that there would be a particular focus on the areas and communities with the worst health records, with an extra £12.5 million a year to strengthen primary health care in the most deprived areas, it seemed that Labour would welcome such a commitment.

However, we have learned during the Labour Party's time in opposition that its members look not at the delivery of the policy, but at the party that is proposing it. For the benefit of Labour members, I remind them of what the spending review will deliver for the health and well-being of all our communities. It will deliver £350 million of new money for health improvements and better public health, including £85 million to reduce harm done by alcohol, £3 million a year for further action to reduce smoking and £11.5 million a year to prevent obesity. There is £270 million allocated to ensure that, by the end of 2011, nobody will wait longer than 18 weeks from a general practitioner's referral to treatment for routine conditions and £30 million to ensure more flexible access to primary care.

Most important, there is £97 million to phase out prescription charges to ensure that sick people are

not financially disadvantaged. I would have loved to be a fly on the wall at the Labour group meeting when members were told that they would be voting against the scrapping of prescription charges. Any pretensions that the Labour Party had to represent the working Scots were lost for ever on the day that it decided to vote in favour of a tax on ill health, which is what prescription charges are.

The Labour Party failed to listen to the people of Scotland and it paid the price at the ballot box. From what we have learned in today's debate, its members are still a long way off learning their lesson.

11:03

**Helen Eadie (Dunfermline East) (Lab):** I say to Joe FitzPatrick that I always give credit where it is deserved. I will give credit to a minister who abolishes the tolls, and to a minister who says that he will build a new bridge, but I will not give credit to—and I will condemn totally—those members who are sitting in government producing the most right-wing reactionary policies that the people of Scotland have seen in many years. That is what we are witnessing.

The weakness of John Swinney's approach in removing ring fencing is that it requires only monitoring—there is no mention of sanctions if his hoped-for national outcome agreements are not matched. What will the sanctions of his Government be? How will he and the Scottish Government protect the voiceless, vulnerable frail victims in my constituency and in other areas throughout Scotland?

When the Labour council in Fife set its budget last year, the Opposition parties put up their alternative budgets, and guess what? The alternative budget that was proposed by the SNP in Fife was £1 million less than Labour's budget, yet the SNP has had the temerity to blame Labour in Fife for the budget that it has inherited and worked on in the past year.

I question the Scottish Government's unequivocal confidence in local authorities, and I will explain why. Fife Council is doing some of the most atrocious things. I will give some examples of what is happening. The Government should tell the patients in Fife hospitals who are assessed as being fit to go home why they must stay in hospital. There are 142 of them right now, and their stay in hospital costs £1,000 a day. The SNP is not fit to govern at either local or national level. Over 10 days, the cost is £142,000, and over 100 days it is almost £1.5 million. The cost escalates up the scale. That is why the Labour Government always had a safety net to ensure that there were controls to help those who were going to be in difficulties.

I say to Mr Swinney that the reason why I do not trust the SNP and the Liberal party in Fife is that my people cannot have their cake. The Government is saying of my people "Let them eat cake," but some of them cannot afford cake after the increases that they have faced in social work charges. Some of them might not be able to eat anything. Some people in Fife have seen their social work charges go from £273 a year up to nearly £8,000 a year. The Government tells them to eat cake, but they are some of the most frail, vulnerable and dependent people in our community. Under an SNP Government, that is what happens to support for the needs of people in our communities.

I say to Peter Grant and Frances Melville of the Liberal and SNP-controlled Fife Council that my people are angry, I am angry, and my colleagues in the Labour Party are angry because the council is hurting the most frail and vulnerable people. If society does not measure up in helping to protect the most frail and vulnerable people, we must stand up for those people, but the Scottish Government is not doing that.

Let Mr Swinney tell Ryan Turner—a little baby who is barely seven months old and has been in hospital since he was born, even though he has been assessed as clinically fit to go home—why his loving, caring, SNP and Liberal-controlled council says that he cannot go home. The cost is £1,000 a day, but worse than that is the fact that he is still in hospital after seven months despite having been told that he can go home. He was told that he might not even get out of hospital next Christmas, let alone this Christmas. Why? If we add up the total cost over that period of time, it is £500,000. That is the amount that the health board will spend on that baby staying in hospital. That could have bought two or three houses for families that need to be cared for.

That is just one example of the gross mismanagement and one reason why there needs to be control by central Government. The Government needs to be able to go back and address such cases. I do not accept that the Government has the strategies in place to cope with such mismanagement. It needs to have controls at the centre. Although it is important and good to have control—

**John Swinney** *rose—*

**Helen Eadie:** Let me just finish this point.

I ask Mr Swinney and Mr Neil why the folks in Fife should have confidence. They should consider the situation in Inverkeithing, where people were forcibly removed from their houses because asbestos was discovered. That is fine—it happens—but every possession that they had was destroyed and thrown away and there was no

effort to make restoration to those families, or the restoration was minimal. That is appalling. Here they are, three months down the line, having been forcibly evicted.

What safety nets will the Government put in place? It has a policy of laissez-faire. In the days of the Tories, we experienced some of the worst laissez-faire policies, but now we have the most right-wing Government that Scotland has had. I am angry. I am furious for my people. I am angry about the case of Marie Robson in Lochgelly, who got a brand new house seven months ago. She is a 40-year-old who has special needs. She is now in the domain where she cannot move into a beautiful house—it is the most amazing house I have ever seen—that was built by a local housing association. That woman, her father, who is over 80, and her mum, who is nearly 80, are trying to control a situation that is out of their control. The house is standing empty and will stand empty for more months because the SNP and Liberal Democrats in Fife will not do anything to help her.

That is the kind of Government that we have. That is why I have no confidence. The Government needs to have safety nets and ring fencing. We need to provide ways to protect people. All the things that I described are happening on the Scottish Government's watch. I could give a litany of such cases; I have a casework file full of them. Dozens of such cases have emerged in recent days. That is happening on the SNP-controlled Scottish Government's watch, and on that of the SNP and Liberal Democrat-controlled council in Fife.

I am not happy, Presiding Officer, and I have made my views clear. I will support my colleague's motion because I believe that the Labour Government had the right strategy to help the most frail and vulnerable victims, whom the Labour Party has always stood up for and tried to protect.

11:10

**Liam McArthur (Orkney) (LD):** By and large, the debate has been interesting, and there were thoughtful speeches from a number of members—John Park, Gavin Brown, Jeremy Purvis and others. It is not just me who thinks that. I note that the cabinet secretary has been scribbling away feverishly in the past couple of hours. There was much talk of cake and of eating it. I am not entirely sure what cakes Kenny Gibson was eating over Christmas, but I would gently encourage him to check the ingredients rather more carefully in the future. Christine Grahame's unambiguous bid as the Presiding Officer in waiting will not have gone unnoticed.

We heard a range of views this morning, but it is clear that the current arrangements for scrutinising

the budget—for enabling Parliament to perform its role of holding the Government to account—are inadequate. Parliament has already accepted that. That much is evident from the decision, taken in the chamber last November, that the Standards, Procedures and Public Appointments Committee should review the budget process for future years. As Derek Brownlee rightly pointed out, that idea was raised by the Tories, but it was raised in an attempt to suppress further debate in the Parliament on the detail of the Government's spending plans. Today, again, the coalition that dare not speak its name is ready to unite on the budget.

However, despite its dubious parentage and the squalid circumstances of its birth, the proposal offers a way forward in addressing the shortcomings in the current process, which were highlighted again today. Tory and SNP spokespeople—most vividly Christine Grahame—protest that if the rules were good enough for the previous Administration we have no right to call for changes.

**Derek Brownlee:** Will the member take an intervention?

**Liam McArthur:** In a second.

Leaving aside what they said in years gone by about the scrutiny process, they are now all too happy to ring fence. The behaviour of the minority Administration vividly demonstrates why the rules must be recast, and urgently.

**Derek Brownlee:** I am delighted that the Liberal Democrats have changed their position on that. Does the member accept the point that we made in the debate on 8 November 2007, which was simply that we should not change the budget process a week before it began? The fact that we are going through the budget process with a minority Administration will give us the ideal evidence base to make constructive suggestions about how the process might be improved in the context of minority and coalition government.

**Liam McArthur:** I certainly accept Derek Brownlee's point about where we go from here, but I gently remind him that his colleagues were all too willing to sign up to the idea of additional debates, only to do a volte-face in the final 24 hours.

As my colleague Tavish Scott said, the SNP came into office making much of the need for consensus. Back in May 2007, with perhaps unconvincing humility, the First Minister talked of a minority Government in a Parliament of minorities. He called on politicians of all parties to work together on issues on which there was agreement. He promised that he and his ministers would propose and discuss their changes in seeking parliamentary approval. The subsequent eight

months have shown that that was not uncharacteristic humility from the First Minister, but rather trademark hubris.

The budget is the most opaque that we have had since the Parliament was established. Elaine Murray mentioned the views of the Centre for Public Policy Research, which has criticised the lack of detail and transparency—detail and transparency that the Parliament and its committees fought for and secured in recent years. SNP ministers have been hauled before committees that have desperately sought greater clarity on the Government's intentions, but in many cases to little avail. As Iain Gray said, we even had a situation in which the Finance Committee was forced to write to the Cabinet Secretary for Finance and Sustainable Growth to demand a greater level of detail—detail that was readily and timeously provided by Mr Swinney's predecessors.

Change is required. Following the debate last November, the Liberal Democrats believe that the review by the Standards, Procedures and Public Appointments Committee needs to be taken forward urgently. It must involve not just other parliamentary committees but wider civic Scotland, and it should consider the timescale, content and nature of the budget process. All of that should be done so that the Parliament is in a position to consider, debate and adopt recommendations in time for them to be implemented before the budget process in 2009-10. I hope that there is genuine political consensus on that.

The lack of clarity in the Government's spending proposals has been well documented. However, I highlight an area of particular concern to the Liberal Democrats. Mr Swinney has set the Government and the public sector efficiency targets, which are generally accepted to be challenging. There is almost certainly political consensus, if not unanimous support, on the need to make the public sector as efficient as possible and focused on delivering high-quality services to the people of Scotland. However, to date we have seen precious little detail about how the Government intends or expects to achieve those efficiencies. Given the extent to which Mr Swinney's spending plans depend on achieving the £1.6 billion efficiencies, that is a cause for real concern. What are the implications if, for example, only £1.4 billion savings are achieved? How and where will the cuts fall?

Mr Swinney has been clear that his target relates to cash-releasing savings. However, on "Newsnight Scotland" last night, his colleague Stewart Maxwell insisted that time-saving efficiencies were as important as those that release actual cash. Granted, Mr Maxwell was desperately trying to spin himself out of having to admit that he had just performed a spectacular,

albeit welcome, U-turn on the retention of sportscotland. Nevertheless, his remarks and indeed the ditching of SNP plans to abolish sportscotland throw into stark relief the lack of clarity about the Government's intentions. They also seem to betray a total confusion in Government about how it will achieve its efficiency target.

This has been a useful debate. It has demonstrated again the failure of the Government to deal in an open and transparent fashion with the Parliament, and it has laid bare the constraints on Parliament in holding this minority Government to account. Liberal Democrats want the situation reviewed and rectified as a matter of urgency. I support the amendment in Tavish Scott's name.

11:16

**Alex Johnstone (North East Scotland) (Con):**

It is usual, at the outset of a winding-up speech, to take something positive from the debate and I have been trying to think of something positive to say. The first thing that I would like to point out, to the previous speaker in particular, is that the Conservative party was never of a mind to agree to a long process of five debates on the budget. However, I can take one positive from the result of the decision by Parliament: if today's represents the quality of debate that we would have had, thank goodness that we have had only one, rather than the five that were originally proposed by the Labour Party.

**Margaret Curran:** Is that you being positive, Alex?

**Alex Johnstone:** Let us consider the issues that have been raised in the debate.

The first issue is the process. I agree that it is important that we examine the process in the future and the Conservative amendment to the Government amendment is designed specifically to achieve that. I hope that it finds widespread support.

The process and how we handle it has been thrown into the discussion because many members do not realise where they now sit. That is particularly the case for Labour members, who now sit in opposition. When they were in government, they knew perfectly well what was going on in the budget process. Now the boot is on the other foot, and the information that they have on the budget process is the same as that which those of us who used to be in opposition, and those of us who still are, have to put up with.

**Iain Gray:** I am puzzled by Mr Johnstone's point because Mr Brown, who is sitting next to him, said exactly the opposite in his speech, using Scottish Enterprise budget lines as an example. We do not

have the same level of detail as we had previously.

**Alex Johnstone:** Gavin Brown said that in some areas the information is certainly different. However, it has to be pointed out that, as an Opposition party, Labour is in the position that we have been in: we do not have the inside line on information. I remind the Labour Party that it had the great talent of being able to hide information from the rest of the Parliament, at times with extraordinary rigour. I need mention nothing other than the Howat report to indicate the Labour Party's tendency in government to disguise the facts on which it based its decisions.

The process that we are in now has given us the opportunity to highlight the fact that there have been difficulties in assessing the budget in the past. It is important that we take the opportunity to move forward and consider how the process should be dealt with in the future.

Ring fencing has been at the centre of today's debate, and I was surprised to hear some of the comments that have been made, particularly from Labour members, about how it is desirable. Indeed, Helen Eadie's contribution could be described as nothing less than a passionate argument for Stalinist centralisation.

The move to outcome agreements has found wide support in the Parliament in the past, including, as was pointed out in a well-researched contribution by Christina McKelvie, from the Labour Party and many of its former ministers when they were in a position to influence direction. Labour members should be proud of their record of opposition to ring fencing, and their performance today is the biggest volte-face of any that we have seen.

**Liam McArthur:** The views on ring fencing from Conservative members have been clear, but will Alex Johnstone remind the chamber which Government of which political party first introduced ring fencing?

**Alex Johnstone:** I would love to give members a history lesson—it was some time in the past—but let us pass over that.

I have one more point about ring fencing, which is that we must all learn to value the independence of local government and place trust in it. I am surprised that the Labour Party has decided not to trust local government and, in fact, has suggested that ring fencing is essential in order to prevent the people of Scotland from being subjected to the will of local government.

However, the autonomy of local government is under threat from more than one direction. I suggest that the SNP, which today defends the principle of devolving power to local government,

remembers that it is the party that proposes a local income tax on a basis that would take the ability to set local taxation away from local government and end another route by which we can hold local government to account. We must all consider our own proposals and ensure that we do not undermine local government.

I will finally move on to the few positive contributions that have emerged from Labour members today. One or two members had genuine proposals, and they took the opportunity to make them to Parliament. I know also that there have been attempts in committee to introduce formal proposals, and I look forward to hearing them discussed at greater length in the debate on the budget.

I am gravely concerned about the tendency among Labour members to lean on the idea that investment exclusively in the public sector can be the solution to Scotland's problems. That is why the Conservatives will continue to campaign for a reduction in the tax burden on small businesses. We want to build an economy that can be a success for Scotland in the future—one that combines the benefits of public and private sectors and does not miss the point that the private sector is important too.

11:22

**John Swinney:** I will respond to the debate by addressing three areas: the detail of the Government's spending review; ring fencing; and alternative spending proposals. Those have been at the heart of an interesting and informative debate.

Let me refer first to the detail of the spending review. The Government has provided detail in its budget to levels 1, 2 and 3. That approach to the production of budget information to Parliament was taken by all previous Administrations. There have certainly been changes to budget lines, but part of the budget contention and part of what the Parliament has to resolve is to accept that the Government has decided to pursue the allocation of significant parts of its budget to local authorities in a different way from before. It has been clear from this and other debates, including on local government finance, that Parliament will take some time to adjust to the new way of working that the Government intends to follow.

There has been talk about two aspects: the removal of GAE detail; and some of the budget lines that have been rolled up into the local authority settlement. GAE were never budget lines; they were indicators that were much misunderstood in the distribution of public expenditure. On the ring-fenced funds—which I will say more about in a moment—we have set out

the transitional arrangements that indicate how we will monitor the achievement of outcomes in the absence of budget lines on ring-fenced funds.

Ring-fenced funds are not a particularly productive way of operating, and as the excellent speech by my colleague Christina McKelvie made clear, many members, including Labour members, have talked about how inappropriate ring fencing is as an operating mechanism. The answer is that the Conservatives invented ring fencing, so I would have thought that this Administration's relaxation of ring fencing would have been popular among the Labour members.

**Paul Martin:** I always welcome the confidence that John Swinney has shown in local government. However, I ask him a similar question to the one that I asked Christine Grahame. Will he extend that confidence to allow local councils to set the local income tax that his party proposes to implement?

**John Swinney:** It is important to set local taxation at an affordable level. That is why we should have a straightforward, easy-to-administer level across the country, and why the Government should put in place the resources that will guarantee a council tax freeze in every single part of the country.

On the detail, there has been a great deal of information about whether additional resources have been allocated to local authorities. For the record, I point out that the Government is not only allowing local authorities to use the new money that has been given—a 4.9 per cent increase in 2008-09, a 4.1 per cent increase in 2009-10, and a 3.4 per cent increase in 2010-11—we are also allowing local authorities to retain their efficiency savings for the first time, and we are facilitating the removal of ring fencing, which will give local authorities a significant financial advantage.

On ring fencing, as I said a moment ago, Christina McKelvie aptly captured the consensus that exists on the importance of removing ring fencing. That is why the Government has responded to the long-expressed pleas of local authorities and the Finance Committee of this Parliament to remove ring fencing. We have significantly reduced it and will replace it with single outcome agreements that are related to the national outcomes that the Government is determined to achieve to protect some of the most vulnerable in our society, and to focus all public expenditure on delivering a range of the Government's objectives and initiatives.

**Margaret Curran:** Why, then, did the SNP manifesto say

"An SNP government will restore ring-fenced funding for drugs education"?

**John Swinney:** We have come to our conclusions because the Government has listened to the persuasive arguments and debates of local authorities and previous Finance Committees. I do not think that the Government should be criticised for listening to the body of debate and moving to relax ring fencing.

Gavin Brown helpfully took an intervention from Iain Gray, in which Iain Gray denied that he was concerned about ring fencing and allocated all the responsibility for the concern about it to Children 1<sup>st</sup>. Anyone who was watching the Labour Party's premeditated issuing of news releases during the Christmas period would have seen one shadow spokesperson after another queuing up to criticise the Government's stance on ring fencing.

**Iain Gray:** Will the minister give way?

**John Swinney:** Perhaps this will be an apology or clarification—who knows?—but I will listen.

**Iain Gray:** This is not an apology at all. That was simply a gross distortion of my intervention. Mr Brown used a direct quotation taken from a speech that was attributed to me, but which was a quotation from NCH Scotland. I am concerned about what could happen with ring fencing, but those concerns have been expressed most eloquently by those who deliver the services directly. Mr Swinney made a gross misrepresentation.

**John Swinney:** Well, we will allow the record to speak for itself, but when Mr Gray is reading the *Official Report*, which will chart how miserable and appalling this debate has been for the Labour Party, he will be able to find the quotation from Martin Sime that I put on the record. Martin Sime works very closely with voluntary organisations in Scotland and my quotation indicates that their approach to ring fencing is very different from the one being advanced by Mr Gray and the Labour Party.

I will conclude my remarks by addressing the question of alternative spending, and reiterate what I said earlier. This has been a disgraceful waste of an opportunity for the Labour Party to set out its alternative propositions. Today, the Labour Party is asking members to vote for a motion that encourages greater expenditure on economic growth and on social justice issues. If the Labour Party had won last May's election and its manifesto been implemented, the health service in Scotland would be getting not the 4.2 per cent increase in its budget that it is getting under the SNP Government, but an inflation increase of 2.7 per cent under a Labour Government. So if Labour had got back into office, its Government would have cut the budget for the health service that this SNP Government is prepared to deliver. What sort of fashion is it of delivering social justice when that

lot put one thing to the electorate and then determine to cut the money going into health? This Government has come to the rescue of the health service in Scotland.

The Labour Party will have to do formidably better than the shockingly poor performance that it has given today. It has missed an opportunity to hold the Government to account and failed to make any constructive alternative proposals. The people of Scotland who are watching this debate will be clear and assured that Scotland is in safe hands and that the Labour Party is finished.

11:30

**Margaret Curran (Glasgow Baillieston) (Lab):**

I begin by reminding Mr Swinney that he should not talk about manifestos. When his party's manifesto was published in April, it promised ring fencing, but he had completely changed his mind by May. I will not remind him about manifestos, but I will return to that point during my contribution.

As others have said, the debate has been interesting and it is central to the future of this Government. The hallmark of any Administration must be its budget; it is where we find the evidence of what a Government is about.

My speech will concentrate on two fundamental charges that Labour makes against the SNP. First, it knowingly presented a manifesto that was not costed properly and it practised a deception on the Scottish people. That is why in this morning's debate, speaker after speaker from the SNP gave abuse rather than argument. Secondly, the SNP has failed to continue with Scotland's historic commitment to promoting economic growth and social justice.

As the debate has made clear, we have seen what really matters to this Government: the downgrading of social justice as a central theme of Government interventions. Commitments can be ditched without a blush because they have not been costed properly.

We know that SNP members do not want us to talk about broken promises; if I was one of them, I would not blame them. However, I have news for the SNP. We will remind the Scottish people time and again that the SNP has indulged in the most blatant exercise of cynical politics that I have ever witnessed. This is a Government of false promises that governs under false pretences.

John Swinney knew the level of resource that was available to him; that is clear from the financial manifesto that he published. However, he and the SNP deliberately presented a manifesto that was overcosted and could not be delivered, and you are now trying to perpetrate cons to try to hide that.

John, did you know that you did not have the resources to deliver the first time buyer grant? Did you know that you did not have the resources to deliver on student debt, John? Did you know that you did not have the resources to implement the rise in police numbers, John? It is a fundamental premise of politics that you should be honest with the people you seek to represent. I could go on—

**Ian McKee (Lothians) (SNP):** On a point of order, Presiding Officer.

**Margaret Curran:** No, thank you.

**The Deputy Presiding Officer (Trish Godman):** It is a point of order, Ms Curran, so would you sit down.

**Ian McKee:** I am doing my best to follow this debate so that I can decide how to vote at 5 o'clock, and so that I can understand the contrasting arguments that are going to and fro. However, the member who is speaking at the moment keeps referring to someone called John and I am not quite certain who that is. Is it not in order that she should be making her remarks through the Deputy Presiding Officer and not to individuals in the chamber?

**The Deputy Presiding Officer:** Mr McKee, that is not a point of order. I was about to bring Ms Curran into order when she stopped using the first name. I am absolutely sure that you know who John is.

**Margaret Curran:** If that is the best that the SNP can do against me, I do not think that I have anything to worry about in this debate.

Serious concerns have been raised about this budget, because you have raised expectations that you cannot meet. You cannot blame people for being worried. The SNP is now backpedalling at a rate of knots and is trying to hide behind further arguments.

In that context, I want to make some serious points about ring fencing. It is fundamentally false to say that funding must be either national or local; the fact is that vital public services require both kinds of funding. The answer is for the Scottish Government and local government to work together. As I think Tavish Scott made clear, many innovative and important developments are happening at a local level. Indeed, I worked very constructively with local government colleagues and delivered on that basis. The answer is not conflict, but partnership.

**John Swinney:** Will the member give way?

**Margaret Curran:** No.

**John Swinney:** Oh, poor show!

**Margaret Curran:** I know that partnership is not part of the SNP's DNA and that it does not come

naturally to it. However, the argument must focus on that very area.

As Mr Swinney knows, I have been exercised about mental health services. Mental health charities have set out substantial arguments against the abolition of ring fencing not because they do not trust local government—indeed, they have worked very well with local government—but because such a move

“would lead to a loss of service”.

They are concerned that there is no guarantee of even a minimum level of service throughout Scotland, no national plan and no national standards. It is not anti-local government to say that a national Government should issue national standards and expect them to be met.

**John Swinney:** The first line of the concordat between the Government and local authorities says:

“This concordat sets out the terms of a new relationship between the Scottish Government and local government, based on mutual respect and partnership.”

What on earth is the member's point?

**Margaret Curran:** As I understand it, COSLA has not signed up to the concordat.

**John Swinney:** Oh, get away. What a joke!

**Margaret Curran:** Presiding Officer?

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

**Margaret Curran:** If Mr Swinney honestly believes that the best way forward for mental health services is the abolition of ring fencing, why does the SNP say in its manifesto that it will improve mental health services

“backed with ring-fenced funding to health boards and local authorities”?

Either he should win the prize for the greatest hypocrite of the year or he is misleading the people of Scotland. He cannot say in his manifesto in April that funding for mental health will be ring fenced and then say that the best solution for mental health services is to abolish ring fencing.

My other charge is that the SNP has abolished its commitment to social justice. As Iain Gray pointed out, in bringing together seven funds under the fairer Scotland fund, the budget in that respect has actually flatlined. How can the SNP, particularly its back benchers, present themselves as anti-poverty campaigners and then justify a budget that on the one hand cuts business taxes with no strings attached and, on the other, cuts resources for public housing, homelessness, single parents and the most needy children? The nationalists tell us that they are great independents. I do not see many independents on

the back benches challenging their leadership on its promotion of social justice. *[Interruption.]*

As I said, abuse is not a substitute for argument. Mr Swinney asked what Labour would do if it were in government. We have proved that a Government can deliver both economic growth and social justice. It is not acceptable to say one thing in an election and do something entirely different when in government—which is exactly what has happened here.

An American commentator has said that if we want to understand what a Government is all about we should look at its budget. Your budget has failed the people of Scotland; you have been hypocrites and have misled people about social justice. You deserve the challenge that the Labour Party has presented you with this morning.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:39

#### City of Edinburgh Council (Meetings)

**1. Ian McKee (Lothians) (SNP):** To ask the Scottish Executive what recent discussions it has had with the City of Edinburgh Council. (S3O-1786)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** I most recently met representatives of the City of Edinburgh Council on 13 December 2007, when we discussed the pressures facing Edinburgh as Scotland's capital city and agreed that a study be undertaken on their impact.

**Ian McKee:** As the minister will be aware, Communities Scotland and the City of Edinburgh Council have highlighted the fact that the Edinburgh travel-to-work area is the worst place in Scotland for affordable housing. Indeed, that view was re-emphasised earlier this week by Edinburgh Chamber of Commerce. What plans does he have to enable this need to be met to ensure that all Edinburgh's citizens, not just the affluent, have the right quality of houses at prices or rents they can afford?

