

MEETING OF THE PARLIAMENT

Thursday 21 February 2008

Session 3

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Scottish Parliament

Thursday 21 February 2008

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

Scottish Water

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-1386, in the name of Derek Brownlee, on the future of Scottish Water. I invite members who wish to speak to press their request-to-speak buttons now. The debate is a little undersubscribed, so anybody who would like to speak would be welcome.

Mr Brownlee has seven minutes in theory, but we are a little relaxed about the time.

09:15

Derek Brownlee (South of Scotland) (Con): I open the debate with some trepidation, because the last time that I spoke in the chamber on Scottish Water half a ton of wood swung loose from the ceiling and hung above my head. Thankfully for me, I survived to be present for what—if the BBC is to be believed—is an historic day, when parties that have long opposed the mutualisation of Scottish Water will take their first faltering and hesitant steps towards it. Who would have thought that Fidel Castro would retire before the Labour Party and the Scottish National Party pensioned off their ideological antipathy to mutualisation? Only two weeks ago, who would have thought that a left-wing alliance would emerge? For the Labour Party, perhaps it is a case of, “If you can’t beat ‘em, join ‘em.”

I am keen to offer the Government some friendly advice. If it is preparing to support Labour’s amendment, it might be worth checking whether the Labour Party proposes to do the same. I believe that I crafted a motion with which no reasonable person could disagree. As if to prove my point, only Des McNulty and Liam McArthur have sought to amend it.

The debate is not about the rights and wrongs of the service that Scottish Water provides; I make no apology for focusing on the structure and the governance model that we select for the organisation. Some might consider the debate to be dry, academic or arcane—I suppose that that is the stuff of dreams for Des McNulty—but the subject is important. Scottish Water costs taxpayers £182 million every year and we need to consider whether that expenditure is necessary. The debate is also about whether Scottish Water can obtain in a different manner the money that

we all agree that it needs to invest in infrastructure.

The Scottish Conservatives’ position is well known: we think that the model adopted by Welsh Water operates better for taxpayers and customers than does the model imposed on Scottish Water. However, my motion seeks consensus and does not prescribe the outcome; all that it seeks agreement to is the reasonable proposition that the Government should review the structure and, while considering the status quo, also consider a mutual model, among others.

Any change to Scottish Water’s status would require fresh legislation—Alex Neil said that in the budget debates—so today’s vote is not on the form that Scottish Water should take but on whether we should review the form that it could take. We all ought to agree that a review is long overdue. Whatever positions the Labour Party and the Liberal Democrats take today, the previous Government did not review Scottish Water’s status—Sarah Boyack helpfully confirmed that in a parliamentary answer to me last March. The current Government had been in office for all of seven days when it ruled out changes to Scottish Water, so it could not have undertaken detailed consideration before it decided to retain the current status. As we know, the Howat review suggested that mutualisation should take place, but that was rejected out of hand last May. If we are about to see a change of heart today, we should welcome it.

As I have said, a review is not a commitment to change Scottish Water’s status. If Scottish Water is best kept as it is, a review will demonstrate that. Those who are confident of their position have nothing to fear from a review. The Government cannot oppose a review on the ground that, as a matter of principle, it is against the ownership of infrastructure being outwith the public sector, because it proposes such a model for its Scottish futures trust, which will be, according to the consultation on the trust,

“a body which is private sector classified but which has a public interest ethos.”

Such a body will own schools and hospitals. Surely the SNP cannot argue that private ownership is good enough for those vital public services but not for Scottish Water.

I have sympathy with much of the Labour amendment. Of course any review of Scottish Water’s status and structure must take into account the regulatory regime in which Scottish Water operates. However, we must consider what the amendment means by “public ownership”. After all, private companies are owned by the public, and a mutual in the purest sense—a co-operative, one might say—would be owned by the

public. I worry that the Labour Party's amendment is too prescriptive. By insisting on public ownership as, I suspect, Labour would define it, Labour rejects the Welsh Water model, which works well.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): In examining the nature of public ownership, would the member care to comment on the Conservatives' position on the Trustee Savings Bank, which was owned by trustees and customers but was sold off to profit a Conservative Government?

Alex Johnstone (North East Scotland) (Con): To profit the taxpayer.

Derek Brownlee: As Mr Johnstone has eloquently said—he is an eloquent man at the best of times—the Government did not receive anything; the taxpayer benefited from that move.