**John Swinney:** Dr McKee has raised a significant question about the availability of affordable housing in Edinburgh. The Government is aware of the scale of the difficulties and, indeed, the new housing strategy on which it is consulting will consider that very issue. The ministers responsible, particularly the Cabinet Secretary for Health and Wellbeing and the Minister for Communities and Sport, will take a close look at problems with affordable housing in Edinburgh, and I will be fully consulted in discussions about any financial consequences that might arise.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Has the Scottish Government discussed with the City of Edinburgh Council the parlous state of the King's theatre, which is of such concern not only to the thousands of people at home and abroad who flock there each year but to those involved in planning its future as a theatre and training academy? Will the Government impress on its Scottish National Party colleagues in the city's administration that the council must take action very soon to begin the theatre's refurbishment and that yesterday's positive news about one aspect of the theatre's problems does



not mean that the council can sit back and do nothing for the next two years?

**John Swinney:** I am quite sure that members of the City of Edinburgh Council will actively consider the question of the King's theatre's future use and role and the state of its fabric. The council is wrestling with a number of infrastructure difficulties in relation to the King's theatre, the Commonwealth pool and other facilities. Such issues figure significantly in council members' minds.

The Government is very happy to continue its discussions with the council on a variety of issues. I should point out to Mr Chisholm that the city is receiving significant investment from the Government for a number of infrastructure projects, including a certain transport scheme with which he will be very familiar.

### **Children in Disadvantaged Areas (Social Needs)**

**2. Margaret Curran (Glasgow Baillieston) (Lab):** To ask the Scottish Executive how it is addressing the social needs of children from disadvantaged areas. (S3O-1805)

**The Minister for Communities and Sport (Stewart Maxwell):** The Scottish Government is taking forward a number of actions to address the social needs of children in disadvantaged areas, including developing an early years strategy; helping to realise the aspirations of the "Changing Lives" review of social work services; and establishing the fairer Scotland fund, which will provide community planning partnerships with £145 million a year to enhance the life chances of the most disadvantaged, including vulnerable children and their families living in the most deprived areas.

**Margaret Curran:** I am sure that the minister is aware that, in this morning's debate, we noted that that £145 million represents a flatlining, not a growing, budget. In that context, will he guarantee that none of the services that are currently provided to children and their parents through the working for families fund will be lost?

**Stewart Maxwell:** As the member is well aware, the money that was previously allocated to individual ring-fenced funds is now part of the large fairer Scotland fund. A clear priority for local government—and national Government—is to ensure that all the money that is invested is used wisely and that it delivers on the objectives of the Government and local authorities and in the best interests of disadvantaged families throughout the country. The working for families projects that I have visited have been very successful and I know that local authority members have been very impressed by the projects' facilities, the strategy

involved and the outcomes. I see no reason to suspect that local authorities will withdraw funding from them.

**Bill Kidd (Glasgow) (SNP):** Yesterday, the First Minister visited the young east end speaking—or YES—youth project in Glasgow. I am sure that he had a very interesting and entertaining day, as indeed did I when I visited the project in Dalmarnock last autumn with colleagues, including Margaret Curran. I was very impressed by the depth of commitment of the Save the Children staff and the obvious enthusiasm of the young people involved. What does the Government envisage for the future of that project and similar projects in areas of deprivation?

**Stewart Maxwell:** As I have said, the fairer Scotland fund will help families—particularly families in deprived areas—out of poverty. Most of all, it will help young people to achieve their ambitions. We have removed ring fencing and the bureaucracy associated with various funds to enable people to have much more operational flexibility on the ground. The First Minister had an excellent time when he visited the YES project and was impressed by the on-going work in it.

The member will be aware of "Moving forward: a Strategy for Improving Young People's Chances through Youth Work", which was published early last year. The strategy has two long-term aims. First, all young people in Scotland should be able to benefit from youth work opportunities, which can make a real difference to their lives. Secondly, a youth work sector that is equipped and empowered to achieve on-going positive outcomes for young people now and in the future should be available. We will support that on-going project, on which there will be progress in the forthcoming years, and I fully expect national Government, local government and youth workers to be more involved and engaged with one another in the community to ensure that young people—particularly those from disadvantaged areas—have the most opportunities possible.

### **Legal Aid**

**3. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive whether it will provide further details of its proposals to reform legal aid. (S3O-1804)

**The Cabinet Secretary for Justice (Kenny MacAskill):** We published our proposals to reform summary criminal legal aid in a consultation paper in October. That paper formed the basis of on-going discussions with representatives of the legal profession. Further details will be provided following the conclusion of the extended consultation on 31 January. We have already announced plans to reform legal aid for solemn criminal cases and we are taking forward a series

of improvements to civil legal aid, which will build on the improvements to fees that we introduced last year, including specific increases for undefended non-divorce work.

**Cathie Craigie:** I acknowledge that changes were agreed in the previous session and that there will be major improvements to the system. When the cabinet secretary considers the consultation responses, will he ensure that any further changes will improve both criminal and civil legal aid so that such aid is effective, supports individuals and provides equal access to the law?

**Kenny MacAskill:** Absolutely. Governments of whatever political hue in Scotland and at Westminster have always sought to uphold that tenet. I assure Ms Craigie that we want to ensure accessibility and affordability. We want to ensure that summary legal aid is dealt with swiftly and efficiently while the requirements for justice are always taken into account.

#### **Police Funding Formula (Grampian)**

**4. Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive whether it will reform the police funding formula to ensure that Grampian Police receives additional funding to recognise its responsibilities in relation to the protection of the royal family and the oil and gas industry. (S3O-1864)

**The Cabinet Secretary for Justice (Kenny MacAskill):** There are no plans to revisit the police funding distribution formula at present. The implementation of the previous revision of the formula, which was begun in 2004, already takes such pressures into account. The 2007 spending review settlement included funding to complete the implementation process, and a final levelling-up adjustment is being made in 2008-09. As a result, Grampian Police will benefit by an additional £1 million in 2008-09.

**Mike Rumbles:** The previous Liberal Democrat and Labour Administration provided funds to Grampian Police to recruit an extra 138 police officers. Another 93 police officers are to be recruited by 2011, but only 48 will be provided as part of the Scottish National Party Government's funding for an additional 500 officers throughout Scotland. Will the Government provide the necessary funding to recruit the additional 90 officers whom we need in Grampian to match the 138 officers whom the previous Administration provided?

**Kenny MacAskill:** There are two parts to that question, one of which relates to the funding methodology, which is built on the methodology that commenced under the previous Liberal-Labour Administration. If Mr Rumbles has complaints about that methodology, which takes

into account Grampian Police's responsibilities relating to Balmoral, the oil and gas industry and other matters, those complaints are about the previous Administration.

Mr Rumbles can rest assured that the current Administration has ensured that an additional £1 million will be made available to provide additional benefit for the people in the community that Grampian Police serves. We inherited a situation in which there was the lowest recruitment since devolution began, but we have ensured that additional police officers will be available. The projected figures are for the recruitment in Grampian of an additional 150 officers in 2008 and an additional 52 in 2009. There will be a further 28 officers as a result of the additional Government funding. Accordingly, Mr Rumbles can rest assured that Grampian Police will recruit a total of 230 officers over the period 2007 to 2009. It is projected that there will be only 92 retirements, thankfully.

**The Presiding Officer (Alex Fergusson):** There is a lot of interest in the question, so brief questions and answers would be appreciated.

**Brian Adam (Aberdeen North) (SNP):** Does the cabinet secretary agree that the United Kingdom Exchequer should bear the burdens of offshore policing and royal duties? It is particularly galling that offshore oil is delivering fantastic sums of money for the Treasury but the Treasury is not prepared to pay for policing for the whole of the North Sea, which is delivered at the expense of people in the north-east.

**Kenny MacAskill:** I am happy to discuss those matters with the member and, obviously, we will always be happy to discuss them with our colleagues south of the border. Whatever complaints members of other parties have, they can rest assured that the Government, like Grampian Police, is happy to co-operate with people south of the border on policing at Balmoral. Most of the duties at Balmoral are fulfilled by the royal protection squad, which is of course part of the Metropolitan Police—those around the periphery of Balmoral are fulfilled by Grampian Police. That shows that the Government is more than happy to work together with colleagues south of the border when doing so is appropriate to ensure that not only the great and the good but our ordinary citizens are protected.

**Nanette Milne (North East Scotland) (Con):** The cabinet secretary will probably be aware that, as well as the pressures that result from responsibilities relating to the North Sea and the royal presence in the north-east, there are geographical issues in the north-east of Scotland and issues to do with the rapidly growing population there, particularly in certain parts of

Aberdeenshire. Have the police funding calculations taken those things into consideration?

**Kenny MacAskill:** Our understanding is that they have. As I said in response to Mike Rumbles's question, such matters were considered many years ago under the previous Administration. However, Nanette Milne is right. There is house building and further development in the area and we must take into account the significant implications that geography, topography and demography have not only in Grampian but elsewhere in Scotland. The matter that has been raised has been discussed not only at governmental level but in conjunction with the Association of Chief Police Officers in Scotland and the Convention of Scottish Local Authorities. I assure Nanette Milne that we will always keep demographic changes under review. Such changes are occurring not only in Grampian but elsewhere in the east of Scotland, particularly Lothian and the Borders. The door is open and the matter will be reviewed when that is appropriate.

**Richard Baker (North East Scotland) (Lab):** As the cabinet secretary has met representatives of Lothian and Borders Police and agreed to provide extra funding for its significant additional duties, is it not right that he should also meet representatives of Grampian Police to discuss funding for its additional duties so that we can be confident that there has been parity of treatment?

**Kenny MacAskill:** I have met representatives of Grampian Police—indeed, I met the convener of the police board many months ago. It is rather rich of Mr Baker to make such a complaint while Lord George Foulkes, who has protested that we have not given capital city status to our police in Edinburgh, is sitting along from him. We have delivered. Perhaps Mr Baker should speak to Lord Foulkes to see whether Labour can get its act in gear.

#### **Fishing Industry (Berwickshire)**

**5. John Lamont (Roxburgh and Berwickshire) (Con):** To ask the Scottish Executive what it intends to do to help Berwickshire's fishing industry. (S3O-1848)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The Scottish Government attaches great importance to safeguarding the interests of the Berwickshire fishing communities and all fishing communities in Scotland. In particular, it secured long-term fishing opportunities for the Berwickshire catching sector at last month's important European fisheries council in Brussels. On 3 December, I announced that the south-east of Scotland will be an early pilot area for an inshore fisheries group. In the near future, I will consult on the Scottish Government's proposals for aid to the fishing

industry in Scotland through the European fisheries fund along with formal consultation on the draft United Kingdom operational programme. Later this month, I will convene the Scottish fisheries council as a successor to the sea fisheries advisory group initiative to secure the long-term future of the fishing industry in Berwickshire and throughout Scotland.

**John Lamont:** The cabinet secretary knows that the European fisheries fund will provide important financial help to areas in Europe that depend heavily on fishing. I understand that the UK Government will shortly propose the parts of the UK that will be fisheries-dependent areas, which will entitle them to access the additional funds. However, whether the Scottish Government has suggested that Berwickshire should be such an area is considerably uncertain. Has the Scottish Government proposed including the Berwickshire coast in the fisheries-dependent areas?

**Richard Lochhead:** The member has made many representations to me on the issue, as have others from the south of Scotland. The draft operational programme will be published for consultation in the next month or two, with a view to implementing the final programme before the end of 2008. Once that consultation document is published, the member and any others with interests will be able to make submissions. We are finalising the details of that document.

**Jim Hume (South of Scotland) (LD):** As the cabinet secretary knows, I, too, have made many representations about Eyemouth and the Berwickshire coast. What measures has he put in place, or would he like to put in place, for local committees to manage the allocation of funds in their areas, which I hope will happen at Eyemouth and on the Berwickshire coast?

**Richard Lochhead:** I acknowledge that the member has also made many strong representations on the issue to me. I assure him that, to ensure that expenditure of the fisheries fund reflects local priorities, we will establish local committees to administer it.

#### **Animal Health and Welfare (Scotland) Act 2006**

**6. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Government what recent discussions have taken place about the Animal Health and Welfare (Scotland) Act 2006. (S3O-1781)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Scottish Government officials have held internal discussions about secondary legislation that is to be made under the Animal Health and Welfare (Scotland) Act 2006. Officials have also held discussions with the Scottish Society for the

Prevention of Cruelty to Animals and other animal welfare organisations.

**Christine Grahame:** The cabinet secretary will be aware that many dogs are abandoned on our streets in the festive period, which is not so festive for them. Does the power exist to make regulations with reference to section 18 of the 2006 act? If so, will his office consider making regulations on, or investigate the possibility of, microchipping dogs so that irresponsible dog owners can be traced and held responsible under that section for the duty of care to their animals?

**Richard Lochhead:** I know that the member takes an intense interest in animal welfare and that all members recognise that addressing the issue of abandoned or lost dogs is important. Secondary legislation could be introduced to require dogs to be microchipped under the 2006 act, but such secondary legislation is not planned. No legislation requires dogs to be microchipped, but the Control of Dogs Order 1992 requires every dog in a public area to wear attached to its collar an identity disc that gives the name and address of its owner. If we introduced the secondary legislation that the member describes, a range of factors would have to be taken into account. If she wishes to write to me to put her case, I will consider the issues.

#### **Local Government Settlement and Concordat (West Dunbartonshire)**

**7. Des McNulty (Clydebank and Milngavie)  
(Lab):** To ask the Scottish Executive what the impact of the local government settlement and the concordat with the Convention of Scottish Local Authorities will be on West Dunbartonshire. (S3O-1828)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The new relationship and joint working with local authorities, together with the record levels of investment that the Scottish Government is providing, will help to create new and better opportunities for all the people, businesses and communities of Scotland, including those in West Dunbartonshire.

**Des McNulty:** I remind the cabinet secretary that West Dunbartonshire Council has received the lowest grant settlement in Scotland and that its Scottish National Party-led administration has published a £14 million package of cuts that will affect service users and employees throughout West Dunbartonshire. Is that in line with social justice?

Will the cabinet secretary reconsider the allocation to West Dunbartonshire from the fairer Scotland fund? Is it right that places such as West Dunbartonshire and Inverclyde, which have high deprivation levels, will lose out to other areas

given that the fund is supposed to tackle social deprivation and to provide social justice?

**John Swinney:** Mr McNulty is very familiar with the funding mechanisms that the Government operates. In the interest of stability, the Government has continued the approach to the distribution formula that we inherited from the previous Administration. We consulted COSLA on the output of the three-year settlement group, which the previous Administration established, and I have introduced several minor changes to the formula as a result of that consultation.

The local government finance settlement is out for consultation. The consultation period closed yesterday and I will reflect on all the submissions that have been made. I point out that the provisional revenue allocation to West Dunbartonshire Council amounts to £197.9 million, which is a formidable allocation from this Administration.

**The Presiding Officer:** Before we move to First Minister's question time, I am sure that the chamber would like to join me in welcoming to my gallery today Senator Alan Ferguson, who is accompanied by his wife. Senator Ferguson is the President of the Australian Senate. [*Applause.*] If I may say so, it is a fine name for any Presiding Officer or President to have.

## 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-399)

**The First Minister (Alex Salmond):** Later today I will have meetings to take forward the Government's programme for Scotland.

I take this opportunity to wish the Presiding Officer, every member in the chamber and all our viewers a very happy new year.

**Ms Alexander:** Highly appropriate compliments of the season.

Earlier this week, the SNP Government trailed a new telephone hotline for the public to report concerns about young children who are at risk from drug or alcohol abusing parents. I welcome the initiative, but a phone line is no substitute for a national strategy to protect vulnerable children. One of the best ways to protect every vulnerable two-year-old is to see them every day, day-in, day-out, at nursery. Alongside asking the public to live up to their responsibility to at-risk children, will the First Minister live up to his responsibility and commit to our plans to provide a nursery place for every vulnerable two-year-old in Scotland?

**The First Minister:** I welcome Wendy Alexander's welcome for the announcement on the hotline, and I am sure that she agrees on its importance. I gently remind her that our plans for nursery education are to increase provision by 50 per cent during this session of Parliament—something that was not even attempted by the previous Administration in eight years.

**Ms Alexander:** The First Minister promised a 50 per cent increase in nursery education, but he is not providing it. What he is delivering for three and four-year-olds is exactly the promise that my party and other parties in the chamber made.

The issue is what we do with our most vulnerable children. I did not get an answer to my question, so I come back to the issue. The care of the most vulnerable children in Scotland is in not only the public's hands but the First Minister's hands. The cash that the previous Executive provided for the purpose runs out in June and there is no commitment to keep the funding, or the places, available. Just so we are all clear, because we have been here before, is the First Minister willing today to guarantee to maintain the current funding for vulnerable two-year-olds and will he extend the scheme to the rest of Scotland? Yes or no?

**The First Minister:** Wendy Alexander said that the 50 per cent increase that we are planning for nursery education across Scotland matches the promises of the Labour Party. It does, but the Labour Party made that promise at two previous Scottish elections and never delivered on it.

I am willing to look closely at anything that will benefit vulnerable children in Scotland. I will do that on the basis that Wendy Alexander looks closely at the national outcomes that have been agreed between the Government and local government throughout Scotland—in particular outcome 8, which she will find on page 9 of the concordat, to improve

"the life chances for children, young people and families at risk."

At some point, Wendy Alexander will have to join the growing consensus north and south of the border that the new relationship that this Government is building with local authorities throughout Scotland will benefit every citizen of this country.

**Ms Alexander:** I am happy to acknowledge that there has been too much red tape and too much redundant monitoring in the past, but that is no excuse for the Government to pass the buck on tackling the nation's toughest challenges and remove the funding for vulnerable two-year-olds that is currently in place.

I turn to the facts: today, this year, more than £150 million is dedicated to children's services throughout Scotland. Under the SNP Government, that sum will fall to below £50 million later this year—a fall of more than two thirds in the moneys dedicated to children's services. The changing children's services fund has been halved; the local youth works scheme has gone; the improving fostering fund has gone; and sure start moneys and the child care workforce development fund are up for grabs.

Scotland might be gaining a phone line, but more than £100 million that is currently dedicated to Scotland's children is now at risk. I ask the First Minister a question that goes to the heart of the issue: why is he content to protect the funding for some causes but willing to leave it to a postcode lottery when it comes to vulnerable children?

**The First Minister:** I say as gently as I can to Wendy Alexander that continuing this failed line of general attack on the end to ring fencing is going to get her absolutely nowhere. In the four previous examples of her attempts to scaremonger to vulnerable groups throughout Scotland, she has failed to make any progress whatsoever, resulting, unfortunately for her, in a magisterial put-down from Councillor Pat Watters, the president of the Convention of Scottish Local Authorities, during the Christmas holidays. I remind Wendy Alexander

of exactly what the president of COSLA—a Labour councillor—had to say. He entered the debate

“not on a party political basis, but in an attempt to provide reassurance to vulnerable members of our communities and those who make provision for them that removal of ring-fencing can lead to better, more effective services—not, as some claim, the opposite.”

He continued:

“The bureaucracy of ring-fencing was staggering and its demise will see more funding available for direct service provision to communities, rather than it being wasted on needless and useless reporting.”

Given that councils throughout Scotland, the president of COSLA and even Wendy Alexander’s colleagues south of the border have bought into the new idea of co-operation between central and local government, will Wendy Alexander now finally stop scaremongering to vulnerable groups and join the consensus?

**Ms Alexander:** I doubt it surprises anybody that the deal’s negotiator is sticking up for the deal.

**Members:** Oh!

**Ms Alexander:** Is the First Minister accusing Save the Children of scaremongering when it says, as it did today, that it is extremely concerned that there is no national target or outcome in the budget for reducing child poverty in Scotland?

We can all trade quotations from third parties, but the people of Scotland are interested in what the First Minister believes. Ten years ago, this country voted for a Parliament so that members could protect the vulnerable two-year-olds of Scotland, our homeless, those with mental health issues, children with disabilities and women facing violence. The truth is that the Government is taking the guarantees to the poor, the weak and the dispossessed out of the nation’s budget and leaving it to chance. *[Interruption.]*

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

**Ms Alexander:** The question is this: if a postcode lottery is so wrong when it comes to Scotland’s health services, why is it so right when it comes to vulnerable children, nursery places for two-year-olds and protecting the weakest in our society?

**The First Minister:** Wendy Alexander says that I am quoting third parties—I am quoting the Labour Party. I remind Wendy Alexander of what Pat Watters had to say. He described the attitude that she has displayed today as

“a slur on local government politicians and a silly argument.”

He also said:

“It is ironic that we have heard more from some opposition parties about these groups as part of an attack

on the government’s Budget than we have ever heard over the last eight years.”

I remind Wendy Alexander that the local government councillors across Scotland at whom, according to Pat Watters, she is casting slurs sit on councils, most of which—12 out of 32—are led by her political party. Those are the very people who she thinks will not follow the outcome agreements that will protect vulnerable groups across society. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** It is not a question of third parties; for Wendy Alexander, the party is almost over.

## Prime Minister (Meetings)

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

To ask the First Minister when he will next meet the Prime Minister. (S3F-400)

**The First Minister (Alex Salmond):** I expect to meet the Prime Minister at the British-Irish Council summit in Dublin in the very near future.

**Annabel Goldie:** This week, there have been two disturbing criminal cases in Scotland of sex offenders coming before our courts, and sheriffs feeling powerless to act to protect the public. In particular, in Perth sheriff court, a violent rapist who was imprisoned for a subsequent sexual offence involving a 13-year-old girl was released after only six months of an 18-month sentence on conditions that he broke within three days. The sheriff described the man as posing a “high risk of re-offending”.

Is the First Minister content that predatory sex offenders get early release, only to breach their release conditions? I am not. We cannot continue to betray victims and imperil public safety. Does he agree that it is time to scrap early release?

**The First Minister:** No, I do not believe in a general scrapping of early release. I think that everyone in the chamber will share Annabel Goldie’s concern about predatory sex offenders. Given that it is probably invidious for me to comment on an individual case, I will ask the Cabinet Secretary for Justice to write to Annabel Goldie to see whether he can reassure her on these important matters.

**Annabel Goldie:** When it comes to protecting the public, the Scottish Conservative position is absolutely clear: we would end early release. We would certainly not extend home detention curfews as the SNP Government is hell-bent on doing. Mr Salmond may think it acceptable to have an ever-increasing number of convicts in the community, but I do not.

On the issue of sex offenders, when we met the Scottish Government seven months ago to discuss Scottish Conservative proposals for compulsory lie-detector tests and GPS satellite tracking, we met an encouraging response. Sadly, seven months later, instead of taking forward those sensible proposals, the Scottish Government seems to be more interested in emptying our jails. Why is it betraying victims and the public?

**The First Minister:** For the sake of clarity, I point out to Annabel Goldie that predatory sex offenders are specifically excluded from home detention curfew. I want to reassure the public on the matter. Annabel Goldie should understand and acknowledge that point of fact.

On the general matter of prison provision for sex offenders, one of the first decisions that this Government took—a decision which I think was welcomed—was the decision to go ahead with the long, long delayed plan to rebuild Peterhead prison. Through its pioneering provision of a jail-based system for sex offenders, Peterhead prison has done outstanding work in keeping our community safe from harm. I think that Annabel Goldie will agree that the early decision that we took is a signal of how seriously we take these matters in order to keep our society safe.

### 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-401)

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

**Nicol Stephen:** Before the election, on a BBC programme, a voter asked Nicola Sturgeon, “If I vote your party into power next May, will you promise to immediately stop all PPP funding for schools in Scotland?” Nicola Sturgeon replied, “Yes.”

The First Minister said that his Scottish futures trust would be up and running by Christmas. Has either of those things now happened? *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** I do not know what Nicol Stephen was doing over the Christmas holidays, but perhaps he should have been reading the Government’s consultation paper on the new methods of financing public services across Scotland, which was published immediately before Christmas.

I see that Nicol Stephen has the document in his hand. Rather than just have it in his hand, perhaps

he should have spent the Christmas holidays doing some background reading.

**Nicol Stephen:** Alex Salmond spent the election campaign promising that he would scrap the public-private partnership system for schools, but all he has done is sneak out a consultation document on the last day before the Christmas recess. The document makes nine excuses about why he is going to keep PPP and why his Scottish futures trust cannot work. PPP for schools is to remain. He complains in paragraph 6.2 that one reason for that is that his Government, outrageously, is being forced to follow new international financial reporting standards—along with every other country in Europe.

People do not want excuses. Councils are waiting to get on with building new schools. Projects have ground to a halt. People are waiting in St Andrews, in Laurencekirk, in Angus, at Ellon academy and throughout East Lothian. There is not a penny in the First Minister’s Scottish futures trust—far from being up and running, it does not even exist. I ask him this simple question: how many schools does he pledge to build in his term of office with money from the Scottish futures trust? Will there be any, or is this just another fully broken promise from our First Minister?

**The First Minister:** Nicol Stephen mentions Angus schools. I thought that his knowledge of the north-east did not even extend to Aberdeen, but he should go and have a look at the building programmes in Carnoustie and Forfar, where he will see schools actually being built. *[Interruption.]*

**The Presiding Officer:** Order. Excuse me, First Minister—

**The First Minister:** The additional £40 million allocated in the early stages of the Government—

**The Presiding Officer:** Order. I am sorry to interrupt the First Minister, but I must have better order in the chamber. Members will obviously make interventions when they wish to do so, but when I cannot hear the answers I think that it has gone too far.

**The First Minister:** As Corporal Jones used to say, “They don’t like it up ’em, do they?”

I am enjoying myself enormously, Presiding Officer, and I apologise for not allowing you to interrupt me. I was pointing out to Nicol Stephen that the distribution model that is set out in the consultation document will point the way to a better system of providing public services in Scotland. That model is a light year in advance of the PPP system that has cost this country so much and to which the Liberals in Scotland were addicted when they were in government here—while their Liberal colleagues in Westminster,

some of whom are visiting today, made speech after speech against it.

**George Foulkes (Lothians) (Lab):** On a point of order, Presiding Officer. To be helpful to you, Presiding Officer, I advise you that you would get better order in the chamber if you insisted that the First Minister actually answered the questions that are put to him.

**The Presiding Officer:** I do not need to point out to somebody of Lord Foulkes's experience that I have no control over ministerial answers. I will get better order in the chamber when members obey my instructions, please, to make fewer sedentary interventions. I speak to members of all parties—there is no need for any members to point fingers at others.

I have an impossible number of requests for supplementaries, but I will do my best to get in as many as possible.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer. I apologise for raising this point of order yet again, but we do not have the same tradition as at Westminster, where the Speaker can name members. If we cannot do that, can we please have microphones that will allow those of us who want to hear the First Minister being brought to account to do so? Without that, the meeting is useless.

**The Presiding Officer:** That is not a point of order for me.

**Tavish Scott (Shetland) (LD):** Is the First Minister aware of the European Commission state aid ruling against Shetland Islands Council that has a Monday deadline? Does he acknowledge that the ruling will mean repayment by Shetland fishing businesses and 78 Shetland share fishermen?

I thank Mr Lochhead and his staff for the help that they are providing to the council, but will the First Minister urgently ensure that the council is assisted in appealing to the European Court of Justice against the Commission ruling, if that proves to be necessary and appropriate?

**The First Minister:** I thank Tavish Scott for giving me notice of his question. As he knows, officials and the cabinet secretary are in close contact with Shetland Islands Council officials. Mr Lochhead will write to ministers from the Department for Environment, Food and Rural Affairs later today to ask them to continue to press the European Commission along the lines that Tavish Scott suggested.

We are aware that any support given at any point has to abide by European Commission state aid rules, but it seems extraordinary that Shetland Islands Council is being forced to take back money when it does not want to take it back but

wants to use it to assist our fishing industry. The local MSP can be assured that the cabinet secretary and everyone in the Government are acutely aware of the problems that the decision is causing for Shetland fishermen.

**Pauline McNeill (Glasgow Kelvin) (Lab):** During the passage of the Family Law (Scotland) Bill, I raised the issue of parents who breach court contact orders, denying the child the opportunity to have time with the non-resident parent. Helpfully, the Executive at the time agreed that pilot projects would establish family court facilitators to try to reduce the number of breaches, but a letter from the Government department that deals with justice states:

"ministers have concluded that it will not be possible to proceed with the pilots".

It appears that the important pilot projects will be abandoned.

Does the First Minister understand the disappointment of those who argued for the important pilot projects? Does he acknowledge that the issue is, in essence, one of child welfare? Will he confirm that the Government will reconsider the matter as soon as possible? Will the Government meet me and Mary Mulligan—the Labour spokesperson on children—so that we can discuss other ways of ensuring that the projects can proceed?

**The First Minister:** The cabinet secretary will be delighted to meet Pauline McNeill and Mary Mulligan to discuss the issue further. The issue is slightly more complex than Pauline McNeill was able to describe in the limited time available to her. No appropriate tender came in for the work to spread the projects across Scotland. That is a substantial difficulty that cannot just be wished away. However, the difficulty makes it all the more important that Pauline McNeill and Mary Mulligan come to see the cabinet secretary to discuss the issue in more detail and to see whether a way of dealing with the problem can be found.

**Rob Gibson (Highlands and Islands) (SNP):** How does the Scottish Government intend to build on the successes of the 2007 year of Highland culture, which comes to an end on old new year's night next Saturday?

**The First Minister:** Scotland's year of Highland culture has been a great success and I congratulate everyone involved. The Scottish Government is working with the board of Highland 2007 to guarantee the legacy from the project. We will continue to promote creative excellence and access to cultural opportunities such as those offered by the winter festivals that draw on and celebrate our unique communities' heritage and landscape.



I will be delighted to participate this coming Friday in a Highland culture event; and I will be equally delighted to open the new Gaelic school in Inverness. Rob Gibson will be particularly interested in that.

### Scottish Government Priorities

**4. Sandra White (Glasgow) (SNP):** To ask the First Minister what the Scottish Government's priorities will be for 2008. (S3F-406)

**The First Minister (Alex Salmond):** Before we discuss 2008, I will say that 2007 was a year of historic success and achievement for Scotland. We remember saving hospitals and accident and emergency departments; abolishing prescription charges, bridge tolls and student fees; freezing the council tax; cutting business rates; axing Government departments and quangos; rejecting nuclear power; opposing Trident; replacing the private finance initiative; and ending private involvement in the national health service.

I assure the member that in 2008 it will not just be more of the same. Our priority will be to build on the momentum and ensure that the people of Scotland begin to feel the full benefit of the Government's policies to build a stronger, more prosperous nation—now and over the long term.

**Sandra White:** I concur with everything the First Minister says—which will come as no surprise. I am sure that he will share my opinion that a main concern of people in Scotland in 2008 is the possible loss of their local post office. That policy was pushed through by Labour MPs in the face of widespread opposition from other parties.

Four post offices in Glasgow, Argyll and central Scotland have been saved, but it was announced yesterday that four others will close. Does the First Minister agree that what is not needed around the country is a piecemeal approach? The UK Government should call a halt to the process and take a more considered look at the future of post office services in Scotland.

**The First Minister:** I hope that everyone across the chamber will join me in expressing deep concern about the ravages on the post office network across Scotland. The whole Parliament might agree that it would be better if the issue fell under the competence of this Parliament and this Government.

One thing that puzzles every constituency member across Scotland is that if the Government in Westminster is able to provide £1.7 billion of financial support to close up to 2,500 post offices, why on earth was it not able to back the post offices and keep the services that would have allowed a viable post office network to continue?

**Helen Eadie (Dunfermline East) (Lab):** I am sure that the First Minister agrees that the spread of live information to everyone in Scotland must be at the heart of extending democracy throughout the country. Will he join me in welcoming the launch of the Jubilee 1 radio station, which is committed to what I understand is the only live communication of First Minister's questions in our communities? It is now broadcasting to the communities of Kirkliston, Dalmeny, South Queensferry, North Queensferry, Dalgety Bay, Aberdour and Inverkeithing.

**The First Minister:** I am told that the Cabinet Secretary for Finance and Sustainable Growth will give the station an update on the Forth replacement crossing every week in more live broadcasts. I congratulate the station and its initiative on live broadcasting. I am sure that members will unite in believing that the broadcasting of question time in the Parliament will result in a dramatic upsurge in the listenership of the new radio station.

### Tourism

**5. Iain Gray (East Lothian) (Lab):** To ask the First Minister what steps will be taken to meet the Scottish National Party's target of expanding tourism in Scotland by 50 per cent by 2015, in light of recent comments by Philip Riddle, chief executive of VisitScotland. (S3F-421)

**The First Minister (Alex Salmond):** This Government is working with the tourism industry as it seeks to respond to international competition and grow revenue. Several industry-led groups are working to drive the changes that are needed to achieve the shared ambition of 50 per cent tourism growth by 2015.

Philip Riddle commented that the ambition is achievable, but he recognised that some areas might struggle to achieve it, while others could well exceed it. VisitScotland believes that Scottish tourism has a lot more potential for growth than has hitherto been realised. I agree with that analysis.

**Iain Gray:** We share the desire to meet the 50 per cent target, which was introduced under the previous Executive. One way of supporting tourism is to promote air links to Scotland. In recent days, the proposed Aberdeen to Houston link has been postponed and the established Inverness to Heathrow route has been lost. Will the Government now revisit its decision not to replace the air route development fund, which has enabled hundreds of thousands of visitors to fly directly to Scotland?

**The First Minister:** We should remember that, in the recent debate on tourism, Patricia Ferguson pointed out that the Parliament should understand

that the target that was set during the previous Administration was not a Government target but an industry target that the Government pledged to support. This Administration shares support for that target.

As regards the route development fund, the member should be well aware that the discretion that was granted under European rules to buy all Scottish airports in the fund came to an end. That left us in a position in which pursuit of that particular avenue was no longer the way to encourage direct flights for Scotland. The Government is actively considering the matter because we recognise the importance of having more, not fewer, direct flights from Scotland. The Scottish Government very much welcomes anything that enables us to avoid going through the London connection to make our case internationally.

### Norovirus

**6. Ross Finnie (West of Scotland) (LD):** To ask the First Minister what measures are being taken to prevent the spread of the norovirus in hospitals in Scotland. (S3F-412)

**The First Minister (Alex Salmond):** As I know Ross Finnie is aware, control of outbreaks of the norovirus in closed settings such as hospital wards is extremely difficult. Environmental cleaning, hand hygiene, isolation of patients, restrictions on the movement of staff and patients, and the exclusion of affected staff from work are all key measures that are being taken. Health Protection Scotland is also providing expert assistance on outbreak management when that is requested.

**Ross Finnie:** No one would disagree with the measures that the First Minister described.

As at one stage during the past two weeks the virus was affecting no fewer than 20 hospital wards in Scotland, does the First Minister share my concern that the message about how the public can co-operate properly with efforts to contain the virus is not clear? There has been a distinct lack of public information to assist public understanding. Indeed, there have been confused messages. Some newspaper reports advised people not to visit surgeries. That might be correct in general terms, but I am sure that the First Minister agrees that misunderstanding of the message could lead to serious consequences for young and elderly people, for whom dehydration could be a serious issue. Does the First Minister agree that a higher-profile public information campaign would have greatly assisted?

**The First Minister:** The Cabinet Secretary for Health and Wellbeing will be delighted to consider that. Of course, Ross Finnie was talking about a newspaper report, not a Government statement. I

accept his argument that we should try to have as much public information as possible.

Ross Finnie and all other members should understand the impact of such a highly infectious virus on our health services. Wards have had to be closed in 29 hospitals and, as at 7 January, 347 patients had been affected. I am sure that all members acknowledge that because of the highly infectious nature of the virus not only patients and the general public but health service staff have been affected—159 staff members have become infected as a result of the infection on wards. That should remind us to ensure that at all times we recognise our health workers for the role that they play in protecting the community and for the fine job that they do in what can be dangerous circumstances as they work and pursue their careers for the public interest.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On a point of order, Presiding Officer. Have you changed the policy of Presiding Officers during the past eight and a half years, whereby points of order are not taken during First Minister's question time but are held over until the end, or are there special privileges for particular members?

**The Presiding Officer:** I accept that the approach has normally been to take points of order at the end of First Minister's question time, but that is entirely at the behest of the Presiding Officer. Today, I took points of order as they were made, but I will reflect on what you have said.

12:32

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Education and Lifelong Learning

##### School Transport (Rural Areas)

**1. Alasdair Morgan (South of Scotland) (SNP):** To ask the Scottish Government what recent consideration it has given to rules or guidelines on the provision of school transport in rural areas. (S3O-1841)

**The Minister for Schools and Skills (Maureen Watt):** Education authorities have statutory responsibility for school transport. The Scottish Government's guidance on school transport was supplemented in March 2007 by "School Transport: Survey of Good Practice". The survey of good practice contains examples of initiatives from, or appropriate to, rural areas.

**Alasdair Morgan:** Does the minister realise that in Dumfries and Galloway, for example, the fact that parents are responsible for the first two miles of transport for pupils under eight and for the first three miles of transport for those over eight can mean that pupils need to walk on a road that has no pavement and no lighting but significant fast traffic? Clearly, not all parents in rural areas have access to cars to ensure their children's safety. Does she agree that, although we are quite rightly putting a lot of effort into safer routes to schools in urban areas, we may be ignoring people who are faced with similar problems in rural areas?

**Maureen Watt:** Coming, as I do, from rural Aberdeenshire, I understand completely my colleague's concerns. The current guidance does not distinguish between urban and rural areas but expects authorities to keep their eligibility criteria for school transport under review and to take account of a range of factors, such as increased traffic volumes and the availability of footpaths and pavements. However, my officials are currently considering whether an update of the 2003 guidance may be necessary.

##### School Building Programmes

**2. James Kelly (Glasgow Rutherglen) (Lab):** To ask the Scottish Executive what steps it is taking to promote school building programmes throughout Scotland. (S3O-1816)

**The Minister for Schools and Skills (Maureen Watt):** Under the terms of the concordat that was signed with the Convention of Scottish Local Authorities on 14 November, we will provide local

authorities with almost £3 billion of capital resources over three years to secure investment in schools and other infrastructure. That will enable them to deploy resources increasingly flexibly, according to their own local needs and priorities.

**James Kelly:** The Labour Party in South Lanarkshire was elected on a manifesto pledge of continuing its excellent school building programme, funded by council tax rises of inflation plus 1 per cent. If the council follows the Scottish National Party's position on a council tax freeze, will the minister make additional moneys available to provide for modern schools for children in the Rutherglen and Cambuslang area?

**Maureen Watt:** I congratulate South Lanarkshire Council on the ambitious and extensive school building programme that it is taking forward and on the work that it has already completed as part of the programme. As I said, under the concordat with COSLA we will provide local authorities with extra resources. South Lanarkshire Council's share of those resources will be £32 million in 2008-09, £33.437 million in 2009-10 and £33.366 million in 2010-11. It is up to the council to allocate that funding as it sees fit according to its priorities and circumstances. South Lanarkshire Council may also choose to make use of the prudential borrowing framework that is available to it.

**Robin Harper (Lothians) (Green):** The recent complete loss of the roof of a brand new school at the first puff of a winter gale must raise questions about the quality of the schools that are being built. What steps is the Government taking to ensure that the principles in the Scottish Executive's 2003 publication "School Design—Building our Future: Scotland's School Estate" are implemented by local authorities?

**Maureen Watt:** I share Robin Harper's concern about the disruption that was caused by the very high winds the other night. Clearly, we are in constant discussion with local authorities to ensure that the school building programme and the schools that are built thereunder are fit for purpose and take into account climate change matters.

**Ian McKee (Lothians) (SNP):** The minister will be aware that in some areas community organisations can no longer afford the cost of using school facilities. Does she have information on the number of schools built under the private finance initiative that now inhibit community use in the evening and at weekends through prohibitive charges?

**Maureen Watt:** I am aware that in some areas community groups find the cost of using facilities in new schools prohibitive. That is probably why the electorate put the cost of public-private partnership and private finance initiative schools

high on the list of its concerns in the run-up to the previous election. The Government is rightly pursuing the cheaper option of building schools through the Scottish futures trust. There is no doubt that there has been commercialisation of charges for use of premises, which is against the ethos of community schools. In some cases, there has been an increased desire to use the facilities in new schools, which has probably led to commercialisation of prices.

### University Funding

#### 3. Sarah Boyack (Edinburgh Central) (Lab):

To ask the Scottish Executive how its funding settlement for universities will contribute to its ambition to grow the economy. (S3O-1800)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** By maintaining a high level of support for universities, the Government will ensure that students will be able to develop the high-level skills that are required for them to succeed in the modern economy. By investing in world-class research, we will enable our universities to continue to develop cutting-edge products and services. By putting funding into knowledge transfer activity, we will ensure that our businesses can capitalise on the opportunities arising from our universities.

**Sarah Boyack:** How can the minister remain so positive when the universities are deeply worried about their future competitiveness, given the £20 million shortfall in university funding next year and the longer-term impact of the 5 per cent structural gap between universities in Scotland and those in the rest of the United Kingdom that David Caldwell from Universities Scotland identified in evidence to the Enterprise, Lifelong Learning and Culture Committee?

How does the cabinet secretary see the University of Edinburgh—one of the top 100 universities in the world—remaining competitive, given the immense pressure to which it will be subject next year, which will damage the university's capacity to maintain competitive pay for academics? Will she ensure that her joint future thinking task force includes both the University and College Union and the National Union of Students, given their crucial perspectives on university funding and competition issues?

**Fiona Hyslop:** Sarah Boyack raises a number of issues. In its press release following the spending review announcement, Universities Scotland acknowledged that Scottish universities remain competitive. We will face challenges in the future—that is one reason why we have put together the joint future thinking task force. The settlement for universities represents a marginal increase on that which was provided by the previous Government, so this Government has

maintained and marginally increased in percentage terms the high level of investment that the previous Government made.

Sarah Boyack asked about membership of the joint future thinking task force. We had a successful first meeting on 20 December, which was Parliament's last sitting day before the recess. The task force will be made up of members of Universities Scotland and will be jointly chaired by Sir Muir Russell and me. We have agreed our terms of reference and remit and will carry out work over the coming months.

Sarah Boyack also asked what input the NUS, other student bodies and the teaching unions will have. In the summer, I had a useful and constructive discussion with UCU about its engagement in future thinking on our university sector. I will engage with it on the workings of the task force, but the remit and membership of the task force must remain fairly tight, as we want the key decision makers in the university sector—university principals and the Government—to deliberate and make decisions by the summer. That will be best achieved by ensuring that the remit and membership of the task force are tightly focused.

#### Christina McKelvie (Central Scotland) (SNP):

Can the Scottish Government update Parliament on the progress of the Scottish universities joint future thinking task force that the cabinet secretary and Universities Scotland have established?

**Fiona Hyslop:** The member will have heard my reply to the previous question. It is important for Parliament to be aware that our thinking about what we want to do in the university sector is bold and radical. It will allow us to address some of the fundamental questions about obvious issues such as funding arrangements and organisation, and it will allow deliberations on what our universities are for, not just in the next three years, but on how the sector should be in the next 10 and 20 years.

#### Elizabeth Smith (Mid Scotland and Fife)

**(Con):** The cabinet secretary will be aware of the growing support among distinguished figures, both in business and in the university sector, for a full and independent review of higher education funding. I heard what the cabinet secretary said in her previous two answers, but why has she convened an internal review that is slightly limited in its role, as opposed to an independent review?

**Fiona Hyslop:** Important decisions have to be made. Either we respect the autonomy and independence of Scotland's universities or we do not. If we respect universities' independence and autonomy, it is clear that they are external to Government, in which case I would not describe the task force as "internal".

I accept that there have been calls for an independent review. Had the university principals come to me and said that they wanted an independent review, we would have had to acknowledge that, but they have said clearly to me that they do not want an independent review. They want to be able to engage directly with Government about key decisions and perspectives that we take. I am pleased that we will be able to share the results of that thinking by the summer.

#### **Class Sizes (Single Outcome Agreements)**

**4. Peter Peacock (Highlands and Islands) (Lab):** To ask the Scottish Executive whether each local authority's single outcome agreement will specify its class size reduction targets and the rates of progress expected for meeting such targets for each year of the spending review period. (S3O-1833)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** The details of single outcome agreements have still to be finalised. We expect, however, that they will reflect the commitments in the concordat, including progress on reducing primary 1 to primary 3 classes to a maximum of 18.

**Peter Peacock:** I am sure that the local authorities will be interested in that answer. It will be interesting to see how that will be possible, given that local authorities have said that there is not enough extra cash in the settlement to meet the class size reduction targets that we were promised at the election.

Will the minister make it clear to councils before they set their budgets that they will have to agree to extra spending on class size reductions despite the fact that there is no extra grant to do so? What will happen to councils who refuse to sign up to such reductions without extra cash?

**Fiona Hyslop:** I stress that we are still in discussions about the nature of the single outcome agreements. However, there is extra cash for the class size reduction policy, which was a manifesto commitment, in the increased settlement for local government. That increased settlement is £1.3 billion. It is clear that local authorities will have the opportunity to implement the policy and resources to spend on it.

If Peter Peacock is arguing that the Government should have a ring-fencing policy for class size reduction, that is a different question and one that we and local government reject. On top of the £1.3 billion of extra investment for local government, the efficiency savings alone provide an extra £213 million for investment. The reduction in ring-fenced funds from £2.7 billion to £9 million provides additional flexibility that will release resources for front-line services in order to provide the

investment that is required to improve the education of our children and a host of other services that rely on capable and competent local councils for delivery.

#### **Education (Glasgow City Council)**

**5. Sandra White (Glasgow) (SNP):** To ask the Scottish Executive what recent discussions it has had with Glasgow City Council education services. (S3O-1793)

**The Minister for Children and Early Years (Adam Ingram):** Recent discussions with Glasgow City Council education services have covered a number of important issues, including the expansion of nursery places for asylum-seeker children.

**Sandra White:** Given that Glasgow has 60 schools that have achieved health-promoting status and 29 excellent new learning communities that continue to pursue the determined to succeed initiative, will the minister tell me how the Government, in conjunction with Glasgow City Council, can further develop those programmes to the maximum benefit of the local communities?

**Adam Ingram:** I congratulate the 60 schools in Glasgow that have achieved health-promoting status by our target date of the end of 2007. To build on that, the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 now requires all local authority and grant-aided schools to be health-promoting by law. The health-promotion duties in the act commenced on 3 January this year—we will shortly issue guidance on health promotion that we expect local authorities to develop.

We are very interested in, and encouraged by, the approach that Glasgow has taken through its 29 new learning communities to promote continuity between the various stages of every child's education, which encompasses learning, health, safety and general well-being. We acknowledge the positive work of employability and enterprise officers in Glasgow in taking forward the determined to succeed strategy, in which they provide support for employability and enterprise and promote links with the business community.

**Ken Macintosh (Eastwood) (Lab):** Is Glasgow City Council expected to meet its class size targets and to rebuild its schools estate out of the current local government settlement or can we expect a future capital programme to be announced through the Scottish futures trust or a continuation of the private finance initiative and public-private partnerships? If the latter is the case, when can we expect an announcement on such a capital programme?

**Adam Ingram:** Ken Macintosh should be aware that there has been a 15 per cent uplift in capital plans for Glasgow City Council. No doubt he will want to welcome that.

The Scottish futures trust proposals are out for consultation at the moment, so we will make further announcements in due course.

### **Scots Language (Teacher Training)**

**6. Bill Wilson (West of Scotland) (SNP):** To ask the Scottish Executive whether, in light of the response of the teachers participating in the “Cuddy Brae: Language at Letham” project, it will encourage teacher training colleges to raise Scots language awareness among trainee teachers to eliminate unconscious discrimination against Scots-speaking pupils. (S3O-1794)

**The Minister for Schools and Skills (Maureen Watt):** The Scottish Government advocates the inclusion of Scots in the school curriculum where appropriate and deplores any form of discrimination, whether conscious or unconscious. Awareness of the Scots language will be part and parcel of the emerging curriculum for excellence and teachers will develop this awareness through initial teacher education and continuous professional development.

**Bill Wilson:** Will the minister acknowledge that it is to say the least anomalous that, one year short of the 250<sup>th</sup> anniversary of the birth of Robert Burns, the Scots language still does not enjoy recognition equal to that of other British languages, such as Gaelic or Welsh? Will she consider commissioning a study to identify areas where Scots speakers may face discrimination and to determine what level of discrimination towards Scots speakers may exist in the wider school system?

**Maureen Watt:** As I said to Bill Wilson initially, we deplore any form of discrimination—conscious or unconscious. It is absolutely unacceptable. In many schools, as in Letham, teachers are using children’s knowledge of Scots to build on their literacy competence.

I agree that it is unfortunate that previous Governments have not recognised the importance of Scots in Scotland’s linguistic, cultural and artistic heritage. As she was born in Alloway, my Cabinet colleague Fiona Hyslop is determined to ensure that the 250<sup>th</sup> anniversary of Robert Burns’s birth will be an occasion to remember.

### **School Closures**

**7. Stuart McMillan (West of Scotland) (SNP):** To ask the Scottish Executive with what procedures local authorities must comply when planning to close schools. (S3O-1788)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** The statutory requirements on consultation on proposals to close any school are set out in the Education (Publication and Consultation etc) (Scotland) Regulations 1981. There is also extensive Scottish Government guidance on the matter, which was first issued in 2004 and which I reissued with a covering letter to local authority education conveners on 11 October 2007.

**Stuart McMillan:** As the cabinet secretary will be aware, over the past four years, the then Liberal Democrat-run Inverclyde Council decided that it wanted to reduce the number of secondary schools in its area from eight to five, which left only one denominational school to cover Greenock, Gourock, Inverkip and Weymss Bay. The new minority Labour administration wishes to rationalise further and close a school in Port Glasgow, which will affect less well-off areas in the town. Will the cabinet secretary provide an assurance that, under the Scottish National Party Government, strict and thorough scrutiny of any proposals will take place when school closures are considered?

**Fiona Hyslop:** Responsibility for the school estate lies with the local authority—in this case, Inverclyde Council. However, the 1981 regulations to which I referred, as well as the Government guidance that was reissued recently, spell out the process that we expect to be followed by any local authority when it is considering decisions about a school closure. We expect that to be fully adhered to by local authorities. If any decisions are referred to ministers, we will take a strong look at them, bearing in mind the content of the current guidance and the regulations.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** The cabinet secretary will be aware of concerns from parents in my constituency about proposed school closures there. The Minister for Schools and Skills has previously told me, in response to a parliamentary question, that there is no legal definition of a rural school in Scotland. Could the cabinet secretary tell me when the Government will introduce legislation and whether all schools that are currently classified as rural for statistical purposes, in terms of the Scottish Executive urban rural classification, will continue to be categorised as rural schools under the proposed legislation?

**Fiona Hyslop:** I am in active discussions with my officials about the drafting of such proposals, as set out in our manifesto. Our manifesto made it clear that there would be a legislative presumption against the closure of rural schools. It was stated by the First Minister that that would be part of our programme for government. Clearly, the question of what is rural and what is not will sometimes be

touched upon. Any member will be able to respond to the consultation when it is published. It is open to Cathy Jamieson, who clearly has an interest in the matter, to suggest what the distinction might be, and we would welcome her suggestion.

## Europe, External Affairs and Culture

### Fresh Talent Initiative

**1. Bob Doris (Glasgow) (SNP):** To ask the Scottish Executive what concerns it has in respect of workers entering Scotland under the fresh talent initiative, in light of reports of the exploitation of migrant workers. (S3O-1777)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** The Scottish Government believes that the exploitation of any worker is unacceptable. Of course, the Scottish economy is benefiting from the many migrants who, through the fresh talent initiative and otherwise, have chosen to come and work in our country. We are working closely with partners, including the Convention of Scottish Local Authorities and the Health and Safety Executive, to increase knowledge of workers' rights and to ensure that migrant workers have the information that they need to avoid exploitation.

The member may be interested to know that, when I visit the Highlands this weekend, I will visit the relocation advisory service in Inverness to hear at first hand from some of the workers there about the issues that are being faced in the Highland area.