If Labour rejects out of hand the Welsh Water model, it rejects something that works well. Rather than cost the taxpayer money, Welsh Water reduces its customers' bills with money that it does not want to invest in infrastructure. That is a helpful model to consider. The Welsh model would not mean privatisation in the sense that Scottish Water would be sold off to private institutions, although if that were best for customers and taxpayers no responsible Government would reject it. The model would not result in what happened to the English water companies. It would create, as the SNP would have it, a private company with a public sector ethos.

It might be possible to construct a mutual in the public sector, as the Labour Party might argue, and we would have no problem with a motion that sought to explore mutualisation options. That is hardly surprising, because that is precisely what my motion permits.

Scottish Water receives £182 million each year at the expense of public spending on other areas. Borrowing is constrained by Treasury rules. If Scottish Water were a mutual in the private sector, those constraints would be removed. It is far from clear that the same could be said for a public sector mutual, but we have no objection to considering the matter further.

All parties should be able to support my motion. The Labour amendment is flawed, but I give Labour credit for the fact that it represents significant progress on Labour's previous position. Members can tackle the challenge of improving Scottish Water by supporting my motion tonight, or they can—as is apt in a debate on water—choose to bottle it.

I move,

That the Parliament calls on the Scottish Government to establish a review of the structure and operations of

Scottish Water with a remit to consider whether the current model delivers best value for taxpayers and customers, to consider alternative models, including mutualisation, and to report back to the Parliament on the conclusions of the review in such time as to allow any changes to the structure of Scottish Water to be in place prior to commencement of the next spending review period in 2011.

The Presiding Officer: Des McNulty has about six minutes, but we can be quite generous.

09:23

Des McNulty (Clydebank and Milngavie) (Lab): Apart from being elected and re-elected to the Scottish Parliament as the constituency member for Clydebank and Milngavie, my proudest achievement in politics—in which I was greatly assisted by my colleague Charlie Gordon—was a successful campaign against Conservative proposals to privatise the water and sewerage industry.

David McLetchie (Edinburgh Pentlands) (Con): Will the member give way?

Des McNulty: Does David McLetchie not want to hear the numbers?

David McLetchie: Will the member reflect on the fact that the proposal was to divide water services among three publicly owned companies, which his Administration subsequently amalgamated into one publicly owned company? No privatisation proposal was on the table. That was a gross misrepresentation by you and your colleagues.

The Presiding Officer: I hope that I have not misrepresented anything, Mr McLetchie.

Des McNulty: Mr McLetchie should go back over the history and remember the eight options that were proposed, which focused on privatisation. I remind him that in the Strathclyde water referendum, 1.194 million people voted against the Tory proposals for the industry's future organisation, which represented 97 per cent of voters on a turnout of just under 73 per cent. That was a crushing reverse for the Scottish Conservative party.

The Strathclyde referendum was followed by the annihilation of Tory representation in Scotland in 1997. Although there were many reasons for the Tories' dismissal, it is fair to claim that the water referendum was a key turning point. The Scottish Conservative party has not recovered either electoral support or political credibility, so one might have expected Mr Brownlee, in whose name the motion has been lodged, to shy away from the issue on which his party was routed. Mr Brownlee reminded us that, on the previous occasion when he spoke in a water debate, he was fortunate that the beam whose roof fixing sheared did not come down on his head. The auguries on this issue are not promising for the Conservatives.

However, I am pleased that Mr Brownlee has lodged his motion, because it gives me a chance to restate the firm commitment that Labour made in its manifesto last year to retain water in public ownership; to set out what was achieved over the past few years under the previous Administration; and to identify what needs to be done under the present Administration to ensure that a publicly controlled water industry is both accountable and efficient, in the best interests of domestic and business consumers.

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

Des McNulty: I want to continue for a little while.

It may surprise new members to hear that the cause of mutualisation was first pressed from the Tory benches by Murdo Fraser. The idea that the most right-wing person on economic and social issues on the Conservative benches is in favour of shared ownership is implausible enough, but the idea that Mr Brownlee and Mr Johnstone are committed to walking in the footsteps of the Rochdale pioneers is even stranger. I point out to the happy-clappy bunch on the SNP benches that Fergus Ewing rivals Mr Fraser as the most right-wing member of the Parliament. I described Mr Fraser only as the most right-wing member on the Conservative benches.