**Bob Doris:** Clearly, the level of exploitation that is experienced by different migrant worker groups varies. Migrant workers under the fresh talent initiative generally fare better than many others.

The minister might be aware of last December's joint report from Citizens Advice and Citizens Advice Scotland, which warned that

"exploitative practices such as non payment of tax and national insurance are putting good employers at a competitive disadvantage".

It also said that many migrant employees suffer exploitation. For example, they might not receive the minimum wage, they might be

"required to work excessively long hours or ... denied proper rest breaks",

and they could be

"summarily dismissed simply for being pregnant".

Does the minister believe that all migrant workers should have similar levels of protection in the workplace? Given the reserved nature of much of the legislation governing this issue, will the Scottish Government consider working in

conjunction with the United Kingdom Administration to tackle such inequality and social injustice?

**Linda Fabiani:** I am aware of the reports of exploitative practice by unscrupulous employers. I very much commend the valuable work that has been carried out by such organisations as Citizens Advice Scotland, the Advisory, Conciliation and Arbitration Service and the unions to help individuals understand their rights. It is, of course, completely unacceptable that some employers choose not to comply with statutory requirements in respect of workers' employment rights.

These matters are, of course, reserved, as Mr Doris said, but migrant workers have the same legal safeguards as workers from the indigenous population, and enforcement of the national minimum wage is the responsibility of HM Revenue and Customs, apart from in the agricultural sector, on which members have expressed concern regarding particular types of exploitation of migrant workers. In that sector, enforcement comes from the agricultural wages inspectors, and a helpline is available.

A mechanism exists that could be used for working closely with the UK Government on such matters—the joint ministerial committees that were set up at the beginning of devolution. There is a sub-committee on poverty, which I feel would be an ideal vehicle to discuss matters and to ensure that people throughout the UK are not exploited. Sadly, it has met only three times, the last time being in 2002. I very much hope that the Prime Minister of the UK will shortly answer the First Minister's letter of August regarding the reinstatement of such a committee, so that matters can be fully discussed.

### Norwegian Consulate

**2. Jamie McGrigor (Highlands and Islands) (Con):** To ask the Scottish Executive what representations it has made to the Norwegian Government in respect of its proposal to close its consulate in Edinburgh. (S3O-1770)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** I will provide some background to this matter. The Scottish Government learned in early October that the Norwegian Government intended to downgrade its representation in Scotland's capital city from a consulate general, staffed by career diplomats, to an honorary consulate. The First Minister arranged immediately to speak to the Norwegian foreign minister and made clear to him this Government's disappointment and that Norway's decision went against the recent trend of more countries opening consulates in Scotland. He also spoke of the importance of having a career diplomat in Scotland who was authorised to speak on behalf

of the Norwegian authorities. The First Minister followed up his telephone conversation with a paper, which was sent on 4 November, detailing reasons for retaining the consulate general, including the changed political situation in Scotland.

On 5 December, the Norwegian Parliament approved the plan that the new honorary representative in Edinburgh should have the rank of consul general and be supported by an official paid for by the Norwegian Government. That is an improvement on what was originally planned.

**Jamie McGrigor:** I, too, wrote to the Norwegian Prime Minister in November, although I have not yet received an acknowledgement.

Does the minister acknowledge the real concerns of many of my constituents in the Highlands and Islands and many others throughout Scotland and northern England who use the Norwegian consulate in Edinburgh and find it an efficient office, and who now face the possibility of receiving a less effective service in future, particularly in relation to passports? Will she repeat her opposition to the Norwegian Government's plans to downgrade its consulate? Does she agree that it is ironic that devolution in Scotland is leading to the centralisation of consular services of a country with which Scotland has so many links?

**Linda Fabiani:** I agree with Mr McGrigor that what has happened is sad. I knew that, like other MSPs, he had written to the Norwegian Government, along with Norwegian nationals who live in Scotland and others who work in Scotland. There is a particular concern about visas, especially in relation to the oil industry, where people come from Norway to Scotland and then go elsewhere and vice versa—there is a particular problem with Nigeria in that regard. There are issues, because the United Kingdom is not a party to the Schengen agreement.

What has happened is unfortunate. We will always wish for full consular representation of our fellow nations in Scotland and we will continue to discuss the matter.

**Rob Gibson (Highlands and Islands) (SNP):** I acknowledge the value of the career diplomats in the consular service of Norway who have helped constituents of mine. I want the minister to underline, if possible, the fact that it has been possible to get speedy decisions because the officials in the consulate have been diplomats. We want to ensure that that will continue with the new honorary representative. In one example, when someone was trying to exchange Scottish bank notes in Norwegian post offices, an issue was resolved by people of the rank of diplomat. Will the minister ensure that such points are added to Mr McGrigor's?

**Linda Fabiani:** Yes. I assure members that at every opportunity this Government will raise with the Norwegian Government issues that affect people living in Scotland.

### Tartan Day

**3. Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive what financial and other support it provides for the promotion of tartan day, particularly in respect of sporting and cultural events. (S3O-1792)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** Tartan day provides a useful platform to promote Scotland in North America. We are reviewing how we can improve the Scottish Government's contribution to this event to ensure that we maximise the impact.

The United States celebration of tartan day will be just part of a wider programme of events—which is yet to be announced—for 2008. I hope to come to the chamber soon to make that announcement. The programme that is being planned will extend beyond events in New York city and will include other North American cities. In the longer term, our ambition is to develop a programme of engagement in North America that can be sustained throughout the year. Of course, cultural and sporting events will be part of that.

**Andrew Welsh:** I thank the minister for the clear progress that is being made.

Is the minister aware of the work that is being done to promote tartan day activities in Scotland, such as the golfing initiatives that encourage golf visits by people from the United States and China, and which could involve visitors from South Africa? Will she seek to promote and, where possible, assist Scottish local authorities and other appropriate organisations to build on such pioneering Scottish sport, culture and heritage initiatives?

**Linda Fabiani:** Of course. Not that long ago, Mr Welsh sponsored a members' business debate about the sterling work that is done by Angus Council, in particular, to promote tartan day, which other local authorities are picking up on. I restate what I said during that debate: as a Government, we are more than happy to provide advice and assistance and to share information and expertise with any local authority that, like us, seeks to promote the interests of Scotland overseas.

### European Union Reform Treaty

**4. Ross Finnie (West of Scotland) (LD):** To ask the Scottish Executive whether it supports the European Union reform treaty. (S3O-1858)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** As I made clear in the



debate on the EU reform treaty on 19 December, the Scottish Government cannot accept the treaty's statement of exclusive competence for the European Union over

"the conservation of marine biological resources under the common fisheries policy".

**Ross Finnie:** I thank the minister for that confirmation. Given that the Scottish National Party Government opposes the EU reform treaty on the ground that the minister has specified—namely, that the treaty codifies the EU's exclusive competence over marine biological resources—and that, even if the reform treaty were not ratified, the EU would continue to have exclusive competence over marine biological resources, in the light of the European Court of Justice ruling in 1979 that power to adopt measures relating to the conservation of the seas belongs fully to the Community, is it the SNP Government's position that because it is unable to support the reform treaty, logically it cannot support the existing treaty? Therefore, will the SNP Government seek to take Scotland out of the European Union?

**Linda Fabiani:** I do not know how many times I must make the position clear or how many times Opposition members must hear my explanation before they understand the situation. The text of the reform treaty does not simply restate the current legal position, under which case law has established the conservation of marine biological resources as an exclusive competence.

The UK Government has backtracked on the call for a referendum that the Labour Party made in its manifesto. We are asking the UK Government to fulfil that obligation, because for the first time there is a firm basis for dealing in primary law with a situation that currently hinges only on a contestable reading by the court of a particular article of the act of accession. That creates an anomaly, which I have explained in two parliamentary debates. I am more than happy to send Mr Finnie a letter that defines the position, which he can read over and over until he understands it.

**Keith Brown (Ochil) (SNP):** As the minister is aware, the Parliament agrees many long and complicated motions. However, on December 19, it agreed a simple one, which expressed its belief

"that the UK Government should hold a referendum on the EU reform treaty."

Has the Scottish Government received any response from the UK Government on that decision by the Parliament, which was clearly in line with the wishes of the Scottish people?

**Linda Fabiani:** I can confirm that there has been no correspondence from the UK Government on that debate in the Parliament or on the Scottish people's wish that the UK Government should fulfil

its commitment to hold a referendum. I suspect that there is a bit of shame there, in that the UK Government has backed off from its commitment and does not want to make it plain that Scotland wants the commitment to be honoured.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** As the minister said, the Parliament voted on 19 December in support of the promised UK referendum on the reform treaty. In the light of the answer that she has just given, will she say whether the First Minister plans to press the issue with the Prime Minister? What other steps towards securing a referendum on the treaty is the Government planning?

**Linda Fabiani:** The moral case for a referendum is clear. The UK Government promised a referendum and it should deliver one. Scottish National Party members of Parliament at Westminster have made clear that they will back an amendment to the European Union (Amendment) Bill that would provide for a referendum.

### Basque Government

**5. Jamie Hepburn (Central Scotland) (SNP):** To ask the Scottish Executive whether it is monitoring any lessons for Scotland from the Basque Government's political initiative aimed at resolving the Basque conflict. (S3O-1782)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** The Scottish Government is aware of developments in other parts of Europe and beyond.

**Jamie Hepburn:** The minister might be aware that the President of the Basque country recently wrote to members of the Scottish Parliament about his initiative to end the conflict in the country. I am sure that the minister wishes the Basque people well in their efforts to forge a peace process. Does she think that such initiatives can help to inform our national conversation on Scotland's constitutional future? Will she ensure that all international representatives whom she meets are aware of the Government's ambitions for the future of our country?

**Linda Fabiani:** I think that all members hope that people in all communities in Europe and world wide can have peace, to which they are entitled.

I am glad that the member mentioned the national conversation, which has been a great success and has captured the imagination of many people in Scotland. The national conversation is not just for Governments and politicians; it is for people the length and breadth of our country—and beyond, should folk want to contribute. The Government is pleased to have instigated the national conversation and interest is immense. For that reason, I am more than happy

to tell people throughout the world what the Scottish Government is doing for the interests of Scotland.

**The Presiding Officer (Alex Fergusson):** Question 6 has been withdrawn.

### **Cultural Co-ordinators in Scottish Schools**

**7. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what its plans are for the future of the cultural co-ordinators in Scottish schools programme. (S3O-1838)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** On 26 November we notified all 32 local authorities of our decision to phase out by 2010 direct government funding for the cultural co-ordinators in Scottish schools programme.

We will continue to make significant funds available in the next two years and we have asked the Scottish Arts Council to consult widely, to agree steps that can be taken to sustain some of the good work that has been generated by the programme.

**Karen Whitefield:** Does the minister agree with Tony Reekie, the chief executive of Imagineate, who said that failure to continue funding cultural co-ordinators will reduce the effectiveness of the Government's cultural policy? Will she do as he asked and reconsider the decision? If not, how will the Government ensure that children have regular and consistent access to quality cultural provision? Given that the Government also failed to guarantee cultural entitlement, is the failure to continue funding for cultural co-ordinators another blow for cultural activity in Scotland?

**Linda Fabiani:** I have much more faith in our local authorities and their elected members and officers, and in the artists of this country, who can work with us towards 2010 to ascertain once and for all what we are already doing in this country. I have faith in the ability of our local authorities, artists and providers to ensure that access is widened.

Instead of putting sticking-plaster initiatives everywhere, let us consider what is being done and what needs to be done. We have to know what we have got before we can know where the gaps are. Let us consider the great work that our national companies, national collections and heritage bodies are doing. In the past eight years, no one bothered to pull together and consider that work, but I am doing it now. It is astounding that it was not done in eight years of devolved government in Scotland.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Will the minister confirm that she has received a large number of representations

against the axing of culture co-ordinators, from a range of distinguished individuals and companies on the artistic front line? Will she also concede that the Scottish Arts Council wanted to expand the culture co-ordinators scheme, as stated by its representative at the Enterprise and Culture Committee on 23 January last year? Why, therefore, is she forcing the Scottish Arts Council to axe that highly successful scheme, especially when she claimed in her statement on 7 November in the chamber that she rejected ministerial interference in such decisions?

**Linda Fabiani:** I will not confirm the member's first point because I have not had a large number of representations on the issue. The Government believes in non-interference in the arts. Our artists are wonderful and capable. Not only did the previous two Administrations micromanage and ring fence funding to local authorities, they did it to the Scottish Arts Council. I am hearing about all the great work that is done by the cultural co-ordinators, but no one can tell me how those cultural co-ordinators were employed, or how many were new posts and how many were people who were already doing fantastic work in local authorities and who will continue to do fantastic work in local authorities. Without that information, there is no point in standing in the chamber and bemoaning the issue. The Government will strengthen the area. We will ensure that people have access to the arts, which will be provided by those who are best at providing it.

## Gould Report

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-1110, in the name of Bruce Crawford, on the Gould report. Members may wish to note that a further revised section A of the *Business Bulletin* has been produced. For clarity, I am referring to the section A that shows a revision time of 12.30 pm on its cover. The specific revision to the business programme is the addition of an amendment in the name of Annabel Goldie to the amendment in the name of Andy Kerr. Amendment S3M-1110.3.1 was lodged this morning, and I have selected it for debate. On the basis of that selection, amendment S3M-1110.1, in the name of Annabel Goldie, has been withdrawn.

14:57

**The Minister for Parliamentary Business (Bruce Crawford):** I open the debate with mixed reactions. It is clear that the events of the election night in May should not have happened and must never happen again. [*Laughter.*] Members are all clear that I mean the process.

The reason for this debate should be a matter of regret for us all. On the other hand, the Gould report gives us an opportunity to improve our systems for elections to the Parliament and to local authorities. It is an opportunity that we in this Parliament and our colleagues in Westminster should seize. It is therefore a matter for optimism that we are gathered here to debate the improvements that Gould identifies for the representation of the people of Scotland.

The problems that Gould identifies are not all of the Parliament's making, but they are nevertheless problems for us in this chamber. They concern public confidence in the elections to the Parliament, and we should be allowed to take ownership of, and responsibility for, putting matters right. Gould identifies a failure to put the voter first in the preparations for the 2007 elections. Our response to the report must not make the same mistake. It is therefore crucial that we take the opportunity provided by Gould to restore the trust of the voters in our electoral systems. It is incumbent on all of us who operate in the political system to regain the respect of the voters for the competence and integrity of that system. The Parliament represents the people of Scotland. They must have confidence that it does so properly. We must respond to the report in a sensible and pragmatic way.

Gould identifies a wide range of practical and organisational problems, which we believe need to be approached using common sense and logic, to

reduce the complexity and fragmentation that the report describes. We do not believe that current institutional barriers should be allowed to stand in the way of effective solutions.

The Scottish Government has given a clear response to the opportunity presented by the Gould report. The First Minister has accepted its recommendations. For example, we have accepted that local and Scottish parliamentary elections should be decoupled. As Ron Gould makes clear, the primary advantage of that change would be to give due prominence to local elections in their own right and ensure that the electoral processes—and the issues—are clear to the electorate. The creation of a chief returning officer is also recommended. The exact role and responsibilities of the new chief returning officer and their relationship with Scottish ministers, local returning officers and the Electoral Commission require further work.

We know that the Parliament's Local Government and Communities Committee has already taken evidence from Ron Gould and the Electoral Commission on the implications of the report for local government elections. I am sure that that work will make a valuable contribution to the Parliament's consideration of those issues, and I look forward to the committee's conclusions.

The recommendations on the decoupling of elections and the creation of a chief returning officer are, of course, of great importance in taking forward the Gould report to improve our electoral system. However, I believe that the main feature of the report, which colours the whole report, is the description in chapters 2 and 3 of the truly shocking fragmentation of law and responsibility.

To quote Ron Gould's conclusions:

"Our review of the present legislation, as it affects both the Scottish parliamentary and the local government elections, has led us to conclude that it is so fragmented and antiquated that it fundamentally interferes with the ability of electoral stakeholders to make timely decisions and to carry out all activities related to planning, organising and implementing an election effectively."

He arrives at those damning conclusions because, under the structure that we live with at present, five different arms of Government are involved in the election arrangements in this country.

Gould identifies a dozen pieces of primary and secondary legislation, dating back to 1973, that govern election night in Scotland. Some of those were made at Westminster and some here at Holyrood; some can be updated and changed by us, but many cannot.

It is perhaps not surprising that a steering group with representatives of nine different groups was required to organise the elections, or that that

steering group required no fewer than six sub-groups.

Ron Gould describes this landscape—with commendable restraint—as “complex and fragmented”. He also talks about the patchwork approach that had been taken, and states:

“As long as the responsibilities for the decisions which have an impact on the Scottish parliamentary and local government elections are divided between the Scotland Office and the Scottish Government, it cannot be guaranteed that these electoral processes will be conducted effectively, due to the fragmentation of the legislation and decision-making in this context. As a result, we would recommend that exploratory discussions take place with a view toward assigning responsibility for both elections to one jurisdictional entity. In our view, the Scottish Government would be the logical institution.”

**George Foulkes (Lothians) (Lab):** I would like to ask a genuine question of clarification. On this occasion, I am not trying to make a party-political point—normally I do, of course.

The minister said “the Scottish Government”. Surely, however, he must mean, the Scottish Parliament.

**Bruce Crawford:** I was quoting directly from Ron Gould’s recommendations, which say:

“In our view, the Scottish Government would be the logical institution.”

The question is, what do we do about the problem? Should we, as some have suggested, tweak around the edges? Perhaps we should just decouple the parliamentary and local elections, and hope and pray that that does the trick. Should we regard the problems as the result of an unfortunate aberration caused by too much new-fangled thinking?

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I have an open mind in relation to the decoupling of parliamentary and local government elections. However, has the Government undertaken any work to examine the elections that were held in 1999 and 2003, when parliamentary and local government elections were held on the same day without there seeming to be any great difficulties for members of the public? We want to engage with as many people as possible and encourage them to come out to vote. However, does the minister think that having an election almost every year—which is more or less what would happen if the elections were decoupled—might discourage people from voting? Has the Government done any work on that question?

**Bruce Crawford:** No work on that has been done at this stage. A number of issues are involved, but the most fundamental issue for local government is that people recognise its democratic legitimacy, its rights and its place, and that it should be able to have separate elections.

Perhaps it would be okay if we returned to the system that we had in the good old days—a simple cross in the box. *[Interruption.]* I thought that that might get the Tories going. Alternatively, should we grasp the opportunity to fix the incredible structural problems that Ron Gould identifies so thoroughly and shamefully for us? The reactions to that recommendation have been mixed but, again, there could be grounds for optimism. We in the Parliament are discussing constructively that fundamental recommendation, even though issues to do with additional responsibilities for this Parliament are often those that we most fiercely argue over, and those that can create the most division.

All of us in the chamber are now committed—one way or another—to developing the devolution settlement. I sincerely hope that this issue—the fundamental question of taking responsibility for the conduct of our own elections and for cleaning up our own electoral house—is one that can be taken forward in a manner that protects it from the usual politics of the constitutional debate. That is a challenge to all of us, but one that I believe we will meet because, ultimately, it is not about any constitutional end point—it is about the degree of responsibility that we take at Holyrood for ourselves.

Again, however, there could be matters for regret. The United Kingdom Government has not so far accepted the serious structural problems that Gould describes, never mind the logical way forward that he also describes. Instead, it has declared itself unconvinced. I hope that our debate today will help it to see that we are making the right decision. I hope that it will now engage with us fully and effectively, as our motion suggests. Indeed the UK Government’s response to the Gould report does not even discuss that recommendation seriously, but accepts only that exploratory discussions should be taken forward.

We are at least entitled to expect the consultation document to weigh the arguments for and against change and to explain why Des Browne remains to be convinced.

**Margo MacDonald (Lothians) (Ind):** Will the member take an intervention?

**Bruce Crawford:** In a moment.

The document might also have expressed some concern about the fragmentation and tangled patchwork that are revealed by Gould. However, on those matters, which take up two full chapters of the Gould report, the consultation document—the official response of the UK Government—remains silent, as if the whole subject had been airbrushed from the debate.

I give way to Margo MacDonald.

**The Deputy Presiding Officer (Trish Godman):** The member will have to be brief—the minister is in his last minute.

**Margo MacDonald:** On the response from the UK Government, is it true that if it can be shown that all members in the chamber agree with the specifics of the changes that we would like to see, that would be a stronger position than the wider terms of the Scottish Government's motion? Does the minister agree with me on that point?

**Bruce Crawford:** I agree. I have no doubt that it would be highly advantageous if the Parliament was to concentrate on one single agreement—that we should take responsibility for the running, conduct and administration of the elections. In fact, I am delighted to see that all the amendments that are before us today take that on board.

We do not believe, however, that the UK response has been adequate, and—to coin a phrase—it is not fit for purpose. No modern or sensible democracy could look at the tangled mixture of law and accountability that Ron Gould describes and think, “We’ll tinker a bit, and that will be good enough for the voters.” We must be free here in the Parliament to choose, after proper reflection and debate, whether to legislate on the many proposals that Gould describes. We believe that that is the best way forward to address the crucial issues of voter trust and confidence.

None of us who are concerned with politics in Scotland can contemplate a further election debacle with anything other than dread. The motion rightly calls on the Scottish and UK Governments to work together on a timetable for implementation, and to commit publicly to a timetable now. The Government is committed to delivering the elections and is already considering the practical steps that are required. It is time to find solutions that make common sense and are pragmatic, and that is why I have pleasure in moving the motion.

I move,

That the Parliament welcomes the Gould report, including the recommendation calling for the further devolution of executive and legislative powers to the Scottish Government and the Parliament for the conduct of its own elections, and calls on Her Majesty's Government and the Scottish Government to discuss, agree and publish a timetable for appropriate implementation of the report's recommendations.

15:10

**Andy Kerr (East Kilbride) (Lab):** When the minister is sipping some Benylin and reflecting on his speech as he reads it back, he might be confused, like many members in the chamber were, by the conclusion that he reached. He made a moderate, controlled and—I have to say—good

argument about why we need to make changes, but it did not reflect the fact that the Parliament's Local Government and Communities Committee is at work, as are a parliamentary committee at Westminster and the constitutional commission.

I welcome the more moderate tone of the minister's approach to the matter, but I do not think that it is reflected in the motion or in his conclusion and what he said about the way forward. I ask him to reflect on that point. I share his view that all members are intent on ensuring that we address the key issues and concerns in the Gould report. In running elections, we must learn the lessons, respond and regain people's confidence. I share that view absolutely. We must guarantee that there is no repetition of the events of May 2007.

The tone that the minister adopted today is different from the tone of our previous discussion on the matter, on 24 October, when the First Minister made a statement to the Parliament. Unlike Mr Crawford in his speech today, the First Minister in his statement failed to recognise that we are all responsible for many aspects of what is now largely regarded as a debacle in the election. The First Minister's quotes on that day were partisan in their own right. I want to follow the tone that Mr Crawford adopted to try to ensure that we build some consensus around the issues. That is what the electorate expect us to do. In building that consensus, I strongly believe—and our amendment reflects this—that we must allow the committees of this and other Parliaments to do their investigation and analysis and make recommendations.

On page 120 of his report, Mr Gould states:

“Almost without exception, the voter was treated as an afterthought by virtually all the other stakeholders.”

That is a damning indictment of us all. Indeed, Mr Gould is on the record as saying that

“Party self-interest ... is not ... related to one party.”

I appeal to the minister today in the same spirit in which I appealed to the First Minister on 24 October. The only element of partisanship that we have today is contained in the minister's motion, which seeks to drive the Parliament in a certain direction without our committee and our members having the right to reflect, to consider and to bring forward their own ideas and conclusions.

In relation to the point that George Foulkes was getting at in his intervention, I say that, in my view, with due respect, there was too much mention of the First Minister agreeing to this and deciding that. It is for the Parliament, its committees and all of us to be involved in the matter. That is the best way in which to proceed and that is the spirit of our amendment.

We should stop the partisanship. I believe that we can do that, but not by supporting the SNP motion. We have our committees, and the Parliament has agreed to set up the constitutional commission. I have to say, and I say this genuinely, that if Westminster debated a Government motion that was shaped in the language of the SNP's motion today, there would be outrageous ginning from the SNP. There would be sabre rattling. There would be messages going out and press conferences would be called. We should reflect on that and ensure that we respect the work of our committees, our Parliament and, of course, other Parliaments too. That is all that the Labour amendment seeks to achieve. We should maturely take those points on board.

The Parliament and its members—I am as guilty as everyone else—were party to some of the key decisions that later transpired to be at the heart of some of the difficulties that we faced on 3 May. For example, the decision to move to a combined ballot paper was taken by all parties. It grew out of the Arbuthnott commission, which gained widespread political support in the Parliament. That is one of the key issues that led to some of the difficulties that we faced. The decision was made not at Westminster, in England, or anywhere else, but in Scotland. Many quotes from party spokespersons and leaders exist that will verify that.

On the issue of holding the local government elections and the Scottish Parliament elections on the same day, only the Tories took a different position. They argued for decoupling, and that is reflected in their amendment today.

**Tricia Marwick (Central Fife) (SNP):** I assure the member that the SNP opposed the Scottish Local Government (Elections) Act 2002, which brought both elections together. Furthermore, when Parliament passed the legislation to introduce proportional representation for local government elections, I lodged a reasoned amendment to decouple the elections. On both occasions, we were opposed by the Labour Party and the Liberal Democrats.

**Andy Kerr:** I will reflect on that point. I clearly need to do further research, although I have information that that is not the case. However, my point is that blaming another Parliament for the situation that we found ourselves in when the decisions were taken in this Parliament—by whatever means—puts in doubt the approach taken by the SNP.

Mr Gould is clear on another significant issue raised in his report—sloganising. He says:

"The use of 'naming strategies' by political parties to seek an advantageous position on the regional side of the Scottish parliamentary ballot sheet was raised consistently as a problem by many".

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** Mr Kerr said that Parliament shares an element of responsibility. Does he accept that part of the problem is the disaggregation of responsibilities for election organisation among different institutions in different places? Would not the clarity described in the Government's motion assist in resolving the issue that Mr Gould rightly identifies as serious?