The Tories are no prodigal sons, regretting and repudiating the errors of their past ways. They are deceivers who want to sugar the pill of privatisation that voters spat out so emphatically 13 years ago by embracing a peculiarly privatising version of mutualisation.

Derek Brownlee: I welcome the fact that Mr McNulty's amendment mentions mutualisation. Does he agree with Unison that mutualisation is a smokescreen for privatisation? Is that the Labour Party's position, or does the member disagree with Unison on the issue?

Des McNulty: I thought that I had stated my position, but I will repeat it. Many Labour members have demonstrated a strong commitment to the principles of co-operation. If mutuality offers a way forward in protecting and maintaining public control and meaningful shared ownership of any government or business organisation, Labour is naturally inclined to be sympathetic to and supportive of it. However, when mutualisation is used as a veil for the privatisation of public assets, as the Tories intend, Labour will oppose it strongly. Our position remains that the water and sewerage industry should remain firmly within the public sector. The risks and costs associated with mutualisation on the Welsh model would not be acceptable here in Scotland.

Over the past eight years, with the formation of Scottish Water, the implementation of four-year

investment programmes, and the introduction of greatly improved regulatory arrangements and new responsibilities set down in legislation, significant progress has been made towards overcoming the legacy of chronic underinvestment that damaged the water and sewerage industries in Scotland under Conservative Governments in the 1980s and 1990s. Out-of-date plant such as the water works in Milngavie in my constituency have been replaced by modern, up-to-date treatment works, as part of a £500 million a year capital investment programme—the biggest such programme in the United Kingdom water and sewerage industry.

During consideration of the Water Industry (Scotland) Bill, I proposed that a sustainability duty be imposed on Scottish Water. It is vital that that duty and the role that Scottish Water must play in delivering the objectives of the water framework directive, as translated into the Water Environment and Water Services (Scotland) Act 2003, are fulfilled, especially given the emphasis that we all agree must be placed on addressing climate change.

The process of improvement on both the delivery and environmental fronts has not been entirely smooth. Mr Brownlee was a member of the Finance Committee in the previous session, which carried out a major inquiry into water and made robust recommendations. He will recall that the prospect of sharply increasing water charges triggered that investigation. However, if we compare Scottish Water with privately owned water companies elsewhere in the UK, we find that currently it has one of the lowest levels of charges for domestic customers, and soon its charges may be the lowest in the UK. That is a success for the Finance Committee, for the revised regulatory arrangements that we recommended and, to be fair, for Scottish Water.

Alex Johnstone: Will the member take an intervention?

Des McNulty: No, I will not.

There are issues that the industry must address: the unacceptably high level of leakages from transmission pipes, on which targets have been missed; issues relating to procurement and asset management; work on flood prevention, involving soft as well as hard engineering solutions; and the extent to which the industry is responsive to its customers. However, it is only fair that we also note the conclusions of the regulatory report that the water industry commissioner produced last year, which recorded substantial progress against industry benchmarks, in both absolute and comparative terms.

None of that will be welcome to the Conservatives, who find the urge to privatise when

there is any glimmer of public sector success irresistible, especially when that success contrasts favourably with the performance of the private sector. Fortunately, Labour members do not have their ideological hang-ups. I note from the budget that the Minister for Transport, Infrastructure and Climate Change has moved on from the analysis of the Cuthberts that engrossed Mr Mather and Mr Ewing. We want to have a successful water industry. That is why Labour's amendment puts the emphasis on keeping Scottish Water under pressure to meet its delivery targets, while making clear the Government's responsibilities for overseeing good governance and the delivery of services that equal or exceed those that are available from comparable providers elsewhere. That is what the people of Scotland want, and that is what Labour wants.

I move amendment S3M-1386.1, to leave out from "calls on" to end and insert:

"supports the retention of Scottish Water under public ownership and in that context calls on the Scottish Government to keep under review the structure and operations of Scottish Water, the regulatory arrangements for the water industry to ensure that the interests of domestic and business customers are properly protected and alternative public sector models, including mutualisation, and to report back to the Parliament in due course."