**Andy Kerr:** I do not disagree fundamentally with what the member has said, and I do not think that Des Browne disagrees either. However, I am appealing for us to take the work forward in a reasoned manner through the committees of this Parliament. Rather than following the route described in the motion, we should allow investigation and analysis and draw conclusions from that work.

**Cathie Craigie:** Does Mr Kerr agree that coupling the elections did not prove to produce problems in the 1999 and 2003 elections? Should we not let the committees of the Parliament work through that issue and take decisions only once we have their findings and recommendations?

**Andy Kerr:** As we all know, people did not have much to say about the coupling of elections in 1999 and 2003. In his report, Mr Gould recognises that coupling the elections has increased the attention paid to local government elections and the turnout at them, and he balances his conclusions on those points. We should not forget that.

That brings me back to the fundamental point: it is appropriate for the Parliament's Local Government and Communities Committee to take a reasoned overview and make recommendations to us so that we can more fully consider the points.

**Bob Doris (Glasgow) (SNP):** As a member of the Local Government and Communities Committee, I have some information for the member. We are examining not the Scottish parliamentary elections but the council elections.

**Andy Kerr:** I acknowledge that, but we are discussing the linking of the elections and the problems that that may have caused. I thank the member for his information, but I understood that point.

Let us not forget the progress that has already been made for the future: ballot papers will be counted manually; ballot papers for the Scottish Parliament will be on two separate pages; there will be a longer period between the close of nominations and the date of the election; any changes in the law governing the conduct of elections must come into force at least six months before the date of the election; and a single legislative instrument will provide, in one place, all

the regulations and rules that govern the conduct of the Scottish Parliament elections, alongside guidance issued by the Electoral Commission. Those five key and core recommendations from the Gould report have already been taken forward by the Secretary of State for Scotland.

There are many other things to say, but I rightly opted to take interventions. Labour members want to consider all and rule out none of Ron Gould's recommendations, but in a way that befits the status of the Parliament and recognises the role of its committees. We want to ensure that we make the important links between the local government elections, which are rightly being examined, and the Scottish Parliament elections in a way that guarantees the confidence of the people of Scotland.

I move amendment S3M-110.3, to leave out from "conduct" to end and insert:

"administration of its own elections; calls on Her Majesty's Government and the Scottish Government to discuss, agree and publish a timetable for appropriate implementation of the report's recommendations having regard to the conclusions from both the Scottish Parliament's Local Government and Communities Committee and the House of Commons' Scottish Affairs Select Committee, and believes that the proposed Scottish Constitutional Commission should consider the full legislative framework for Scottish Parliament elections."

15:19

**Annabel Goldie (West of Scotland) (Con):** It is with pleasure that I open the debate for the Scottish Conservatives. The complete shambles that we saw at the May 2007 elections raises material questions about the management of elections in Scotland. All members will agree that it is unacceptable that more than 146,000 ballot papers were rejected in the Scottish Parliament election alone. That sorry mess cannot be repeated, because it demeans the political process and, much more important, it erodes public confidence in the political process.

I make it clear at the outset that the Scottish Conservatives agree with the Gould report that the Scottish Parliament should have responsibility for the administration of the elections to the Scottish Parliament—I emphasise the word "administration". The Scottish Conservatives do not agree that the devolution of responsibility should extend to empowering the Scottish Parliament to hold referenda or change the electoral system for the Scottish Parliament. Those matters are outwith the scope of the Gould report and they are not for current consideration.

Because of time constraints it would be impossible for me to go through even half the recommendations in the Gould report, but I will highlight the most important. The biggest folly that

led directly to the election fiasco was the Scottish Parliament and local government elections being held on the same day.

**Iain Smith (North East Fife) (LD):** On that point, the Gould report clearly says:

"There is very little evidence to support the argument that the simultaneous local government election using STV contributed substantially to the higher rejection rates in the Scottish parliamentary election".

How does the member reach her conclusion?

**Annabel Goldie:** There was a cocktail of events. Mr Gould was looking at one issue in isolation. I am pointing out that I think that a conjunction of factors led to very understandable confusion on the part of the voters. They included the new design of ballot paper for the Scottish Parliament vote and the fact that the votes used different systems.

The chamber will recall that the Conservatives called in the Parliament for the elections to be decoupled. It was clear to us at the time that the conjunction of elections was a major cause of voter confusion. Members will also recall that our arguments were ignored by the Labour Party in this Parliament and at Westminster. I say to Mr Kerr that I hope that the Labour Party can lay its past resistance to rest.

**Bruce Crawford:** Will Annabel Goldie give way?

**Annabel Goldie:** I will just proceed with a point that I want to make.

I say to Cathie Craigie, who intervened on Bruce Crawford on this point, that there is overwhelming support for the elections to be decoupled. I invite her to listen to a few of the views that have already been expressed. In oral evidence to the Local Government and Communities Committee, Mr Gould said:

"Separating the two elections would minimise complexity, and many of the problems that arose this time would be avoided."—[*Official Report, Local Government and Communities Committee*, 21 November 2007; c 268.]

The Electoral Commission said:

"in the Scottish context, early consideration should be given to the timing of the next Scottish Parliamentary and Scottish local government elections, with a view to 'decombining' them."

That is Electoral Commission speak for decoupling.

**Bruce Crawford:** The UK Government consultation document said:

"Many of the administrative problems at the elections arose from the combination of the two very different types of elections on 3 May."

In his response, the First Minister said that we would accept Gould's recommendation, which would mark an important step forward in

addressing the administrative problems that the Gould report identified.

**Annabel Goldie:** I am encouraged by that comment and I agree with it.

The Scottish Conservatives further believe that such decoupling will increase local government accountability. If people vote for their local councillors according to their performance on the council, decoupling will strengthen local democracy as more people become aware of local elections and, I hope, become engaged in local politics.

**Cathie Craigie:** I do not disagree with the points and argument that Miss Goldie is making. However, given that parliamentary committees are having a look at the issue just now, is it right for the Parliament to take such a decision before the committees have reported? Why does Miss Goldie believe that this is the right time?

**Annabel Goldie:** I seem to be doing two things here, Presiding Officer, and I hope that I can reassure Mrs Craigie. I am pointing out my party's clear view about the implications of the conjunction of elections on the same day for electoral understanding and clarity for voters. I am also correct in saying that, if Mrs Craigie looks at the text of today's amendments, she will see that her party's amendment, which my party supports, subject to a further amendment by my party, respects the roles of the bodies to which she has referred. It is appropriate that those bodies should have their say, and the general debate would benefit from it.

In its deliberations, the Parliament must not lose sight of the importance of local government elections in Scotland. In his inquiry into the electoral fiasco, Mr Gould set out his belief that the local government message cannot get across when its elections compete with parliamentary elections. I said to Mrs Craigie that an impressive series of opinions is now being expressed on this subject, and those opinions indicate that decoupling is not only desirable but a priority. As my friend Mr McLetchie will highlight in his speech, we must focus on that matter, because there are some very important timing implications not just for serving councillors but for candidates of all parties who might seek to be elected to local government at the next election.

I am comforted by Mr Crawford's intervention and urge the SNP Government to commit itself to decoupling. If my party is not satisfied with progress on the issue, we will certainly reintroduce our member's bill to achieve that aim.

It should never be forgotten that the people of Scotland were let down unacceptably in this election fiasco. It is the responsibility of everyone in the chamber to ensure that such a fiasco is not

allowed to happen again. I reiterate that we broadly welcome Mr Gould's recommendations, with the caveat that any devolved responsibility should cover only the administration of existing elections. We call on the UK Government to work with the Scottish Government to take these matters forward.

We will support the Labour amendment if the amendment in my name that amends it is agreed to. I move, as an amendment to amendment S3M-1110.3, amendment S3M-1110.3.1, to insert after "its own elections":

"and the decoupling of future elections to this Parliament and Scotland's councils".

15:26

**Iain Smith (North East Fife) (LD):** No one is under any illusion that last May's Scottish Parliament elections were nothing but a farce. Thousands were denied their vote because they were confused by an appallingly designed ballot paper and because of the Scotland Office's incompetence and the failure of its Labour ministers to discharge properly one of the very few functions that they have left: the administration of the Scottish Parliament elections. If ever we needed to make a case for scrapping the Scotland Office, that case has now been made.

The Scottish elections review that was established by the Electoral Commission and led by Ron Gould was both necessary and essential. It provided valuable insight into what went wrong and set out some irrefutable conclusions and recommendations. For example, there is no doubt that we need greater professionalism and consistency in electoral administration. Indeed, I know that the election professionals in my party have been calling for that for years.

**Bruce Crawford:** Are there professionals in the Liberal Democrat party?

**Iain Smith:** We are very good at winning elections.

Establishing a chief returning officer for Scotland who would be charged with co-ordinating and overseeing all aspects of the electoral process for elections in Scotland would be a welcome step forward. Such a move should help to ensure that rules, regulations and guidance are all in place well before the election to the benefit of all stakeholders.

Related to that is the role of the Electoral Commission. There might be a case for extending the Electoral Commission's formal remit to include Scottish local government elections, to ensure a consistent approach across all elections in Scotland.



The Gould report also highlights the need to ensure that all electoral legislation is in place at least six months prior to the date of the election. There is no doubt that the delays in finalising the rules on ballot paper design contributed significantly to the problems, particularly in the distribution of postal ballots.

In relation to the local government ballot paper, Mr Gould refers to

“the political parties’ inability to come to agreement on whether candidates would be listed alphabetically by surname or alphabetically by party grouping”.

Of course, we all know that the Labour Party was the only party that could not reach agreement on that matter. Every other party was agreed. Delays could have been avoided had it not been for Labour’s intransigence on the issue.

Most of the administrative changes that Mr Gould recommended are common sense. However, I want to turn to the fundamental issue that he identified as the primary cause of the spoiled papers fiasco.

First, on the red herring of decoupling, as I said to Annabel Goldie, Mr Gould makes it abundantly clear on page 52 of his report that

“There is very little evidence to support the argument that the simultaneous local government election using STV contributed ... to the higher rejection rates in the Scottish parliamentary election”.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** As was pointed out in evidence to the Local Government and Communities Committee, the number of spoiled ballot papers in last year’s local authority elections was three times higher than that in the previous local government elections. What would be the reason for that?

**Iain Smith:** The rejection rate of papers in the local government elections was very low compared with that in the Scottish Parliament elections. With respect, I must make progress. *[Interruption.]* I have not studied the matter, so I cannot answer the question. Duncan McNeil needs to ask people who have studied such matters.

Gould said:

“the main reason there were much higher rates of rejection in the 2007 Scottish parliamentary elections than in previous elections was a result of the combined ballot paper.”

I make no bones about the fact that there were differences of opinion on decoupling in my party, but our party policy, which was confirmed at our recent conference in Glasgow, is against decoupling. In my view, the argument for decoupling is largely bogus. Gould made it clear that there is little evidence to show that holding the elections on the same day contributed to voter

confusion over the Scottish election ballot papers. Indeed, the rejection rate of papers in the single transferable ballots in the local elections was much lower than the rejection rate in the Scottish Parliament elections. I have never believed that voters are unable to distinguish between local and national issues when they cast their votes. Most fundamentally, those who argue for separating the elections

“by a period of about two years”,

as suggested by Gould, rather forget that we have other nationwide elections in Scotland. There are UK general elections, which are generally held midway through the Scottish Parliament session, and European elections. We could end up decoupling local elections and Scottish Parliament elections, only to see them coupled with other nationwide elections, and not end up any further forward.

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

**Iain Smith:** I do not have enough time. I must conclude.

The problems that we all saw at our counts in the early hours of 4 May and which the voters saw on television screens left a strong impression that the electronic counting of votes was to blame, but the problems in the counts were a factor of the real culprit, which was the design of the ballot papers. The high volume of invalid papers clogged up the electronic counts; it was not the electronic counts per se that caused invalid papers. Therefore, it would be wrong to rule out electronic counting for future elections, as Des Browne, whose hobby is being Secretary of State for Scotland, has done. Despite what Mr Browne says, Gould did not recommend that ballot papers be counted manually in future. In fact, he recommended

“against introducing electronic voting for the 2011 elections, until the electronic counting problems that were evidenced during the 2007 elections are resolved.”

That is, we should get the system right, not scrap it.

When I first saw a mock-up of the combined ballot paper, I did not believe that it was the final version that was to be used. It was immediately obvious to me that the instructions to voters went nowhere near providing the clarity that was required and which was why Arbuthnott originally recommended introducing a combined paper. It bore little relation to the example from New Zealand that Arbuthnott proposed. I contacted the chief electoral office in New Zealand, which advised me that the number of votes in respect of which the voters’ intention could not be ascertained in New Zealand when a combined ballot paper was used was 0.46 per cent of party

or list votes and 1.1 per cent of constituency votes, which are significantly lower figures. By comparison, even the “Inadequate research” of the Scotland Office showed a failure rate that was remarkably close to that on the night. Despite that, Scotland Office ministers showed a level of incompetence for which they should have been sacked on the spot by going ahead with the failed design rather than changing it.

**Bruce Crawford:** Does the member mean George Lyon?

**Iain Smith:** He was not a Scotland Office minister. The Scotland Office rather than the Scottish Executive designed the ballot paper.

Gould has rightly pointed out that voter confusion was exacerbated by the SNP’s “Alex Salmond for First Minister” naming strategy, for which we still await an apology from the First Minister or the SNP.

The problems could be resolved simply by changing to a single transferable vote—

**The Deputy Presiding Officer:** You should finish now, Mr Smith.

**Iain Smith:** I am concluding.

The success of STV in Scotland’s council elections shows that it will work in a multiparty system and that it is the right system for Scotland’s Parliament.

I move amendment S3M-1110.2, to insert at end:

“but believes that changes in the powers of the Parliament should be for a purpose and notes that a single transferable vote (STV) system offers the most effective way of electing parliaments, giving voters more choice than any other system, wasting fewer votes and increasing accountability; further notes the successful use of STV for the local government elections in 2007, and therefore believes that the 2011 Scottish Parliament elections should be conducted using STV.”

**The Deputy Presiding Officer:** We will now move to the open debate. It is probable that one back bencher will not be called, as most of the front-bench members ran over their time.

15:34

**Keith Brown (Ochil) (SNP):** Last May, government in Scotland was hit by two great events. One, of course, was the long-overdue election of a forward-thinking and positive SNP Administration; the other was the badly organised voting and counting fiasco that reduced Scotland’s democratic credentials to a punch line for satirists. What a welcome present from the Scotland Office. It did not give flowers or chocolates; it simply made Scotland look like a country that cannot even run an election properly.

However, we do not really run our own elections in Scotland. Running Scottish Parliament elections is only one of a multitude of things that the Westminster Government implicitly seems to think that Scotland cannot handle. I could ridicule that position as absurd, but the Scotland Office’s performance last May has done that more effectively than I ever could. I am delighted that we now appear to have an emerging consensus in the Parliament that the situation must change.

As someone who worked for some years in the administration of elections, I am personally aware of many colleagues in the Association of Electoral Administrators—I should perhaps declare an interest as a member of that association—who were very concerned in the months and weeks before the election about several key aspects. As public servants, individual elections officers and returning officers will usually spurn public comment such is their determination to maintain their well-won reputation for impartiality. However, I was well aware of the concerns that they were expressing to one another before the election. They believed that the last-minute changes for the May elections were ill thought out and the changes to the design of the ballot papers very wrong. The change to the ballot paper was well understood as a blatant attempt to corral list votes that some parties believed they had previously lost because voters treated the list vote as a second-choice vote rather than a second vote.

To lay one myth to rest, I never heard one elections officer say that the title that the SNP used for the list vote was wrong or misleading or even at odds with the spirit of the election. I do not deny that we may have caused a wry smile and a certain amount of regard for how we used the legislation to its maximum potential, but none of the election professionals to whom I spoke had any doubt that we were completely within the rules. We should not equate that with the mistakes of the Scotland Office. Those mistakes cannot be cancelled out by attempting to portray our innovative use of party titles as anything other than legitimate.

**Patrick Harvie (Glasgow) (Green):** I do not disagree with the member’s description that the title that was used was within the rules, as that seems to be due to an oversight in the rules rather than anything else. Can the member explain why a ballot paper in Glasgow should say “Alex Salmond for First Minister” any more than a ballot paper in Gordon should say “Convener—Tommy Sheridan” when neither of those individuals was standing in those ballots for regional representatives?

**Keith Brown:** Alex Salmond stood as a representative of the Scottish National Party, which had a candidate for First Minister who was Alex Salmond. Andy Kerr quoted the Gould report as stating that

“the voter was treated as an afterthought”.

I assure members that, although I had no part in the decision, I know that when the decision was taken to use that title, the voter was at the very centre of the decision.

It is widely known that many mistakes were made in other aspects of the elections. The changes to postal voting were late in coming, very complex and hard to deal with. The electronic counting system was horrendous, expensive and cumbersome. For the Ochil constituency, it was proposed to hold the election count in Stirling. Much though I would have liked to share Bruce Crawford's triumph on the night in Stirling, it is completely wrong that local election counts for Clackmannanshire Council should take place outwith the council area. However, that was proposed because the accommodation could not take the electronic counting system. The contempt for the democratic process that was shown by the DRS Data Services staff who were involved on the night when things started to go wrong should never be repeated. We should never have got into that position, but most of those problems were widely known. They came as no surprise to many people who were involved in administering the elections when they came to fruition at the election time. That is why the Parliament is right to welcome the Gould report, especially its central provision that we should run our own elections.

The Gould report also recommends that we should overhaul the system of returning officers in each constituency. As someone who has acted as a deputy returning officer, I have seen at first hand how much that is needed. Folk should be aware that the actual work for elections is carried out not by the returning officers but by the deputy returning officers and elections officers, who do not get the compensation that returning officers receive. We should end that fiction.

We should also accept Gould's crucial recommendation that the Scottish Parliament and local elections should be decoupled. I remember arguing, as leader of Clackmannanshire Council, with Iain Smith and the Local Government Committee that the elections should be decoupled. At that time, no other party supported that position, but it has attracted the support of the Conservatives within the past year or so. I welcome that party's conversion to the cause as much as I welcome Labour's conversion to the idea of the transfer of powers. Decoupled elections are, quite simply, the fairest way to run things. The new relationship between central Government and local government that gives councils far more freedom to spend and work as they see fit means that, now more than ever, we cannot allow local elections to be overshadowed by a national campaign.

If powers over elections are transferred to the Scottish Parliament, at least any mistakes that we make will be our mistakes. The last thing that we need is for the Parliament to be blamed by the public for matters that are, once again, beyond its control. I have confidence in the abilities of the Parliament and, like the voters of Scotland, I definitely have confidence in the abilities of the Scottish Government to deliver that.

I have faith that Scotland can run its own elections successfully, just like Quebec, Catalonia and jurisdictions as small as the Isle of Man. That is why the Gould report recommends that the Scottish Parliament would be the logical institution to take responsibility for the two sets of elections. It will surprise no one that I would like the Parliament to take on responsibility for elections to the European Parliament and other institutions, along with all the other powers of a normal independent country. I urge the Parliament to unite to agree to the Government motion and to send a clear signal that Scotland is ready and grown up enough to bear this new responsibility.

15:40

**George Foulkes (Lothians) (Lab):** I do not know whether members have heard of the Alastair Campbell prize—it is for spinning. The prize for 2007 must go to the person who spun the Gould report as a criticism solely of the Scotland Office. That person is the second most powerful person in the SNP—not John Swinney, certainly not Nicola Sturgeon, and not even election mastermind Angus Robertson, but the SNP chief spin doctor, Kevin Pringle. He managed to dupe the Scottish media—of course, some in the media were willing dupes—into believing that the report criticised only one party.

In fact, one of the report's most damning criticisms was of the use by the SNP of a slogan as a party description. I say to Keith Brown that I have received many complaints about that, which was the biggest con trick in electoral history. It is not the case that Alex Salmond's mum was prescient enough to give him a first name that he could use to get to the top of the list, as he constantly reminds us, but it is the case that Alex was devious enough to take advantage of that lucky coincidence. Frankly, he was able to do that because of the slackness of the Electoral Commission on party descriptions. It is right that the commission should sort out the matter, and not before time.

**Margo MacDonald:** Yes.

**George Foulkes:** Margo MacDonald agrees with me.

The report does not criticise only one party on the ballot paper design and the combination of the

list and constituency elections on one ballot paper. Rightly, it criticises all the large parties, including the Liberal Democrats, which agreed to that proposal. I say to Iain Smith that the Liberal Democrats urged the UK Government to combine the ballot papers—no doubt to the disadvantage of small parties such as the Greens—and succeeded in having that done.

**Patrick Harvie:** I am grateful to the member for giving way, but he may not be grateful for my intervention. We would have to be a bit naive to imagine that, when responding to a consultation, political parties will not have somewhere in the back of their minds their own interests. However, the Secretary of State for Scotland must make decisions about the administration of an election on a neutral basis. The distinction between a political party responding to a consultation and a minister acting on behalf of the Government is important. How does the member react to that argument?

**George Foulkes:** I understand the point that the member makes, which will no doubt be considered during the debate.

However, my Alastair Campbell award winner has been at it again. He has now spun that today's debate is all about whether Holyrood or Westminster should have both administrative and legislative responsibility for the Scottish Parliament elections. Again, many in the media have swallowed it. As we have heard, the debate is about much more than that. It is about ballot paper design, the counting method, the timetable, party descriptions and decoupling of local and parliamentary elections, as well as administrative and legislative responsibility. Most of us agree that, for both democratic and administrative reasons, local and parliamentary elections should be decoupled, so that local authorities can be seen to have their own mandate. If we have agreed that, the main argument for giving Holyrood administrative responsibility for the Scottish Parliament elections falls.

I accept that there is still a valid debate to be conducted on the pros and cons of the devolution of administrative responsibility for the Scottish Parliament elections. However, sadly, the SNP sees the issue as part of its fight with Westminster. The SNP's press release on the matter, which describes Scottish Labour MPs as the dinosaurs of Scottish politics, is not the most rational contribution to the debate.

The SNP also sees the issue as part of its argument for greater powers. I have great misgivings about transferring legislative responsibility for the elections to the Scottish Parliament. While we still have a United Kingdom, there is no argument in principle for doing that.

**Margo MacDonald:** I ask about the logic of what George Foulkes has just said. If he is concerned that we should not have administrative responsibility for our own elections, for which we must account to members of the public who might ask us about them, does he therefore propose that Northern Ireland should look after the Welsh elections, that they could look after ours and that we could look after theirs?

**George Foulkes:** I said that there is an argument on both sides as far as administration is concerned and Margo MacDonald put that argument extremely well. However, I am saying that I do not see the argument for transferring legislative responsibility.

We need a safeguard in Scotland, where we see increasingly the development of a powerful autocracy, resulting in the civil service and—dare I say it?—even the officers of this Parliament apparently cowed by an overassertive leadership. When we have a First Minister who is arbiter of almost everything, it is good to have at least some areas where he cannot impose his will arbitrarily. We need proper consultation and careful decision making on the matter; otherwise the Parliament—and even more so the Executive—could be accused of being guilty of what Gould described as treating the electorate as an “afterthought”.

Presiding Officer, you will not be surprised to hear that I support Andy Kerr's excellent amendment.

15:46

**Tricia Marwick (Central Fife) (SNP):** Presiding Officer, 3 May 2007 was the best of times and the worst of times. My pleasure at winning the constituency of Central Fife—the fulfilment of a promise that my friend David Alexander and I made to each other on the dismal night of the 1987 election count—was tempered by the grotesque chaos of the election process. That process denied thousands of people postal votes. It infuriated those who were similarly denied their right to participate in the election by virtue of ballot papers that had been changed since the previous election and not properly explained. Those ballot papers added to the confusion surrounding a new voting system for local elections and the combining of Scottish Parliament and local government elections on the same day.

It is easy to be wise after an event, but what does one say to the two separate bodies responsible for the two elections who were warned in advance that holding two elections on the same day and changing the voting system would inevitably lead to chaos and that it would all end in tears?

Andy Kerr has recognised his role, particularly in the decision to hold two elections at the same time. Ron Gould said in his report:

"What is characteristic of 2007 was a notable level of party self-interest evident in Ministerial decision making".

He also said:

"It became clear that both the Scotland Office and the Scottish Executive were frequently focused on partisan political interests in carrying out their responsibilities, overlooking voter interests and operational realities within the electoral administration timetable."

**Andy Kerr:** Will the member give way?

**Tricia Marwick:** I ask Mr Kerr to let me finish this point. I have no problem with Iain Smith having a go at the Labour Party and the Scotland Office. However, Iain Smith is denying that, as part of the Scottish Executive, it was the Labour Party and the Liberal Democrats who were responsible for bludgeoning through this Parliament the coupling of the elections in the first place and for the lateness of the information given to the local government administrators.

**Andy Kerr:** I had hoped for better from the member. Will she reflect on Mr Gould's point that party self-interest in this context was not necessarily related to one party? When I asked him whether it was just the Labour Party that was at it, he said that they were all at it.

**Tricia Marwick:** That is certainly not what he said in the report, although he might have said that later after a bit of pressure.

It is self-evident that responsibility and accountability for the Scottish Parliament elections should rest with the Scottish Parliament.

We also need to recognise that the chaos of May 2007 was not a one-off event. There were problems in 1999, regardless of what Cathie Craigie said. I recall that, when the Scottish Office put out material about the Scottish Parliament elections, it said that voters should use their two votes and never mentioned the fact that there was a local government election on the same day.

To try to deny that there were problems in 1999 and 2003 is to deny the truth, which is that the electoral system in Scotland and the UK is broken and needs to be fixed. The present system, in which returning officers are autonomous in their own areas, is simply unsustainable. There must be a chief returning officer, and election administrators' practice and training must be consistent throughout Scotland.

We, the body politic in Scotland, must get it right. I am relaxed about a fuller review and about the committees of this Parliament and the UK Parliament considering the matter, but any review must be concluded early enough for arrangements to be approved in plenty time before the 2011

elections. That is the key point. The culture among, and training for, election administrators must be changed. We are all partners in the election process but, in future, the voters and their interests—not those of the political parties or the political institutions—must be paramount.

Two principles must underpin any review: first, the responsibility for the Scottish Parliament elections must be passed to the Scottish Parliament; secondly, the Scottish Parliament and local government elections must be decoupled. Way back in 2000 and 2001, both McIntosh and Kerley recommended that the local government elections should be decoupled from the Scottish Parliament elections. For Andy Kerr's benefit, I point out that, in 2001, the Scottish National Party and the Conservatives voted against the Scottish Local Government (Elections) Bill at stages 1 and 3. In 2004, the Parliament approved PRSTV for local government elections, but the Labour Party and the Liberal Democrats rejected a reasoned amendment in my name to decouple the two sets of elections. I pay tribute to the role that David Mundell played in that attempt. He, Tommy Sheridan and I tried to amend the Local Governance (Scotland) Bill—which introduced PRSTV—to decouple the elections, but that measure was ruled to be outwith the bill's scope.

So 3 May 2007 was an appalling night for democracy for the people of Scotland. We must take steps to get it right before the 2011 elections. Otherwise, the electorate will not forgive us.

15:53

**David McLetchie (Edinburgh Pentlands)**  
**(Con):** The failures in the conduct of the Scottish Parliament and council elections in May last year made Scotland a laughing stock, diminished our democracy and are a salutary lesson to those who like to mock or lecture others about the conduct of elections elsewhere in the world. Inevitably, there has been a degree of recrimination and a desire to apportion blame for the outcome and the Gould report has been minutely dissected in that respect by the protagonists. However, whatever the qualifications regarding the role of Opposition parties, there is no doubt that the principal responsibility for the failing lies politically and constitutionally with the accountable ministers in the Scottish Executive and the Scotland Office—Patrick Harvie made that point well.

Inevitably, the main focus was on the number of spoilt ballot papers in the Scottish Parliament elections. However, we should not allow that to obscure the fact that, as Duncan McNeil pointed out, the percentage of spoilt papers for the council elections, which were operated under the STV system, was three times higher than had normally been the case under the first-past-the-post

system. In particular, there was a high element of double crossing. Not that that is unusual in politics but, in this case, double crossing was where the voter placed crosses against the names of two candidates from the same party that he or she wished to support rather than ranking the two in an order of preference, with the result that the ballot paper was deemed to have been spoilt.

The system was foisted upon us by the previous Scottish Executive in an astonishing act of self-destruction by the Labour Party, whose members must occasionally reflect that, if Scotland can function with a minority Government with 47 members in the chamber, it could most certainly have functioned with a minority Government with 50 or 56 members in the Parliament. However, that is all said with the benefit of hindsight. What we now need is foresight, and a willingness on the part of Scotland's two Governments and two Parliaments to pursue the recommendations for the approved administration of the Scottish parliamentary and council elections, as set out in the Gould report.

The Government motion focuses, as one would naturally expect, on the recommendation that legislative and executive powers relating to the conduct of the elections should be assigned to a single jurisdiction, which should be the Scottish Parliament/Scottish Executive. We have no problem with that principle, as long as it is clear that conduct in that context relates only to the law governing election administration—which is the context in which the recommendation was made by Gould. In so far as the Labour Party's amendment reinforces that point, we welcome it, as should the Government—if that is indeed its position.

I note that the Liberal Democrat amendment proposes the introduction of STV for the election of members of this Parliament. Apparently, that is also the policy of the SNP. All I can say is that, in light of last year's election result, the SNP should rethink that policy fast, as it achieved a far better result under the present additional member system than it would have done under STV. I remind members that the Conservatives were the only party in the Parliament to vote against the introduction of STV for local government elections. We tried our best to save the Labour Party from itself and from the consequences of allowing the Liberal Democrat tail to wag the dog, but Labour would not listen to us.

Today, we offer the same sound and free advice to the Scottish National Party, with the added thought that, not for the first time, everybody comes round to the Tory point of view in the long run. That point is no better exemplified than in relation to the issue of decoupling the Scottish Parliament and local government elections. As

Tricia Marwick pointed out, that was recommended years ago by the Kerley committee, the McIntosh commission and, most recently, the Arbuthnott commission. Indeed, it has been recommended by every independent body that has seriously examined the issue in recent times. The idea has considerable merit in its own right, by giving local government elections, local authorities and local issues their place in the sun, rather than their being ignored and overshadowed, as at present, by the Scottish Parliament campaign.

**Robert Brown (Glasgow) (LD):** There are many arguments on that point, as David McLetchie would recognise. Would he comment on the turnout problem that existed in local government elections in many parts of Scotland before 1999? How could that be overcome by again having separate local authority elections?

**David McLetchie:** The average turnout percentages that were highlighted in one of the papers that I have read in that connection were 46 per cent pre-1999, and 54 per cent after. There is a gap, which I acknowledge, but we can try to address it. Thinking of voter education, if we moved to decoupling, we could have a much more focused campaign on how the system works and drive down the failure rate to a much more acceptable level. That is why decoupling is one of the Gould report's recommendations. I note, however, that it has taken the democratic calamity of May 2007 to reach that point of view. I was going to describe it as a democratic catastrophe, but as Nick Clegg is in town I changed my speech in his honour.

The decoupling policy has long been advocated by the Scottish Conservatives, and it was the subject of a member's bill in the previous session, introduced by my colleague, David Mundell. It found wide support across Scotland, although it cut no ice with the Scottish Executive at the time. Accordingly, we welcome the support that the present Government has given to the proposal, which we hope will be law before too long, to allow all those in local authorities who are affected to prepare for the next elections, on a date that they will know with some certainty. I support the amendment in the name of my colleague Annabel Goldie.

15:59

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** It is a unique experience to hear a Conservative politician recommend how we can maximise our voter appeal to the people of Scotland, given the history of his party over the past 20-plus years. I think that Bruce Crawford used the phrase "mixed reactions". Perhaps "with mixed emotions" is a better phrase to describe

how members responded to the elections—the outcome was successful for SNP members, but disappointing for Labour members. We all experienced the election counts and subsequent discussions within our constituency or regional areas and in our own parties.

The Gould report is a reasonably good snapshot of some of the lessons that need to be learned and the culpabilities of individuals, organisations, parties and the process of politics itself. It took me a long while to move from my previous advice that people should use their second vote wisely to saying that they should use their first vote—which was for the regional list—wisely. I was that confused by the changeover that I was still telling voters to use their second vote wisely even on the day of the election.

I am enough of a romantic to enjoy the count—I do not suffer from a long evening count. There is a certain drama to evening counts, which many of us treasure as part of the political process, even when we get disappointing news at 2.30 in the morning. We should not necessarily throw out the overnight counting option, which the Gould report mentioned and which the Scotland Office wants to consider.

The debate centres around what lessons we learn from the process itself. The design of the ballot paper in the two major cities of Glasgow and Edinburgh had a substantial impact on the number of rejected ballot papers. Members have raised additional issues about using the X instead of preferential numbering in the STV system. Either there needs to be a major programme of voter education or returning officers—and the electronic counting system—need to be able to recognise the intention of voters who use an X rather than numbers.

**Margo MacDonald:** Has the member heard rumours that the counting machines that were used particularly in Edinburgh and, I am told, in Glasgow were below par?

**Mr McAveety:** There is reasonable evidence to indicate that that might well have been a problem. The way in which the papers were designed and the language that was used were responsible for some of the poor losses of papers, particularly in Glasgow and Edinburgh. In my constituency, we had one of the highest numbers of spoilt papers.

The Gould report also raised the issue of the description of parties, to which my colleague Andy Kerr referred. It was quaint and possibly ironic when we saw “Solidarity—Tommy Sheridan” on the ballot paper. That is okay when we are talking about a far-left insurrectionary organisation, but it is not okay for mainstream political parties that are looking to engage with the democratic process to take the same approach. The use of “Alex

Salmond for First Minister” on the ballot papers was insulting to voters and a clear manipulation of the electoral process. The tactic has been successful in some respects, but it should certainly not be repeated.

It is said that 85,000 constituency ballot papers and 60,000 regional list papers were spoilt in May 2007—that is 3.5 per cent of those who voted—and yet in the most hotly contested and disputed election in recent western democratic history, the number of spoilt papers in Florida was 2 per cent. One of those elections resulted in the contested election of a right-wing, arrogant, populist leader taking his country in the wrong direction and the other resulted in the election of George W Bush.

It is important that we have an opportunity to give a “measured response”. Those are the words that the First Minister used in his first major statement in the chamber. When we arrive at conclusions and come up with ideas about creating a new, modern, inclusive Scotland, it is important that we engage with an evidence base and involve as many people as possible. The best course of action on the Gould report is to allow the consultation process to be fulfilled through the Scotland Office and to allow a committee of the Parliament to interrogate these issues.

Members have different opinions on the broader debate, but I think that the commission that has been established to look at the nature of the Parliament’s powers and the way in which it should operate in the future is the most appropriate place for such debate. If we take that measured response, I hope that we will manage to avoid what happened in May and to ensure that the 2011 election—regardless of its outcome overall or for individual members who may wish to stand in it—will be, rather than an embarrassment, something for which Scotland can be commended.

16:05

**Jim Tolson (Dunfermline West) (LD):** I welcome this afternoon’s debate on the Gould report and look forward to the questioning of Mr Swinney and others at next week’s meeting of the Local Government and Communities Committee.

I have taken a strong interest in the procedures that were used for the most recent elections in an effort to help ensure fairness, accuracy and speed in determining the public’s choice of representatives in this Parliament and Scottish local authorities.

Several months before the election, I took part in a trial of the electronic counting system that was being considered. During the trial, I sought to test the new system, in the full knowledge of those present, by trying to throw a spanner in the works. I removed one of the dummy ballot papers to find

out whether the electronic system would detect its absence. I noted the concern on the face of the organisers when I did that, but they were all highly relieved when the system highlighted the anomaly. That gave everyone who was present more confidence that the system would handle any unexpected problems that it might face.

Some time later, I was dismayed to find that the SNP was able to circumvent the spirit of a free and fair ballot by putting “Alex Salmond for First Minister” at the top of the regional ballot paper, thereby taking advantage of the system. Professor Ron Gould called it a “naming strategy” and “sloganisation”. The Electoral Commission said that that was one of the top three subjects of the complaints that it received about the election. Professor Gould said that it was done to

“achieve a higher position on the ballot paper.”

I call it simply disgraceful behaviour.

Although that practice undoubtedly affected the ballot results, it is now clear that combining the regional list and constituency voting options on one side of A4 paper was the main reason for the high number of rejected ballot papers. I am one of the 16 constituency members in the Parliament whose majority is less than the number of spoilt papers, so I am angry that even more people did not get their chance to support me or any other candidate on 3 May. However, I must pay due respect to my predecessor, who did not challenge the result of the votes that were counted.

The report recommends that the interests of voters would be best served by having separate ballot papers in future elections, regardless of whether Scottish Parliament and local government elections are held on the same day. That measure would greatly help to iron out the confusion that voters experienced on election day last May.

The move to an STV system for local government elections that was implemented last year was backed in June 2004 as part of the coalition agreement between the parties of the previous Administration. The system was proved to work well—the spoilage rate was much lower than that for the system that is used for elections to the Scottish Parliament. That points to the success and clarity of the STV system, which is easy to understand and to explain to everyone—even the Tories, some of whose members are smirking.

**Gavin Brown (Lothians) (Con):** The last time round, there were about 17,000 spoilt papers in the local government elections. This time round, there were about 38,000 spoilt papers. Is that acceptable?

**Jim Tolson:** Although no number of spoilt papers is acceptable, as Mr Smith pointed out

earlier, the use of the STV system has proved much more successful than the regional list system that is used for elections to the Scottish Parliament. It is clear that, in the population’s mind, the STV system is easy to understand.

A key finding of the Gould report was that the division of responsibility for the combined elections between the Scotland Office and the Scottish Government leads to fragmentation of legislation and decision making. The report recommended exploratory discussions to assign responsibility for both elections to one body. The major problems with the May 2007 elections have proved that responsibility for elections should pass to the Scottish Parliament rather than, as Professor Gould suggests, the Scottish Government. An excellent case has been made for the Scottish Parliament to have more powers.

I urge the Government to consider carefully all the recommendations of the Gould report and to reach agreement on the way forward. We need a system that works for the people of Scotland and we need it to be in place by the next elections.

**The Deputy Presiding Officer (Alasdair Morgan):** I call Duncan McNeil—sorry, Kenneth Gibson.

16:10

**Kenneth Gibson (Cunninghame North) (SNP):** We are so alike—it is easy to be confused.

Many members have talked about how important it is for the Parliament to take decisions on the running of Holyrood and local authority elections, which would be eminently sensible. After all, as I suggested to Mr Gould, who is a Canadian, during a meeting of the Local Government and Communities Committee, it would be preposterous if the United States of America presided over the running of Canadian elections. It is daft for the Scottish ministers and the Scotland Office to have their oars in the water; we must conclude that the process should be devolved to Scotland.

The ballot paper design clearly caused confusion and difficulty. I am sure that lessons will be learned. I anticipate that whoever designs the next ballot paper will acknowledge that having two, separate, Holyrood ballot papers is essential.

More thought should be given to which parties are permitted to put their name on the regional ballot paper. Voters are confused by the plethora of minuscule three-men-and-a-dog parties—often recently formed and with as few as three members—that are allowed on the regional list. I am aware of no other legislature that allows such nonsense. It is clear that some voters are confused when they are confronted by ballot



papers that include such parties. That does nothing to advance the democratic process.

**Margo MacDonald:** I am curious to know what the member thinks about one woman without a dog.

**Kenneth Gibson:** Not a lot, if the truth must be told.

Thought should be given to ensuring that each party on the regional list has at least 100 members and has existed for a year or more before polling day.

It is hardly surprising that voters are weary of campaigns, given that everyone who stands for Parliament—although not for local government—is permitted a free postal delivery from the Royal Mail. A veritable rainforest of leaflets is delivered to our doorsteps. In my constituency, an obscure fringe party called the Scottish Liberal Democrats was able to take advantage of the free mailing, despite having no campaign whatever. The party's candidate, a Mr Hutton, failed to turn up for all but one hustings meeting, at which—this was bizarre—he sat in the audience and watched the real political parties discuss the important issues of the day.

Why should small, insignificant parties that lack activists who are willing to deliver leaflets and chap doors have a free leaflet drop? Surely that undermines the process.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Will the member give way?

**Kenneth Gibson:** In a minute.

Members have talked about STV. When two or more candidates for the same party stood, 92 per cent of the councillors who were elected were the ones whose surnames came first in the alphabet—so Alasdair Allan would have a greater chance of being elected than would William Wallace. I support STV, and at the 2001 Scottish National Party conference I moved that STV be used in all elections, but the alphabetisation issue must be resolved, perhaps by randomisation of names when two or more candidates stand for the same political party.

**Robert Brown:** I agree with the member's identification of the alphabetisation problem in the local government elections. Is the answer randomisation not in terms of where the party lists stand but across 50 per cent of the ballot papers, so that the ballot paper list turns upside down in terms of half the ballots, in some sensible way across the ward? That would be fair to candidates across the board—

**The Deputy Presiding Officer:** I think that you have made your point.

**Kenneth Gibson:** The member makes a good point. I have no particular stance on the issue; I have an open mind. We should consider all options for STV.

Iain Smith, Jim Tolson and other Liberal Democrats are wrong to imply that there are no problems with STV—as has been said, the number of spoilt ballot papers in the local government elections was three times higher than it was in 2003. I am sure that many people did not realise that they could vote for three candidates, but thought that they could vote for only one candidate.

I apologise to Patricia Ferguson, who wanted to intervene.

**Patricia Ferguson:** I thank the member for giving way and point out that it is not only the Liberal Democrats who failed to do much campaigning in certain constituencies.

I wanted to intervene on the question of candidates such as Ms MacDonald—with or without a dog. Would it be better if parties or individuals who want to stand for election in the regional list had to pay a deposit, just as candidates in constituencies do?

**Kenneth Gibson:** I absolutely agree. That would get rid of people who are not serious and allow other parties to come forward.

Charter 88 and Unlock Democracy produced a report for the Local Government and Communities Committee that all members will have received. It shows that 26 per cent of the volunteers Charter 88 recruited to monitor the election did not understand how STV works. It is clear that there is much more work to be done.

Some political parties fielded more than one candidate in an area. It goes against the grain of STV when multi-member wards are divided. For example, in my wife's ward, where there are three Labour Party members and one SNP member, the Labour members divided the ward into three sections. That should not happen. Although parties can deal with matters as they wish, surely the voters should have the opportunity to go to whoever they want to. If such a strategy is going to be used in an election, voters should be told in advance that the ward will be divided up, so that they are not deceived.

We have heard about the "Alex Salmond for First Minister" issue. It is another way in which voters are not being given all the information that they should be given prior to an election. We have to widen the issue out beyond the aspects of the Gould report that previous speakers have focused on; we must consider the entire issue in the round.

16:16

**Duncan McNeil (Greenock and Inverclyde (Lab)):** I agree that the tone of the debate has been less adversarial than it was in the immediate aftermath of the Gould report, but some of our discussions put us in danger of excluding voters. We should remind ourselves that the electoral system is not the sole property of members—or, indeed, of members of the Westminster Parliament, or of local government colleagues. At the risk of sounding pious, the electoral system belongs to the electorate. It is the property of those who use it to elect, not of those who are elected.

Ron Gould famously said that

“the voter was treated as an afterthought”.

When arrangements for last May’s elections were drawn up. He is right, and we are in danger of excluding them again today. As I said when it was first published, the Gould report confirms well-held fears that we have failed the people of Scotland by pursuing a politicians’ agenda. Was it the voters who wanted a new voting system for council elections? Did they want council and Scottish Parliament elections on the same day? A single Holyrood ballot paper? Electronic counting? No. Those were all the demands of politicians. We—and by we I mean the entire political class—let our narrow interests take precedence over voters’ right to have their voice heard. As Patrick Harvie implied, we are political animals. We are in adversarial politics and we want to win.

If we take the politically expedient move of rushing through a quick fix without due consideration of the consequences, we will repeat exactly the same mistakes as before. As has become clear in the debate, aside from political expediency, there is no reason to push through hasty, ill-thought-out changes. We are, after all, three years away from the next scheduled Scottish Parliament and local government elections. At the risk of shocking the chamber, the public outside these walls do not hold us in reverential esteem. They already think that politicians are out of touch and solely motivated by self-interest; let us not prove them right by taking another decision that leaves voters’ interests lying ignored in the corner.

**Tricia Marwick:** Does Duncan McNeil agree that while it is important that these issues are not rushed, any changes that are made for the 2011 elections should be in place in good time so that they can be understood by the population?

**Duncan McNeil:** That is an important point, but we should not ignore the consequences of decisions that are taken too hurriedly. There is too little knowledge in the chamber for us to ignore the Electoral Commission’s reports on the election timetable, the election administration and the

design of the ballot paper. We do not have enough knowledge to say that the Local Government and Communities Committee’s report and its testing of the evidence from Gould do not matter.

Indeed, the case was made that we need to read the evidence that the Local Government and Communities Committee took from Gould because much—or, at least, some—of what has been said here today has been tested by Gould and stiffer emphasis has been given to certain aspects. I do not believe that we should rush ahead on this matter. We cannot afford to ignore the work that the Scottish Affairs Committee has done or neglect the Government-to-Government work that needs to take place. The commission’s work and the Local Government and Communities Committee’s work is extremely important in relation to any decision that we make.

Apart from anything else, May’s fiasco taught us one lesson above all: beware of the law of unintended consequences. That is why I argue that the detailed work that has already begun must be allowed to continue. We must look closely at how any changes will operate in practice and close any loopholes that could be exploited. Whenever a sharp move gains one candidate an extra vote, the legitimate recipient of that vote loses it and, more important, so does the elector.

We should not forget that the job of the electoral system is to help as many voters as possible to exercise their democratic right—everything else is secondary. I assure the chamber that if it has anything to do with me, that will be the case in relation to the Local Government and Communities Committee’s investigation. I ask the chamber to allow us to continue our work, get on with our job and play a part in helping this Parliament to make considered decisions about the future of our electoral system.

16:20

**Dave Thompson (Highlands and Islands (SNP)):** We are all too well aware of the comedy of errors that was the Scottish election on 3 May last year, when more than 146,000 votes—almost 3.5 per cent of the total votes cast—were rejected. However, despite that debacle, which highlighted the incompetence of the Labour Party, the election was a landmark step towards a better Scotland, with the election of the first ever SNP Government.

I had a somewhat interesting time at the aquadome in Inverness on Friday 4 May 2007—a day that I will never forget. At 5pm that afternoon, I challenged the Highlands and Islands regional returning officer, who was about to announce that the SNP had won no seats on the Highlands and Islands list, thereby giving the Labour Party victory in the crucial Scottish parliamentary election by 47

seats to the SNP's 45. If he had made that announcement, the historic SNP victory in the election would not have happened, Labour leader Jack McConnell would have won by two seats and crowed ever louder in his victory speech, while future First Minister Alex Salmond would have had to eat humble pie.

Of course, we would have challenged the result in the Court of Session on the Monday and the result would have been overturned, but what would the perception and mood of the country have been? It would have been that the SNP had won on a legality or a technicality and stolen the election from its rightful owners, the Labour Party. The amazingly optimistic mood in Scotland over the summer of 2007 would have been replaced by a negativity that could have sunk the fledgling SNP Government or even prevented it from forming.

I have never been quite so glad of my good Scottish grounding in mental arithmetic as I was that day. The dominie of Lossiemouth primary would have been proud of me—and I know that Alex Salmond is also just a wee bit pleased. However—perhaps I should not say this—it was not all that difficult. Because a large number of papers were rejected by the electronic counting, there were, as members know, a substantial number of papers that had to be manually adjudicated. That allowed anyone who was interested to do sampling and mental calculations. It was an unintended bonus of the shambles that made up for the fact that we could not do our normal ballot box sampling. Over a few hours, I worked out that the SNP was likely to get around 35 per cent of the list vote in the Highlands and Islands, so we should expect to gain a total of at least five seats, if not six. As I would be returned for the sixth of those seats, I began to think that I might just become an MSP.

So it was with some hope that I returned to the Inverness aquadome on that fateful Friday morning, having had only a couple of hours to freshen up since the night before. It was not until 5.30 in the afternoon that I was announced as the SNP's 47<sup>th</sup> member of the Scottish Parliament, thereby giving us a majority of one over Labour and making us the largest party in the Scottish Parliament. At that time, I became the SNP's slim majority—the majority that allowed us to form the first ever SNP Government and take a huge stride towards independence.

The delay in announcing the Highlands and Islands regional list result was the result of a decision to count and announce all 80 of the Highland Council results first, even though very little work remained to be done on the regional list result. That is another good example of why we should decouple the elections—to avoid such problems in future.

It was at around 5 o'clock that the returning officer called the Scottish Parliament regional list candidates together to give them the result. We all crowded around, eager for a glimpse of the figures. Imagine our shock and horror when the returning officer showed us a sheet with four seats for Labour, two for the Tories and one for the Greens. The Labour candidates ran off screaming that they had four seats and had won the election; the Tories were speechless that they had two, as they expected to get only one; and the Greens could not believe that they had got one at all. The returning officer asked us whether we were all happy with the result, and headed for the podium to announce the results.

I looked heavenward and asked the Lord how he could have done that to me, and immediately realised that the figures must be wrong. I had a quick exchange with my election agent and we leapt into action. I moved in front of the returning officer, while my agent took the rear. The weary—nay, exhausted—returning officer's face was a picture, as he was confronted by what were, in his mind, two disaffected bad losers. He asked whether we wanted to challenge the results, and we said yes. He asked whether we wanted to see the calculations, and we said yes. So off he went, and returned with his A4 Excel spreadsheet—which, by the way, is not recommended for use in such circumstances.

The returning officer kindly explained the d'Hondt PR system to me, with its calculation of total regional vote one, divided by total constituency seats one, plus one, with the party that ended up with the greatest remaining figure getting the first additional seat, and so on. It was clear as mud, but I am sure that members all understand. He went through each individual calculation, until I pointed out that he was not including the SNP column in his calculations. He left in a hurry and came back after 25 minutes with a revised calculation, which gave Labour three seats, the Tories two and the SNP two. I was an SNP MSP, and we had won the election—the rest is history. The returning officer's exhaustion, however, after around 36 hours with little or no sleep, nearly negated that historic moment, and is another reason why the system must change to ensure that we get it right next time.

**The Deputy Presiding Officer:** The member must wind up.

**Dave Thompson:** I am just finishing.

The key finding of the Gould report was, however, that the Scotland Office's decision to combine the names of constituency and regional candidates on a single ballot paper was the main reason for the spoiled papers.

**The Deputy Presiding Officer:** The member must wind up. There is another member waiting to speak and time is limited.

**Dave Thompson:** This is my final quotation. As Ron Gould stated:

"The Scotland Office and the Scottish Executive were frequently focused on partisan political interests ... overlooking voter interests and operational realities within the electoral ... timetable."

I think that that says it all.

**The Deputy Presiding Officer:** I call Patrick Harvie—I can give you four minutes, Mr Harvie.

16:28

**Patrick Harvie (Glasgow) (Green):** Thank you, Presiding Officer. Perhaps that is not enough time to explain why I support the logic of a single legislative and regulatory layer joining up a fragmented system—the logic irresistibly means that this Parliament should take control. Perhaps I will have to cut some of that. Perhaps there is no time to have a go at the issue of a single ballot paper—I merely point out that the conclusion is so obvious that even the UK Government has already accepted it.

Perhaps there is no time to talk at greater length about my views on sloganising, whether it is "Alex Salmond for First Minister" or "Tommy Sheridan", or anybody else. There is merely time to point out that 100 per cent of people in Scotland outwith Gordon could have voted for Alex Salmond for First Minister, but if the people in Gordon had not elected him as their constituency MSP, he would not be here; that is why that is a problem. There is no time either to talk about the overnight count or the electronic counting, save to say that it is a grave mistake and one that we simply do not need to make. The Electoral Commission describes manual counting as 19<sup>th</sup> century technology—what nonsense. Doing things by hand is every century technology, and it works.

There is no time, either, to go into the positions in the Conservative and Liberal amendments. I support the substance of both, however—the decoupling of the elections, and STV. I will cut all that and move directly to my rant about the Labour Party's position, which is a lot more fun than the rest of my speech anyway.