09:31

Liam McArthur (Orkney) (LD): This is a timely, if strangely undersubscribed, debate. We believe that the time is right for us to undertake a thorough review of Scottish Water, to consider whether the current model delivers best value for domestic and business customers and for taxpayers. I am encouraged that the call for such a review and for mutualisation appears to be gaining support throughout the chamber. However, as Mr Brownlee pointed out, we should not forget that when ministers published the Howat report last May, their only comment on the recommendations before burying them was to rule out any rethink on Scottish Water's structure and operations. Were it not for the recent climbdown on sportscotland, such a U-turn would almost merit the description "historic". However, given his repeated condemnation of mutualisation in recent months, I am bound to say that the decision may tax even the bottomless loyalty of Mr Neil.

Alex Neil (Central Scotland) (SNP): Does the member not think that it would be much better to have a commission rather than a review on this matter? *[Laughter.]*

Liam McArthur: As I said, we are testing Mr Neil's loyalty to the limit.

The call to keep the situation under review, as the Labour amendment suggests, is insufficient—

not because it is too prescriptive, as Mr Brownlee said, but because it lacks urgency and clarity. I fear that it could lead to the Government finding reasons—possibly even the much-loved, "We're just a minority Government"—for not taking action. Ministers must make clear their intentions on the nature and timeframe of the review that their spin doctors have been busy telling the BBC overnight is imminent. If nothing else, abolishing council tax and introducing a fairer local income tax will mean that the present arrangements for setting water charges and billing will need to be reviewed.

On charges, I state in passing that Liberal Democrats support the extension of the current exemption for some charitable organisations and bodies that serve a public function. I invite the minister to indicate his current thinking on the issue.

In the remaining time that is available to me, I will address two important points: the timing of the review and the nature of the changes that we wish to see. It is wrong for Mr Brownlee to suggest that mutualisation has not been considered before now: it was considered in the run-up to the Water Industry (Scotland) Act 2002, which merged the three former water authorities. The 2002 act was essential to providing a more efficient, consistent and high-quality product and service. However, at the time it was clear that mutualisation could be achieved only at a prohibitive cost to the consumer.

Over the past five years, under the previous Executive, there has been record investment in Scottish Water. That has helped to address issues ranging from development constraints to the higher quality and environmental standards to which Mr McNulty referred. Scottish Water has progressed to the point where conversion into a mutual company can be achieved in a way that is beneficial both to the consumer and to the taxpayer. We must recognise that the company operates in a highly technical and competitive environment and that attracting people with the necessary skills and expertise is increasingly difficult and costly. Performance and pay invariably are benchmarked against private sector companies.

Gavin Brown: Will the member give us his opinion on the Welsh Water model?

Liam McArthur: I am coming to that. Various mutual models are worthy of consideration. After an inauspicious start, the Welsh model has elements to recommend it. At this stage, we do not want to prejudge the review in terms of the available options. However, in order to meet the challenges that Scottish Water faces, we believe that it is not necessary to go down the route of privatisation as the Tories did south of the border. As I said in response to Mr Brown, we believe that

a mutualisation model—of which there are a number—is the right way forward. Scottish Water would be owned entirely by the Scottish public and all profits would be retained for further investment in infrastructure or passed on as savings to the consumer. We would seek a legislative block on any future demutualisation or privatisation.

Given the political consensus, of sorts, that is emerging, a review is now required. However, public support for such a review will be possible only if reassurances are given that it is not about privatisation and if the benefits to the customer and taxpayer over the long term are clearly set out. I have pleasure in supporting the minor amendment in my name.

I move amendment S3M-1386.2, to insert after “mutualisation”:

“but excluding privatisation”.

09:36

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): In considering today's motion and amendments, we need to keep in mind the unique water industry model that we have in Scotland. The Tory press release of yesterday stated:

“If the Scottish Government is confident that a state-owned Scottish Water is the best option, then it has nothing to fear from a review.”

We are confident and we do not fear a review. Indeed, to use a phrase that I have used before, such a review by a new Government would be normal, natural and necessary. We have, of course, examined the status of Scottish Water, and we are happy to examine it further if the motion or amendments are agreed to at decision time.

Derek Brownlee: On 24 May, John Swinney said:

“We will not take forward the recommendation”

of the Howat report

“to turn Scottish Water into a mutual company ... Scottish Water will retain its current status. That is our clear policy position.”—[*Official Report*, 24 May 2007; c 134.]