I suppose that much of the general substance of the Labour amendment is broadly okay. It is something that I might be able to accept rather than applaud and tolerate rather than celebrate. However, I have reservations about two aspects that seem to strike the wrong note. The first is the call for us to have regard to the Scottish Affairs Committee at Westminster. Now, I watched that committee. I was not that bored during the recess,

but I watched it earlier. I watched almost in disbelief as the committee rigorously grilled the Electoral Commission and gave an exceptionally easy ride to the UK Government, which the committee exists to scrutinise and which so grossly misused and bungled its powers of administration and legislation.

I watched in despair as Labour and Tory MPs joined in attacks on the principle of proportional representation, which was not criticised by Gould. I know that some Labour MPs at Westminster regard PR as a thorn in their side, but how dismal it would be if the 2007 election fiasco—for which Labour must accept a generous helping of blame—was used to promote regression to first past the post, which is the least representative and least pluralistic election system outside Cuba. We should be thankful that Scotland's democratic representation is no longer solely in the hands of such people. I would be happy to ignore that committee's views on the matter.

The second issue is the constitutional commission. I have no problem with the commission considering the matter—or indeed any other matter—but perhaps Mr Kerr should alert his colleague Mr Brown to the expectation that it will do that. When the Prime Minister was asked whether he supports the commission's work, he said:

"This is a debate that has to be held at some point ... about accountability for money spent."

He seems to regard the commission as considering purely matters of financial accountability and not powers in any other area. If the UK Government or the three UK parties that initiated the commission want to pay for it, they can limit its work in any way, but if they want the Parliament to pay for it, it should be able to consider any matter.

I urge the Parliament to unite behind the principle of implementation of the Gould report's recommendations.

16:32

**Robert Brown (Glasgow) (LD):** The debate has been interesting and relevant. As Duncan McNeil rightly said, speeches have been of high quality and relatively non-partisan for the most part.

The debate has raised a number of issues that are of great importance to Scottish democracy. Central to those is the fallout from the shambles of the number of spoilt ballots in the May elections. I am not one who gets excited about the blame game and attempts to nail blame on this or that minister or institution, but the reality is that a number of mistakes were made. Some were predictable, some were due to delay and some were less predictable, but they all made their

contribution. The Gould report helped to cast light on that and to point the way forward.

However, the report was not brought down from the mountains like tablets of stone. As with all reports, we should exercise our judgment against the background of our experience and with the assistance of the parliamentary committees. I entirely accept the Labour Party's point on that matter. The Government's attempt to claim the moral high ground by signing up to all the recommendations after 24 hours' consideration, as the First Minister did, was not particularly sensible.

However, Gould's central recommendation—that the divided administrative responsibility, combined with the lack of a single set of rules for four different elections and four different electoral systems, is a recipe for disaster—can hardly be gainsaid. I am pleased that most members recognise both that and the need for a single authoritative returning officer for Scotland.

The Gould report does not consider whether jurisdiction over the electoral system for the Parliament should continue to be reserved. It was not its role to do so. In my submission, however, it is impossible to consider the administrative issues in isolation, without considering the broader issues.

**Margo MacDonald:** On that point, regardless of what we think, we should have the voter in mind. The voter believes that we are responsible for all aspects of what happens in the elections to the Parliament and the proceedings of the Parliament. That suggests that we should have legislative and administrative powers.

**Robert Brown:** I am grateful for Margo MacDonald's intervention, because that is the point that I was going to make. It cannot be sensible to have four different electoral systems for the four different elections that we have in Scotland. It is certainly valid that the Gould report be considered in the context of that larger issue.

Indeed, it is time that our Parliament had responsibility for its own electoral system, with the pressure that that would automatically bring to move towards a similar or identical system for both local and Scottish Parliament elections. That is part of the unfinished workings-out of the constitutional reforms of the past 10 years, as Scotland adjusts to its place in a more federal United Kingdom.

As Kenny Gibson rightly touched on, we would all accept that there is no perfect electoral system, but I make no bones about the fact that the Liberal Democrats' preferred system is single transferable vote at both Scottish Parliament and local government level. I hope that it did not escape members' attention that the council STV system

worked well despite its novelty. The Parliament's system caused the problems.

Liberal Democrats believe in the Parliament having powers for a purpose. In this instance, the purpose is an improved and harmonious voting system that is administratively competent to deliver an effective vote to all our citizens.

There may be some political momentum behind decoupling—I recognised that while listening to speeches from throughout the chamber—but it should be recognised that Gould was pretty conditional about that recommendation. There is a strong case for reconsidering the issue if the electoral systems are brought closer together. The arguments for holding elections on the same day remain: to counter both low council election turnouts and the double pressure on party resources and manpower of running double elections. Of course, party pressures do not bring tears of sympathy among the public, but the truth is that, unless the parties can engage effectively in the process, the elections will be a washout. Gould is also not right to say that there would be elections only every two years to cope with—he ignores the Westminster and European elections.

Some weeks ago, I had the interesting privilege of chairing a meeting on behalf of RNIB Scotland on its report on the challenges of the elections as seen from the perspective of a visually impaired voter. Many of the same issues were relevant, but I was struck by the inadequacy of several features of the election. For example, the colour contrasts on the ballot papers were inadequate and indeed the wrong colours were used for best effect. The print size was too small and was said in some instances to be faded or smudged. At the polling stations, the lighting of the polling booth was often inadequate. Those points all affected many elderly voters as well as visually impaired voters. Many of those points were raised in the lead-up to the ballot, but most were ignored or compromised against other considerations, such as the size of the ballot paper. Those matters were not, of course, considered by Gould. The electoral system is for all our citizens, and it must be organised and conducted in a way that gives equal access to all our citizens.

In my intervention on Kenny Gibson, I touched on the alphabetic effect of the council ballot paper. It is not acceptable that in 91 or 92 per cent—we have slightly different figures—of cases in which parties stood two candidates in the same council ward the person whose name was higher up the alphabet won. A fair system has to be found, although not the ballot system that was proposed by Gould.

Finally, let me summarise the Liberal Democrat attitude to the options available in the debate. We are broadly content with the motion, although I

accept that there must be input from the relevant parliamentary committees and wider society as the issue moves forward. I acknowledge Duncan McNeil's valid considerations on that aspect.

Liberal Democrats initiated the idea of a Scottish constitutional commission and strongly support the mechanism, but giving our Parliament control of its electoral system should happen. That has been supported by Liberal Democrats for many years, and we are not persuaded that there is any need for further consideration—

**The Deputy Presiding Officer:** The member must conclude.

**Robert Brown:** In that regard, I welcome the debate, thank members for their contribution and add my little—

**The Deputy Presiding Officer:** I call Gavin Brown.

16:39

**Gavin Brown (Lothians) (Con):** I will dispel three of the myths that have been perpetuated throughout the debate. The first is the myth put forward by the first Liberal Democrat speaker—Iain Smith—which was that Gould did not think that combining the elections was a factor in the fiasco that resulted. Let me refer him to page 36 of the Gould report:

“Another problem with combining these elections has to do with the confusion it creates among the electorate.”

Later on the same page, the report says that

“it is clear that some voters were confused by the combined elections using two electoral systems and two ballot paper marking requirements”

and

“The combination of elections in Scotland added complexity to the voting process.”

We challenge the Liberal Democrat member's assertion that Gould did not think that combining the elections was a factor. It is down in black and white in the report at least three times.

**Iain Smith:** What about the quotation from page 52?

**Gavin Brown:** For good measure, I will add for Mr Smith the conclusion on page 115:

“In addition, separating the two elections would result in minimising the potential for voter confusion.”

That makes at least four references in the Gould report to Mr Smith's one.

**Robert Brown:** Will the member take an intervention?

**Gavin Brown:** No, thank you.

The second myth came from the Labour Party trying to blame everybody for the ballot paper that ended up being used in the Scottish Parliament elections. Andy Kerr did not talk about the testing that was done—or, I should say, the testing that was not really done—on the finalised ballot papers. For the Scottish Parliament election, only 100 people were asked to sit down and test the ballot papers. For the local government elections, likewise; only 100 people were asked to sit down and test the papers. More testing is done for the average edition of “Family Fortunes” than was done for the entire Scottish Parliament and local government elections.

Not only that, but there was a 4 per cent failure rate in the testing that was done. It should have been pretty obvious that there was going to be a problem, because the end result, not surprisingly, was a 4 per cent failure rate.

**Andy Kerr:** Did David Mundell not accept the need for a single ballot paper?

**Gavin Brown:** There is a big difference between accepting in principle the possibility of having a single ballot paper and how that transfers into practice. It was incumbent on those who organised the election to test that ballot paper properly. Had anyone in the chamber—outside of the Executive, which knew about it—known that there was a 4 per cent failure rate, I am fairly sure that they would have taken a different view.

To add insult to injury, not only was weak testing done on both papers, but—this beggars belief—no combined testing was done whatsoever. Not a single person in testing was given a Scottish Parliament ballot paper and a local government ballot paper to see how they would react to having two different systems in front of them. The second myth is the testing of the ballot papers.

I think that we have already dealt with the third myth, which is the one that STV somehow worked and was a big success with the voter at local government level. As has been pointed out, the failure rate was three times that in the previous Scottish local government elections, which resulted in 38,000 people losing their vote. That is unacceptable. Had it happened without the added fiasco of the Scottish Parliament elections, there would have been an almighty uproar. The number of failed papers trebled.

It is clear that the papers affected people's voting. According to the Gould report, 75 per cent of the spoilt papers from the local government election were spoilt because people had not only double crossed, as Mr McLetchie said, but treble and quadruple crossed; people thought that they were meant to put crosses on that ballot paper.

**Tricia Marwick:** Does the member accept that the electoral system of PR and STV was not at

fault? The fault lay with the instruction and information campaign, which was supposed to have started much earlier; it simply did not take place, and when it did it was inadequate.

**Gavin Brown:** It was all those factors together. I accept that a range of things went wrong. Frank McAveety's point about how the elections turned out in Glasgow and the Lothians was particularly relevant. Those ballot papers were even worse, and instead of an average failure rate of 4 per cent, in the Lothians the rate was 5.2 per cent and in Glasgow it was 7.2 per cent, because of the additional changes to the papers. I accept that other factors were also involved.

The Scottish Conservatives want to see two huge changes, the first of which, of course, is that we should return to having two ballot papers. I will not dwell on that any further. The second change that we seek is a move to decoupling, which has been our policy for several years; as has been mentioned, David Mundell introduced a member's bill in 2004 to push through that policy. We saw what was coming, Presiding Officer, and we are glad that others are now coming into the fold. We hope that the elections can be decoupled in time, because that will minimise confusion, as Gould clearly says at least four times. Just as important, it will give local government the prominence that it deserves. It could help us to re-engage with the electorate and make local government far more accountable. If decoupling does not happen quickly and effectively, we will reintroduce our member's bill to ensure that it happens in time.

Mr Gould said in his report:

"We obviously recommend that all those with a role in organising future elections consider the voters' interests above all other considerations."

It is time to return to two separate ballot papers; it is time to decouple; and it is time to restore faith in Scottish democracy.

16:45

**Andy Kerr:** First, I must apologise to Tricia Marwick for misrepresenting her party's position on this matter. She was absolutely correct in what she said, and has provided me with all the evidence that I need to make that clarification.

I should also point out that because I took so many interventions in my speech, I did not reach my conclusion, which is that we will support Annabel Goldie's amendment to our amendment. Let us not have any misunderstandings about voting this afternoon.

With some notable exceptions, the debate has been very good. Members have been very open to the principles underlying the Gould report and its conclusions and recommendations. In putting

forward her view that implementation of the report's recommendations should not cover referendums, changes to the electoral system or any further devolution of powers, Annabel Goldie sought to clarify certain aspects of the SNP motion, and I am interested to hear the response of the Cabinet Secretary for Finance and Sustainable Growth to her comments.

I have to say that Iain Smith did not rise to the occasion. After all, his party was party to many of the discussions at Executive level on the matter. He sought to wash his hands of that history, but, as far as this issue is concerned, we all have history. I am in no doubt of the Labour Party's responsibility and culpability in relation to much of the matter. However, as I have sought to point out, other parties in the chamber supported not only the use of a single ballot paper but many other aspects of the running of the elections.

As I said in my opening speech, the fact is that, despite the criticism that has been made of the role of the Scotland Office, many of the key decisions were made in the Scottish Parliament.

**Margo MacDonald:** I want to give two quick points of information. First, the independents in the previous session of Parliament did not agree with the approach that was taken. Secondly, for the benefit of members such as Patricia Ferguson who seem to misunderstand the process, independents have to put up the same money as other candidates to be on the regional list. I had to pay £500, as did Patrick Harvie.

**Andy Kerr:** With due respect to Margo MacDonald, I was referring to decisions made by the Parliament that were then implemented by the Scotland Office.

Duncan McNeil said that we should not make the same mistakes and made a valid point about the injustice felt by the electorate. We need to reflect on what happened and ensure that it does not happen again.

I did not think that, when the subject of sloganisation came up, some of the smug reactions from members on the SNP benches were appropriate or accurately reflected what Duncan McNeil was actually saying. His point was that a vote robbed through clever practice is simply a vote lost, and that that affects the electorate's confidence in the electoral process. I was disappointed to find some members being overly smart and smug about that.

Patrick Harvie made the valid point that it is the responsibility of ministers is to be non-partisan and to deliver for everyone. We can learn lessons from that. However, everyone was involved in the political process and in the decisions that were implemented. Although we all now support the comments made by the Conservatives and the

SNP's Peter Murrell about a single ballot form, it is easy to be wise after the event and to say that it was a significant factor in how the public approached the elections.

I would like to touch on many other areas, but should return to the heart of the issue: the Gould report's recommendations and how the Parliament handles the electoral process. Our amendment does not seek to rule out, or in, any of those recommendations; it simply expresses the view that our parliamentary committee should have its opportunity to scrutinise the matter. Of course, decoupling will be central to any approach. That, combined with many of the initiatives that Des Browne has announced, will take us a long way towards resolving some key problems.

However, the SNP's motion is not about allowing the committee to conduct a measured examination and to take a considered approach; instead, it is about pre-empting the Parliament's scrutiny of the matter. At the heart of the debate is the question of the administration of and control over elections and whether we should have the power to change the electoral system. Interestingly, Mr Gould said in evidence that there should be one entity—the chief returning officer—to administer the Scottish Parliament and Scottish local government elections. More important, he said that he did not envisage any difficulty in that person reporting to two bodies that would still retain legislative competence over the different sets of elections, particularly given that those elections would no longer be combined.

I strongly believe that the constructive approach that Labour has taken in its amendment—I repeat that we support the amendment to our amendment that the Tories have lodged—will allow us to ensure that we do not make the same mistakes that have been made in the past in respect of some of the Scottish people's big concerns about elections.

I go back to the decisions that we took in the Parliament about coupling the elections—I duly make the point that the SNP was against that—and single ballot papers. We can continue to examine how things were delivered through the Scotland Office—Gould brings that out in his report—but key decisions were made in Scotland.

It is interesting that when the Arbutnott committee reported, Alex Salmond said:

"These are decisions of national consequence which must be taken forward on a non-partisan basis."

I appeal to members to recognise that and ensure that we allow the Parliament's Local Government and Communities Committee to bring its recommendations to us so that we can have a wider discussion and not jump to conclusions at this point in the debate.

16:51

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** In drawing the debate to a close for the Government, I must say that this has been a most unusual afternoon. Mr Kerr has been the epitome of consensus. His Christmas and new year holiday has done him the world of good. I will say more later about what he has contributed to the debate.

Some interesting speeches have been made. Obviously, Frank McAveety spent the whole of the Christmas and new year break thinking up a couple of interesting new jokes to bring to the chamber, and Kenneth Gibson rather tactlessly got into a needless contretemps with Margo MacDonald, whom I would never describe as one woman without a dog. However, he certainly made an interesting speech.

I somehow lost the thread of Robert Brown's argument, which involved turning ballot papers upside down halfway through, if I understood it correctly. I did not think that that would add to the clarity of the process or resolve the electoral challenges that we are all trying to resolve.

I am sure that Dave Thompson is pleased with himself that he has managed to get on to the public record the stress and frustration at the Inverness count on 4 May. Believe you me, those of us who eagerly anticipated the outcome of that election are glad that we heard about it in full detail today.

Of course, no debate would be complete without an extraordinary contribution by Lord Foulkes, who was concerned about the Electoral Commission's slackness. Many of us will ensure that he does not have such a concern about the antics of the Electoral Commission on matters closer to home in the period that lies ahead.

This has been an excellent and thoughtful debate, which has given us the opportunity to reflect on the many issues that members have raised in the Parliament. I think that there is absolute agreement that, following the elections in May last year and bearing in mind the volume of spoilt ballot papers and the elongated counting arrangements that many of us had to go through, public confidence and trust in the electoral system need to be restored. It is clear that we must place voters' interests at the centre of any changes that we make in response to the Gould report and the conduct of the elections. The Government accepts the requirement to do that. Accountability to Scottish voters and clarity of responsibilities are essential to the success of any reforms. The Government firmly believes that we should pursue the Gould report's recommendations to establish a chief returning officer and ensure that a single body—which would most appropriately be the



Scottish Parliament and the Scottish Government—is responsible for the administration and organisation of the Scottish parliamentary elections.

The Gould report is a crucial document if we want to understand what went wrong in the arrangements for the May elections. It is clear that problems arose as a result of the circumstances of those elections and the fragmented patchwork of responsibilities and legislation in Scotland. We must take forward that agenda. We all agree that it is necessary to address the issues and make progress.

The Government believes that more radical reform is required and that it is right to take forward the logical solution that Gould proposes. Organisational and legislative responsibility for elections should be with the Scottish Parliament and the Scottish Government.

Today's debate has, I must say, been well-informed by the amendments that have been moved by members of other political parties. The Liberal Democrats have set out a not unsurprising and entirely consistent position on the use of STV for Scottish Parliament elections. However, today's debate is on the Gould report and on the issues surrounding the organisation of the elections. Although the Government may sympathise with the Liberal Democrat position on STV, we believe that that issue is for another debate and should be the subject of wider consultation with the public.

The Government has formidable sympathy with the Conservative amendment. I have already engaged in discussions with Gavin Brown about the proposition to decouple the elections to ensure that we are able to give local authorities their proper and rightful place in election debates so that local authority issues can be properly considered. I think that we all accept that that has not happened in the course of the past three local authority elections, which have tended to be obscured from the public mind. That position, which has been advanced both by the Government and by the Conservatives' Mr Mundell, is also the position of the Convention of Scottish Local Authorities. Therefore, we welcome and endorse the Conservative amendment.

Finally, let me address the very welcome way in which Mr Kerr has advanced the arguments for his amendment. The important point is that the Labour Party has accepted that it is important to make progress—this is also the Government's position—on the further devolution of powers so that we can control our own elections. The amendment acknowledges that the issues that are raised in the Gould report must be taken forward and addressed in a fashion that enables Her Majesty's Government and the Scottish Government to

make progress on changing the electoral arrangements to implement the recommendations of the Gould report. The Government takes great heart from the fact that the Labour amendment recognises the important need for

“Her Majesty's Government and the Scottish Government to discuss, agree and publish a timetable for appropriate implementation of the report's recommendations”.

The Government believes that that is a sensible, pragmatic and logical way to proceed.

One criticism that has been made of the Government motion is that it somehow intrudes on the consideration of the issues that is being undertaken by parliamentary committees. As members will know, the Government is entirely respectful of parliamentary committees and would not wish to do that. However, I respectfully point out that the Local Government and Communities Committee is considering only the issues relating to the local authority elections, not the Scottish Parliament elections. I think that Mr Doris confirmed that on Mr McNeil's behalf. There is a need for us to develop further the arguments relating to the Scottish Parliament elections.

**The Presiding Officer (Alex Fergusson):** You have one minute.

**Robert Brown:** Will the minister give way?

**John Swinney:** Sorry—I am in my concluding minute.

The Government believes that we require something more than consideration by the Local Government and Communities Committee. That is why we are content with the Labour amendment, which will put the Government into the driving seat for discussions to formulate a timetable for the appropriate implementation of the Gould recommendations, working with Her Majesty's Government in doing that. Therefore, on this afternoon of consensus, I am pleased to confirm to Mr Kerr after his outstanding contribution to consensual opinion that the Government will be happy to vote for his amendment.

**The Presiding Officer:** That brings us to the end of the debate on the Gould report.

I am sure that members will join me in welcoming to the gallery Josep-Lluís Carod-Rovira, who is the vice-president of the Generalitat of Catalonia. *[Applause.]*

## Points of Order

16:59

**The Presiding Officer (Alex Fergusson):** Before we come to decision time, I understand that there will be a point of order.

I will be very happy if no one wants to raise a point of order.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Presiding Officer, I wish to raise a point of order under rule 8.17 of the standing orders. Yesterday, the Minister for Communities and Sport made a statement to the Parliament on the future of sportscotland. During questioning on the statement, both Margaret Smith and I asked for details of the effect that the proposed changes would have on staff and how many would be based at each regional hub. In response to my question, the minister said:

"I will not indicate today the number of staff in each location".—[*Official Report*, 9 January 2008; c 4786.]

In response to Margaret Smith, he went further. He said:

"Clearly, before individual numbers and names are given, the new organisation's management and implementation team must be given the freedom to put in place the structure for the skill sets in each location. It is inappropriate for me to talk about the numbers in any great detail today."—[*Official Report*, 9 January 2008; c 4793.]

Members will have regarded that as a reasonable approach to such a complex reorganisation.

However, within minutes of the conclusion of questions on the statement, and after what journalists have termed a shambolic press conference by the minister, a Government special adviser circulated details to the press that enabled a journalist to write in today's edition of *The Scotsman*:

"of the 140 staff currently based in Edinburgh, 30-35 would be allowed to remain and 80-100 would be based in Glasgow. The Institute of Sport staff would remain in Stirling, with five to ten staff in Aberdeen."

Given that even the chair of the Scottish Institute of Sport, Dougie Donnelly, was unaware of the amalgamation, I am amazed at how quickly a consultation with staff took place that allowed not the minister, or even the relevant departmental heads, but a paid political adviser of the SNP to scuttle around the media corridor to save the minister from himself.

If it was inappropriate for the minister to talk to the Parliament yesterday about the numbers, it was utterly inappropriate for a Government spin doctor to speak to the media about them within minutes of the debate. What has occurred is a gross discourtesy to the members of the

Parliament. Presiding Officer, I ask you to use your role to protect the interests of members and call on you to instruct the minister to apologise for providing the answers that we sought yesterday to the media, rather than to the chamber.

**Margaret Smith (Edinburgh West) (LD):** On a point of order, Presiding Officer.

**The Presiding Officer:** Is it on the same subject?

**Margaret Smith:** It is on exactly the same subject. The headquarters of sportscotland is currently in my constituency and 145 staff work there. Understandably, yesterday I asked the minister a series of important questions about how many staff would remain in Edinburgh and how many might be lost from the organisation because of the relocation of the majority of jobs to Glasgow, as he outlined. As Mr McAveety said, earlier the minister had refused to answer his question about the number of staff who will be involved. Mr Maxwell also refused to answer my questions, citing the fact that, before numbers could be given, the sportscotland management team would have to look at the structure of the new organisation. The minister said clearly:

"It is inappropriate for me to talk about the numbers in any great detail today."—[*Official Report*, 9 January 2008; c 4793.]

The minister refused to give the two constituency members involved with the HQ relocation any detail on the number of staff who will be relocated. However, the information that we sought yesterday afternoon on behalf of affected constituents was given to the press by a Government special adviser immediately after the minister had made his statement to Parliament. Today's editions of *The Herald*, *The Scotsman* and the *Evening News* testify to that fact and include staff numbers.

At the end of the day, we are elected to this place to represent our constituencies and constituents. This is a crucial issue for the staff members and families involved. Presiding Officer, I appreciate the fact that you have limited ability to do anything about the content of ministerial answers, but I am concerned that on this occasion—for whatever reason—Mr Maxwell misled the chamber when he failed to disclose information that was known to his officials, if not to him. That is a slight not only to the Parliament, but to the staff of sportscotland.

**The Presiding Officer:** I thank members for giving prior notification of their points of order. I have reviewed the *Official Report* of yesterday's statement and today's press coverage, and it appears that information that the Minister for Communities and Sport did not consider it appropriate to disclose during proceedings in the

chamber yesterday was later detailed in the press. It is appropriate for me to invite the minister to comment at this stage.

**The Minister for Communities and Sport (Stewart Maxwell):** Presiding Officer, thank you for giving me the opportunity to respond to these points of order. I apologise to Parliament for the fact that this situation has arisen. It was entirely unintentional.

In answer to questions from members yesterday, I said clearly that the majority of staff would be located in Glasgow, but that citing exact and final figures was not possible. That remains the case. However, later that day, in response to queries from the media, indicative and illustrative figures for likely staff deployment were given. I stress that those figures are not final and that what I said in Parliament yesterday remains the case.

I hope that that clarifies matters. I offer again my apologies to Parliament.

**The Presiding Officer:** I am grateful for the minister's response, but the good practice guidance that I issued on statements and announcements said that, among other things, members should be informed quickly about the detail of statements and that they should have the opportunity to question ministers on the detail of Government proposals. I appreciate the candid nature of the minister's response, but I ask the Scottish Government to reflect on that guidance, to ensure that such a situation does not arise again.

## Decision Time

17:05

**The Presiding Officer (Alex Fergusson):** There are eight questions to be put as a result of today's business. I remind members that, in relation to the debate on the spending review 2007, if the amendment in John Swinney's name is agreed to, the amendment in Tavish Scott's name will fall.

The first question is, that amendment S3M-1105.2.1, in the name of Derek Brownlee, which seeks to amend amendment S3M-1105.2, in the name of John Swinney, on the spending review 2007, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)

McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 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

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)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 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)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (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 81, Against 44, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1105.2, in the name of John Swinney, as amended, which seeks to amend motion S3M-1105, in the name of Iain Gray, on the spending review 2007, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
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 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)

McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### AGAINST

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 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 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)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 64, Against 60, Abstentions 1.

*Amendment, as amended, agreed to.*

**The Presiding Officer:** Amendment S3M-1105.3, in the name of Tavish Scott, therefore falls.

The next question is, that motion S3M-1105, in the name of Iain Gray, on the spending review 2007, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)

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)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 63, Against 61, Abstentions 1.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament looks forward to the replacement of significant amounts of ring-fencing by single outcome agreements with local authorities that will support the achievement of national outcomes set out in the spending review; recognises that the effectiveness of the national outcomes and the removal of ring-fencing will require to be monitored; looks forward to the continuation of full scrutiny of the Scottish Government's budget in the Finance Committee and the Parliament as part of the budget process; notes the decision of the Parliament on 8 November 2007 in relation to a review of the budget process for future years, and calls on all interested parties to participate fully in that review when it commences.

**The Presiding Officer:** The next question is, that amendment S3M-1110.3.1, in the name of Annabel Goldie, which seeks to amend amendment S3M-1110.3, in the name of Andy Kerr, on the Gould report, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)

Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 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)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 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)

#### AGAINST

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 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)

**The Presiding Officer:** The result of the division is: For 109, Against 16, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1110.3, in the name of Andy Kerr, as amended, which seeks to amend motion S3M-1110, in the name of Bruce Crawford, on the Gould report, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)

Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 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)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 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)

#### AGAINST

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 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

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

**The Presiding Officer:** The result of the division is: For 107, Against 16, Abstentions 2.

*Amendment, as amended, agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1110.2, in the name of Iain Smith, which seeks to amend motion S3M-1110, in the name of Bruce Crawford, on the Gould report, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

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)

#### 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)  
 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)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 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)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)

#### ABSTENTIONS

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)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 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)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 18, Against 59, Abstentions 48.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S3M-1110, in the name of Bruce Crawford, on the Gould report, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 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)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)

McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 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)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 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)

#### AGAINST

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (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)

**The Presiding Officer:** The result of the division is: For 109, Against 15, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament welcomes the Gould report, including the recommendation calling for the further devolution of executive and legislative powers to the Scottish Government and the Parliament for the administration of its own elections and the decoupling of future elections to this Parliament and Scotland's councils; calls on Her Majesty's Government and the Scottish Government to discuss, agree and publish a timetable for appropriate implementation of the report's recommendations having regard to the conclusions from both the Scottish Parliament's Local Government and Communities Committee and the House of Commons'

Scottish Affairs Select Committee, and believes that the proposed Scottish Constitutional Commission should consider the full legislative framework for Scottish Parliament elections.

## St Margaret of Scotland Hospice

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S3M-711, in the name of Des McNulty, on the St Margaret of Scotland hospice.

*Motion debated,*

That the Parliament recognises the outstanding care provided for terminally ill and frail elderly patients by the St Margaret of Scotland Hospice in the 57 years since its foundation; notes with concern the uncertainty faced by Scotland's largest hospice as a result of proposals to remove places for the care of frail elderly people with complex needs, and believes that NHS Greater Glasgow and Scottish ministers should be made aware of the very strong support that exists for St Margaret's in Clydebank and throughout the west of Scotland.

17:15

**Des McNulty (Clydebank and Milngavie) (Lab):** Just before Christmas, nearly 200 people from my constituency and neighbouring constituencies came to the Parliament on a dignified demonstration in support of the St Margaret of Scotland hospice. For an hour and a half we sang carols, before a delegation from the hospice made a presentation to the Public Petitions Committee. I am pleased to acknowledge strong support from colleagues from all the main political parties for the case that we put before the committee on that day. Both at the carol service and at the committee meeting, we were joined by His Eminence Cardinal Keith Patrick O'Brien, who spoke emotively in favour of St Margaret's being funded so that it can continue the outstanding work that it has been doing in Clydebank for the past 57 years. The cardinal, as a boy, was resident in Clydebank shortly after 1950, when the hospice was founded. I am deeply indebted to him for showing his support so publicly.

Although it is run under the auspices of a religious order, the hospice is a non-denominational unit, which has developed into a facility with 60 beds, comprising 30 continuing care beds for frail adult patients who require ongoing complex medical and nursing care and 30 palliative care beds, which makes St Margaret's the biggest hospice in Scotland. The hospice believes that those two types of provision are complementary, and qualified and dedicated nursing staff care for both groups of patients. Relatives and patients are extremely satisfied with the care that is provided by St Margaret's.

The hospice is under threat because of decisions that were taken by Greater Glasgow and Clyde NHS Board, which have serious consequences for the hospice's financial viability and for the pattern of care that it provides. In 2000,

the health board consulted on proposals for a new facility on the site of the former Blawarthill hospital. The proposal for the new facility at Blawarthill referred to

“a number of NHS beds for the frail elderly and elderly mentally ill people but also social care beds and other services”.

That was in line with the current thinking, which was not to create new stand-alone national health service continuing care facilities. At that stage, there was no indication that any decision in connection with elderly care provision at Blawarthill would impact on provision at St Margaret's. However, a study of need for elderly care was subsequently commissioned. The Glasgow joint community care committee published the findings from the study in 2005. The report argues that there is a reduced need for NHS continuing care beds, which refers to the type of frail elderly patients who are cared for at St Margaret's, and an increased need for other forms of residential care, including care for patients with various forms of dementia.

Given that the earlier proposal on which the health board had consulted referred both to elderly mentally ill patients and to social care beds and other services, one might have expected those needs to have been reflected in revised plans for Blawarthill. Instead, however, the health board proposed to concentrate NHS frail elderly care for the north of Glasgow on three sites, one of which was to be a public-private partnership facility providing 60 NHS continuing care beds at Blawarthill, alongside sheltered housing and residential care.

According to the health board, public consultation is required where there is “significant service change” entailing the closure of a hospital site. The board's view was that there was no requirement for a formal consultation, despite the very significant impact of the 2005 decision on existing provision at St Margaret's. When the health board finally decided to talk to St Margaret's, the hospice was told that the board wanted to keep elderly care beds at St Margaret's

“but use them in a different way to meet the changing needs of our older population and ensure we are able to provide the range of services they require”.

The evidence base on which the board is claiming that there is a decreasing need for continuing care beds north of the Clyde is highly questionable. The chart that was produced by the board in the balance of care report shows a reduction in bed numbers from 658 to 390 between 1997 and 2003, with a further reduction to 300 in 2004-05. The closure of the beds at St Margaret's would mean the number being reduced to 180 beds in north Glasgow, a level of provision that the board acknowledges would be sustainable

only if the number of delayed discharges continued to fall. Any capacity for patients awaiting discharge will be required to be added to any model. Otherwise, according to the board, acute beds will become blocked.

The minister should be aware that a potential consequence of the removal of ring fencing from delayed discharge money is that it would invalidate the board's assumption. The board's argument that the need for continuing care beds in north Glasgow is declining at an astonishing rate is not reflected in any reduction in demand for the continuing care beds at the hospice, which has a 100 per cent occupation rate.

As I said earlier, the board could have adapted plans for Blawarthill in line with the evidence that it generated for its balance of care report, allowing St Margaret's to continue unaffected. Instead, the health board has intimated to the board of St Margaret's that funding for continuing care provision will be phased out, which the hospice estimates would reduce its income from public funds by £1.2 million. The health board has suggested that among the alternatives that the hospice should consider are becoming a provider of care for older people with a mental illness or becoming a care home with nursing. Either option would involve a significant reduction in income from the health board, which would jeopardise the viability of St Margaret's as an organisation and put at risk its provision for the terminally ill.

As I stand here, the hospice has to raise in excess of £30,000 a week to fund provision for terminally ill patients. Of its 30 palliative care patients, it has to fully fund 15. Unlike other hospices, St Margaret's has no financial reserves on which to draw. The unique ethos of the hospice is particularly well suited to the needs of continuing care patients who have life-limiting conditions. The changing needs of such patients can be met within the hospice without their having to be moved, other than within the hospice.

The hospice provides a model of care that is holistic and geared to the needs of patients, rather than fragmented by the categorisation and medical specialisation that dominates hospital provision. Many patients and relatives have drawn very favourable comparisons between the approach that is adopted at St Margaret's and their experience elsewhere.

The hospice board is, quite rightly, unwilling to abandon that integrated care model, to be forced to change the skills mix of its staff or to run the risk of altering its ethos in the absence of better planning and a more inclusive approach from the health board. Adapting services in the light of changing need patterns should not involve the sacrifice of outstanding care provision for both

continuing care and palliative care patients as provided by St Margaret's.

I hope that the logical arguments as well as the emotional arguments for the retention of St Margaret's will be accepted, in line with the views of my constituents and those of other members here this evening. The cabinet secretary and the minister are welcome to come to St Margaret's to see for themselves what might be lost. I urge them to accept that invitation. However, above all, I urge them to knock heads together to ensure the right outcome, which in my view is the retention of the existing facility at the St Margaret of Scotland hospice.

17:23

**Gil Paterson (West of Scotland) (SNP):** I thank Des McNulty for bringing this welcome debate to the Parliament and congratulate him on doing so.

St Margaret's is the oldest hospice in Scotland and has built up a fine record over the years. People who have had a direct experience of St Margaret's bear witness to its record. They will tell us of the dedication, professionalism, experience, love and compassion in abundance that the staff share with the individuals and families who require their services. That reputation for fine service is known to and appreciated not only by the people of Clydebanks but far and wide across central Scotland and beyond. That reputation has developed from the way that St Margaret's goes about its business: it does it well, cost effectively and with great integrity.

Given that record and the public awareness of the fine work that St Margaret's carries out, I find it extraordinary that when major changes were going to take place that would have such a dramatic impact on the hospice, it was the last to be told. In fact, it was never given the opportunity to be involved in any consultation whatever. It is clear that that is not right.

A major concern for me is the fact that the hospital that will benefit directly from the removal of beds from St Margaret's is Blawarthill, which is a PPP project. Blawarthill hospital was earmarked for closure but was saved after a campaign. Call me an old cynic but, on the face of it, the transfer of beds from St Margaret's to the PPP-funded new build at Blawarthill is simply a way of making that facility work.

That said, I believe that Greater Glasgow and Clyde NHS Board still has a duty to engage with St Margaret's, to take its legacy fully into account and to come to an agreement that builds on that legacy, so that others can rest assured that the fine service that it provides will be available for another 50 years and beyond.

At the risk of repeating myself, St Margaret's provides a service that is much needed and appreciated by the people of Clydebanks and beyond. It would be worth the health board reconsidering the matter and discussing with St Margaret's ways and means of allowing the hospice to continue to make a full contribution to the community. The health board should recognise that it did not act properly as regards consultation. Surely it is not too late for it to put things right. St Margaret's has proved that it can do the job and do it well, and the health board should allow it to do just that.

17:26

**Margaret Curran (Glasgow Baillieston) (Lab):**

I, too, congratulate Des McNulty on securing the debate. We should recognise his contribution not just in lodging the motion for debate, but in pursuing the campaign in an assiduous and committed way, which included the organisation of a highly successful carol concert.

I declare an interest: sadly, the mother of my parliamentary organiser, Marie Kerrigan, died in St Margaret's hospice. As a close friend and colleague of Marie, I can testify to the comfort that the hospice provided not just to her mother, but to Marie, her sister and her family, which was of great significance to them at the time, which they still remember and which they will, I am sure, remember for the rest of their lives. They have deep respect for the staff who provided them with such an important service.

Regardless of what is said in the many debates that we will have about health in years to come, I am sure that there is consensus in the Parliament on the significance of such services for people who are in critical need. My mother-in-law died in Hunters Hill hospice, so I am aware of the vital and sensitive services that hospices provide. I am sure that the minister, too, will want to recognise their importance in the provision of health services.

We will continue to have many health debates in the Parliament. I do not want to be divisive, but the Government says that it pays attention to public concern. I hope that in her response the minister will indicate how the public concern that has been expressed about St Margaret's is being addressed by the Government.

As Shona Robison knows, palliative care is a vital and growing issue in Scotland. All members will want to ensure that sensitive and appropriate services are provided to people who, it could be argued, are in their greatest hour of need. We will all require such services at some point in our lives. As I understand it, the evidence suggests that St Margaret's hospice provides high-quality services.

Everyone to whom I have spoken testifies to how much those services have meant to them.

Those of us who do not have the detailed knowledge of the situation at St Margaret's that Des McNulty and other members have must ask why a change is necessary. Why should services that are so valued by people be jeopardised? Why is the proposed shift being allowed to undermine an extremely important service? I ask the minister to address some of those issues in her response to the debate. Has she had, or does she intend to have, discussions with NHS Greater Glasgow and Clyde on the issue? Given its size and status, does she see St Margaret's hospice as an important part of the jigsaw of care in that area?

Can the minister provide support and indicate to St Margaret's that she will try to find a way through the issue? In other situations she has told health boards that she is not satisfied with their decisions. There have been words with NHS Greater Glasgow and Clyde on activities and consultations that the board undertook, so perhaps the minister could add St Margaret's to the list of issues to discuss with the board. It is important that the Government gives campaigners a signal about possible ways forward.

I support not just Des McNulty and the campaign that he has launched but the staff of St Margaret's and residents of the communities around the hospice, who have brought a large petition to the Public Petitions Committee. Helen Eadie is a member of that committee and is carefully considering the evidence. The issue is of great public importance and it is incumbent on the Parliament to understand why it engages so many people so greatly.

17:30

**Jackson Carlaw (West of Scotland) (Con):** I, too, am happy to congratulate Des McNulty, not just on securing the debate but on his sustained support for the St Margaret of Scotland hospice. There is no need for me to grandstand; Des McNulty is the constituency member and has comprehensively set out the arguments. As the constituency member, he is entitled to look to his colleagues in Glasgow and in the West of Scotland region for support—he and the hospice certainly have my support.

St Margaret's is an outstanding facility. Our hospices generally are outstanding. They share a commitment to our fellows in the final stages of their lives and discharge that commitment with warmth, compassion and understanding, which, when it is encountered at first hand, is profoundly moving. The ability of the people who are dedicated to such a vocation to sustain their commitment in the face of the inevitable, continual

fading of lives, is inspirational. When people find their way to St Margaret's, as did my wife's aunt in the final stages of her life—if that is deemed an interest, I declare it—there is contentment at last for them and for the families that they leave behind.

After 57 years of compassionate service, St Margaret's does more. St Joseph's ward deals with the terminal stages of life and St Margaret's ward offers 30 beds, which are always occupied, for the continuing care of older people who require complex medical and nursing care. Let it be said clearly—without in any way denigrating any other facility—that St Margaret's is a modern, welcoming, magnificently facilitated hospice that has an outstanding team that is led by the thoroughly committed—formidable, even—Sister Rita.

St Margaret's enjoys the whole-hearted endorsement of its immediate community and the wider public. It is managed such that the national health service funding that it receives in respect of care for the terminally ill sustains more than twice as many beds as there are at the Prince and Princess of Wales hospice—another outstanding facility—which receives comparable funding. That is made possible by committed and professional fundraising staff.

Why is NHS Greater Glasgow and Clyde so belligerently determined on its strategy? Why do I—a regional member for the West of Scotland—find time and again that a consultation process that the board has entered into seems to be clumsy, predetermined or structured with a series of options that are designed to support the board's initial ambition? Is that why consultations are widely regarded as half-hearted and insincere, whether they are on the Vale of Leven hospital, the redefining of the role of health visitors, the rehabilitation of people with serious traumatic injuries, hospital car parking charges or the future provision of accident and emergency care? Margaret Curran made that point.

Why has the discussion on St Margaret's been so thin? Why does the board continue to promote the alternative uses to which Mr Divers persists in speculating that the 30 beds in the St Margaret's ward might be put, although they have been discussed and, by mutual agreement, found to be inappropriate? What sort of consultation is it when it is simply announced to St Margaret's that funding will be withdrawn? Where is persuasive evidence of a lack of need in the west of Glasgow for a facility that is permanently full? Des McNulty made that point convincingly. Why is it that Her Majesty the Queen found time in her schedule to tour St Margaret's but Mr Divers, who is determined to undermine the hospice, has not done so?

The board's reasons are perverse. Since May, I have spoken regularly in support of the complementary role that the independent sector can play in assisting with the speedy and effective delivery of NHS patient care. The Cabinet Secretary for Health and Wellbeing and I disagree on that, although I always emphasise the complementary nature of independent sector provision. However, in the case of St Margaret's, a not-for-profit facility is to be replaced by a private sector alternative—so I find myself on the same side of the argument as Nicola Sturgeon in that regard. Moreover—and consistent with that position—Southern Cross, the independent provider, specialises in exactly the sort of nursing and residential care that the board has suggested be accommodated unsuitably with final-stage-of-life care at St Margaret's. The board could make use of Southern Cross in a complementary role elsewhere, without disrupting anyone.

For 57 years, all those concerned with St Margaret's—since its first house opened in Millbrae Crescent and since 1971 at its present site, which is now the subject of a £4.3 million investment—have, by their example of leadership, enjoyed the good reports, gratitude, support and whole-hearted endorsement of those they have nursed and their families, and of the wider community. Their record deserves much more respect than the shabby treatment that is being meted out by NHS Greater Glasgow and Clyde. If the weight of public opinion and tangible public support is to mean anything, Sister Rita and all her team should expect St Margaret's to continue to do that at which it excels with confidence, into the future.

17:35

**Ross Finnie (West of Scotland) (LD):** I, too, am extremely grateful to Des McNulty for securing the debate and pay tribute to him for his unstinting efforts in the campaign. He deserves great credit for that. Des McNulty, Gil Paterson, Margaret Curran and Jackson Carlaw have made clear the record and history of the St Margaret of Scotland hospice and why it should be retained in its present form. One begins to wonder why it has been necessary for Des McNulty to call the debate.

We are holding the debate because we are told by Greater Glasgow and Clyde NHS Board—better known as Glasgow and Paisley health board—that the process has been robust. According to the minister who will respond to tonight's debate,

"The Board of NHS Greater Glasgow and Clyde has determined through robust decision making processes, including comprehensive consultation arrangements, the arrangements for the planning and provision of continuing care beds for the future."

The minister is entitled to come to that view, but she can be assured that it is not shared by anyone in the chamber tonight. Jackson Carlaw quite properly referred to a degree of cynicism about the ability of Greater Glasgow and Clyde NHS Board to take an holistic view of how we provide for care in that part of Scotland. It seems odd to us that, if the board assesses care and long-term need—an assessment it claims to have made—and finds that there is a requirement for no more than 30 beds, having found a hospital whose record is impeccable and which has a standard and level of care that is beyond question, it should choose to provide those 30 beds elsewhere, without adducing one scintilla of reason or argument as to why it needs to upset the present arrangements that obtain in the hospice.

It is not entirely clear to any of us why the minister, far less Greater Glasgow and Clyde NHS Board, should be interested in facilitating the development of the Blawarthill facility. If we have heard her correctly, her objection is to arrangements that increase capacity through the private sector. However, as Jackson Carlaw said, that is precisely what is happening through Southern Cross Healthcare. We are not saying, "Keep this facility open because it happens to be there." Ours is a genuine, reasoned argument about the provision of the service, the number of beds that are required in that part of the west of Scotland, and the fact that they are currently provided for at a standard that no one has contested. No one has adduced one scintilla of argument as to why that arrangement should be changed.

If Greater Glasgow and Clyde NHS Board believes that there is a need for further provision, why has it not suggested that for Blawarthill? After all, Blawarthill is having to be reopened, restaffed and reprovisioned. There is ample opportunity to build from the ground up, and to develop the needs of Greater Glasgow and Clyde NHS Board, in Blawarthill, but the dedicated, experienced staff, the equipment and the beds are to be found in St Margaret's hospice.

The logic and evidence behind the case are overwhelming and not one scintilla of evidence has been produced on why the current arrangements at St Margaret's hospice should be upset. That is the message the chamber is sending the cabinet secretary tonight, and I hope that she will reconsider her belief that Greater Glasgow and Clyde NHS Board is correct in its present arrangements.

17:40

**David Whitton (Strathkelvin and Bearsden) (Lab):** All the previous speakers have given eloquent testimony in support of Des McNulty, and I, too, congratulate him on securing the debate.

I speak in support of the motion not only because Mr McNulty is the MSP for Clydebank and Milngavie, the constituency that lies next door to mine, but because the closure of the hospice would affect all those who live in East Dunbartonshire, including those in Strathkelvin and Bearsden, which I have the privilege to represent. They, too, took part in the carol service that Mr McNulty mentioned, which was held in support of the save the hospice campaign and which we enjoyed just before the Christmas break.

A lot of signatures have been gathered in support of St Margaret's—more than 60,000, in fact. That is due, in no small measure, to the efforts of one of Mr McNulty's constituents, Mrs Marjorie McCance, who lives in Milngavie. She and members of her family have worked tirelessly in support of the campaign and I pay tribute to their efforts and to the efforts of all those who were involved in collecting those signatures. I also pay tribute to the local newspapers, the *Milngavie & Bearsden Herald* and the *Clydebank Post*, which have been lending their weight to the campaign.

This week, in another newspaper, the Cabinet Secretary for Health and Wellbeing was quoted as saying that she would listen to the views and voices of local people before making decisions about health care provision. In correspondence with me on other matters, she has stated that she will not go back to decisions that have already been made and implemented. However, in this instance, as others have said, the final decision has not yet been made. All that I would say to the minister is that 60,000 signatures represent a very loud voice indeed and a very strong view. I daresay that there are many other voices—of people who are, sadly, no longer with us—who would have been willing to speak highly of the care and attention that they received at St Margaret's.

Mr McNulty has invited the cabinet secretary and the Minister for Public Health to pay a visit to St Margaret's. If they are not already planning to do so, I, too, urge them to pay a visit to the hospice to see for themselves the care that it offers to both the elderly and the terminally ill. They will find that there is a great deal of difference between an operational medical model for dealing with seriously ill patients and the personal style of care that is practised by Sister Rita and her dedicated team. They provide something that is difficult to put into words, but the praise and gratitude of those who have witnessed the care and attention that have been paid to their loved ones in their final days are a powerful testimony to the service to the community for which St Margaret's is rightly famous.

That kind of care and that level of service are not something to be changed just because the

numbers do not add up. On this occasion, I am supporting Mr McNulty, Sister Rita and the St Margaret's campaigners, but I will also support the cabinet secretary and her minister if they decide that the decision on St Margaret's should be re-examined. After all, if we can review car parking charges, we can surely review a decision that will dramatically alter the care of the elderly and the terminally ill in this part of Scotland.

17:43

**The Minister for Public Health (Shona Robison):** I thank Des McNulty and congratulate him on securing the debate. I pay tribute to the many people who have been involved in the campaign to highlight the issues that are faced by the St Margaret of Scotland hospice. I am grateful to those who are present in the public gallery tonight for their commitment.

The presence of so many people from across the chamber and the level of the debate reflect the attachment that we have to the services that are provided to those who are vulnerable and who have particularly complex needs as they near the end of their lives. I know from the correspondence that I deal with, and from the recent presentation to the Public Petitions Committee, the level of support that exists among all those who are involved with St Margaret's.

Des McNulty's motion calls on us to recognise the work of St Margaret's and the strong support that the organisation has. I thank all those who are involved in the provision of palliative and end-of-life care for the fantastic job that they do.

In direct response to Des McNulty's request, the cabinet secretary is indeed visiting St Margaret's in the next couple of weeks to see at first hand the care that is provided there. I pay tribute to the hospice movement in Scotland more generally, because it is right that we recognise the special ethos of that movement and the values that hospices put into play, and their independence in doing that. We will continue to work closely with the Scottish Partnership for Palliative Care and the Scottish hospices forum.

St Margaret's is, perhaps, unique as an organisation, given the nature of the services that it provides. It clearly seeks to use its resources and skills in the best way that it can to meet patients' needs. Of course, as an independent organisation, it is for the board of St Margaret's to determine how it is run. We need to recognise that NHS Greater Glasgow and Clyde, in conjunction with its key partners and stakeholders, is responsible for planning and providing NHS services in ways that most appropriately meet the needs of the populations that it serves. In doing so, it needs to work together with its partners,



stakeholders and providers to ensure the best possible standards of care.

**Des McNulty:** Does the minister recognise that the hospice has, in a sense, been given a Hobson's choice? It has been told that it cannot continue doing what it has been doing so successfully, and that it must move to do something different—which is not, in its view, appropriate—just to suit an arrangement that the health board has made with a private provider. That does not seem to be right, and it does not seem to make sense in relation to everything else that the minister is saying.

**Shona Robison:** It is important that we recognise that the hospice is not, in itself, directly affected by the changes. We are talking about the indirect impact, because of the overall funding and the way in which St Margaret's runs its services with the one fund. There is, therefore, an indirect impact from the decision; I will come back to that in a minute. The balance of care report, which has been referred to, was a review of the demand for, and the use of, different types of institutional care for older people. I am pleased to note that, although it was intended to repeat the review of that by the end of 2008, it has been agreed that the NHS continuing care section will be completed earlier than that.

That will involve updating the information on the demand for continuing care, and looking at admission rates and length of stay alongside projected population changes—some of the information that members have questioned during the debate. That will allow the projected bed numbers to be revised in the light of any changes in demand and length of stay since 2004-05, which was when a lot of that work was done—four years ago. NHS Greater Glasgow and Clyde aims to complete that work by the end of next month. I believe that that will provide a fresh opportunity for all key interests to find a way forward within the strategic approach that has been adopted. I have given a very clear message to NHS Greater Glasgow and Clyde that I expect it to redouble its efforts to reassure and encourage St Margaret's back to the table and into further discussions about future provision.

Scotland's health care challenges require us to continue to shift the balance of care towards community-based services. However, we need to recognise too that, for some people with particularly complex needs, it will be necessary to ensure the availability of the most appropriate services in the right setting with the best support. That is just as important for families and carers, too. Care of the frail elderly and care for those with palliative care and end-of-life needs are, perhaps, areas that most appropriately reflect our values for the NHS and for society more widely.

Implementing the action plan for "Better Health, Better Care" provides us with an opportunity to reflect our core values in the planning and provision of services for those who are most vulnerable in our society. As Minister for Public Health, that is what I expect from NHS boards and all those who are involved in providing services.

I reiterate that I look to NHS Greater Glasgow and Clyde and the board of St Margaret's, as a provider of services to the NHS, to work together so that the local communities receive services in accordance with their needs. They can be assured that we will give every encouragement to ensure that that happens.

*Meeting closed at 17:50.*



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