Jim Mather then said that Scottish Water would not move towards mutualisation under an SNP Government. Is there a U-turn?

Stewart Stevenson: The member should listen to what I said, which was:

“If the Scottish Government is confident that a state-owned Scottish Water is the best option, then it has nothing to fear from a review.”

I repeat: we are confident and we do not fear a review.

We have a system that combines the best parts of the privatised industry in England and Wales

with, of course, the strengths and ethos of a public sector organisation. The result is a publicly owned water business that is subject to tough independent economic and quality regulation. The system ensures that ministers, not special interest groups, set the strategic direction for the industry on behalf of all the people of Scotland.

David Stewart (Highlands and Islands) (Lab): On regulation, is the minister happy with Scottish Water's current leakage rate? It failed to meet its target by 44 million litres a day, which is the equivalent of 17 Olympic swimming pools.

Stewart Stevenson: The leakage programme started a couple of years ago. The first target was missed by some 4 per cent, which was disappointing. However, Scottish Water has made substantial progress. Indeed, it is doing substantially better on leakage than many of the privately owned companies south of the border. I agree that leakage is an area for improvement, and improvement will be achieved. The public ownership of Scottish Water is a way of ensuring that the Government can act in the customer interest on leaks, as in many other areas.

Patrick Harvie (Glasgow) (Green): I am struggling to understand the purpose of the review, given that the Government is committed to public ownership. Is not mutual ownership incompatible with public ownership? If so, what is the point of the review?

Stewart Stevenson: I am happy to review the status of Scottish Water because I am confident that the review will tell us that we are heading in the right direction. [*Interruption.*]

The Presiding Officer: Mr Johnstone.

Stewart Stevenson: I am not afraid of a review and I know that others in the Parliament are not afraid of a review. I do not intend that we head towards mutualisation.

I turn to highlight a number of areas. First, average household water charges in Scotland are lower than the average in England and Wales. Furthermore, in Scotland, charges will rise by less than inflation, whereas in England and Wales they will rise by more than inflation. Secondly, in Scotland, we have a company that is delivering for its customers—Scottish Water is outperforming its regulatory settlement and rapidly improving its customer service performance. It is therefore of little surprise that, last year, Scottish Water was judged to be one of the top utilities in the UK by its peers. That is a superb achievement on which I congratulate it. We need only compare that with the situation in England and Wales, where several companies have been fined for lying about their treatment of their customers. The water industry commissioner said that “Scottish Water's achievement” in reducing its operating costs

“is unprecedented in the UK water industry.”

The Government does not believe in the current model as a matter of dogma; we believe in it because it works. It is not hard to think of one or two private sector businesses that are not well run, but in Scottish Water we have a high-quality board with experience from the public and private sectors that has the right skills to take forward the organisation.

It is important that we do not take steps to undermine the progress that has been made in recent years. Scottish Water is six years old, which makes it quite a young organisation. In that time, it has made huge improvements, and it wants to make many more.

Liam McArthur: Will the minister give way?

Stewart Stevenson: I think that I am out of time.

The Presiding Officer: Time allows it.

Liam McArthur: The minister referred to the quality of Scottish Water management and the progress that the company has made, which the Liberal Democrats do not dispute. However, in terms of attracting high-quality personnel and management going forward, does he agree that the current model constrains Scottish Water while mutualisation would set it free?

Stewart Stevenson: If I may, I will make a side comment. Standard Life—of which I was a huge defender—provides an interesting example of the mutual model. Ultimately, we found that the company had to go for a stock market listing because of the mutual model constraints. I accept that there is a variety of mutual models. Nonetheless, anyone who suggests that mutualisation is a panacea should examine matters more carefully, particularly when we have a successful model that is delivering for the people of Scotland.

We have tough targets for the future and we need to give Scottish Water space to rise to the challenge. We should, of course, keep an open mind and continue to review the options, but the clear consensus is that Scottish Water is doing well. The suggestion that we should change the model is not particularly robust. I am happy to support the Labour amendment, which strikes the right balance.

The Presiding Officer: We move to the open debate. I ask for speeches of around four minutes, but—as I keep saying—I can be reasonably generous.

09:42

Gavin Brown (Lothians) (Con): The minister says that he does not fear a review of Scottish Water, but he did not commit to one. I am happy to

take an intervention from him at any point. He has neither committed to a review nor given a timescale for one. Perhaps he will intervene at some point and let the chamber know when the review will take place.

Stewart Stevenson: Mr Brown should listen more carefully to my remarks. The Labour member who proposed the amendment seemed to hear them. I have agreed that we will support the Labour amendment.

Gavin Brown: To be careful, perhaps the minister should read the Labour amendment, which calls on the Government “to keep under review” Scottish Water, as opposed to calling on the Government to constitute and hold a timescaled review.

We welcome the Government’s slight change of heart. Following publication of the Howat report, it said “No, no, no” to any review or mutualisation. However, yesterday, we heard John Swinney on the radio practically running the four-minute mile along the road to Damascus, trying to find a way out of the hole in which the Government found itself.

The Labour Party is trying to take credit for getting the Government to change its position, despite the fact that, as Derek Brownlee pointed out, the Labour Party refused over a number of years to hold such a review or countenance any form of change. On 15 March 2007, Mr Brownlee asked on how many occasions the Executive had

“reviewed the current structure of Scottish Water since its creation.”

The answer that he received from the then Deputy Minister for Environment and Rural Development, Sarah Boyack was, “None”. He then reflected on the Executive’s possible change of mind on the mutualisation of the company and asked:

“does it not seem rather odd that the Executive has not even considered changing the structure of Scottish Water?”—[*Official Report*, 15 March 2007; c 33317.]

Sarah Boyack answered, “No”.

The party that has been absolutely consistent all the way down the line is the Scottish Conservative party. We recognise that there are issues with Scottish Water, most of which are linked to its structure. We have heard that almost 50 per cent of treated water ends up as leakage, and we have heard about the cost to the taxpayer to the tune of £182 million a year.

What we have not heard about—but what is particularly serious—is the holding back of developments throughout Scotland because of the lack of water infrastructure, particularly in West Lothian, Midlothian, Glasgow, Kilmarnock and Aberdeenshire. Ken Ross of Homes for Scotland said in 2006:

"We have a crisis. Scottish Water has failed to allocate sufficient resources to remove development constraints, they are putting housing and other projects in jeopardy at a time when we need to resolve the problems of affordability for key workers and first-time buyers."

When Stewart Maxwell was asked in September last year how many developments had been held up in the past few years, he replied:

"The ... information requested is not held centrally."—
[*Official Report, Written Answers*, 13 September 2007; S3W-4043.]

I note in passing that *The Herald* was able to report in 2006 that an estimated 8,000 developments had been held up by the lack of water infrastructure in Scotland.

Mr Stevenson seemed to suggest that Scottish Water was doing extremely well in the rankings and was well regarded by its peers, but the latest Office of Water Services rankings, produced in April 2007, ranked Scottish Water 22nd out of 22 companies. I suspect that Mr Stevenson was quoting from the Scottish Water annual report as opposed to any independent assessment.

The review needs to happen quickly. Although we rule nothing out, as we have said all the way down the line our preferred model is the Welsh Water model, which has run extremely successfully since 2000. It is mutualised, and it is a company limited by guarantee. Like any co-operative society—which I would have thought the Labour Party would support—it is privately owned by its members/customers as opposed to being publicly owned by the state. That model would give Scottish Water access on the capital markets to the money that it needs to speed up infrastructure work, and it would save the taxpayer £182 million a year.

Stewart Stevenson: Why did Standard Life, which was a mutual company, have to cease being one?

Gavin Brown: As far as I am aware, Standard Life does not produce water. That change was debated a number of years ago, and I note in passing that Mr Salmond was furious about it at the time, although he recently rightly praised Standard Life for its success in the FTSE.

Under the Welsh model, Scottish Water would have access to private capital and we would save £182 million a year. I note in closing that Welsh Water customers have each received a rebate of £20 this year, which means that they have been handed back more than £100 million since 2000.

09:48

Helen Eadie (Dunfermline East) (Lab): At the outset, I refer members to my entry in the "Register of Interests of Members of the Scottish

Parliament" as a Co-operative and Labour Party sponsored member.

Derek Brownlee spoke of the beam above his head. As I sat having a coffee this morning, I heard the almighty noise of a compressor going off directly above where I was sitting. I thought of him when that happened, and we said so to the staff, who immediately started investigations. Who knows what earth-shattering things are happening today?

It is interesting that, when I left the chamber last night, members were speaking about Supporters Direct, the mutual approach to football for supporters across Scotland. This morning, we again focus our attention on a debate about mutualisation of the water industry.

Water companies are not casino chips. They have a public duty to maintain a service to customers. A public company is a precious idea—a company that earns a licence to trade through accepting public obligations as the quid pro quo for the right to make profits in the society of which it is part. There is an explicit bargain: the company keeps its public promise to deliver the goods or service that it is in business to provide, and we accept its right to make maximum profits. It is publicly held to account by shareholders and stakeholders alike for non-delivery.

Some people may say that we have allowed the public part of the equation to wither by accepting the business lobby's proposition that profit is the only aim of a company. That proposition is wrong, and doubly so for a public utility. The aim of a public company is to prosecute its business vocation, through which it then makes profits. Scottish Water should regard its duty as being to deliver abundant water.

Derek Brownlee: I understand Helen Eadie's point, but let us consider the Welsh Water model. Its primary objective is not to maximise profits because it has no shareholders to distribute them to. It is instead

"to provide high quality water and sewerage services at least cost to its customers".

Is not that a sensible model for Scottish Water to operate under?

Helen Eadie: If I have enough time, I will highlight the deficiencies of, and warnings about, the Welsh Water model. If, one day and for reasons that are unknown as we speak, Scottish Water as we know it had to come to an end, I would consider the Welsh Water model, but with some caution. We should have regard to the various reports and papers that have been published that provide analyses of the circumstances in which the Welsh Water mutualisation came about. One paper is especially

relevant—"Welsh Water: role model or special case?" which was published by Dennis Thomas from the school of management and business at the University of Wales Aberystwyth. The abstract of that paper states:

"This paper examines the issues involved in the conversion of the Welsh Water utility into a debt-funded, not-for-profit company, owned by members and limited by guarantee. The separation of asset ownership from outsourced service management and operations, combined with debt financing, provides a revolutionary package with implications for the restructuring of the privatized water sector in England and Wales. However, the Glas Cymru model currently remains untested and its particular features, together with the circumstances of the Welsh Water acquisition, prevent its presentation as a template for replication by other companies."

Derek Brownlee should also consider whether, given the global financial situation, this is the best time to undermine the confidence of Scottish Water.

Some say that the best structure for a water company is the mutual ownership that has been pioneered by Welsh Water—owned by its citizen consumers and with the best performance record in Europe. Some also say that Welsh Water has many problems that need to be highlighted, and the health warnings must be read carefully.

Because of how the Conservatives privatised water in England, we should not take lessons from them today. [*Interruption.*]

The Presiding Officer: Order.

Helen Eadie: Labour's mission has always been to fight for the public component of public companies or a plurality of ownership structures. The Conservatives' aim is to ensure that most of the water industry is run by companies for whom profit is the main aim. Some Tories accept that they have wider obligations; others are less scrupulous.

There is a difference in the forms of mutualisation that the Tories and the SNP would have us accept. Murdo Fraser's assertion—in a previous debate on the water industry and price increases—that a mutual company is free from political accountability is simply not true. A people's company remains externally accountable to the democratically elected Government and develops systems of internal accountability to all its members. The Tories' motion on that occasion proposed that Parliament

"further believes that, as public ownership has failed customers in Scotland, the Executive should investigate models of private ownership."

In moving the motion, Murdo Fraser said:

"I read with some interest the SNP amendment, which 'calls on the Scottish Executive to consider a not-for-profit trust'. What exactly is the difference between a not-for-profit trust and a company limited by guarantee that returns any

profits to its members? I am not sure that I see any difference at all. Indeed, I wonder whether the SNP is so ideologically opposed to the private sector that it cannot swallow the thought of using the words 'private company' and instead dreams up the phrase 'not-for-profit trust'."— [*Official Report*, 19 June 2003; c 883.]

The Presiding Officer: You should be closing now, Mrs Eadie.

Helen Eadie: That shows the dividing line between Labour members, who believe in democratically accountable co-operatives, and the SNP and the Tories, who want to run their mutuals as companies with appointed trust members. Trusts were not good for the health service so why should they be good for Scottish Water? That is the heart of the matter. There are many models of co-operative structure, and I would not accept the Tory version of mutualisation. As a public asset, water must be owned by every person in Scotland, free from the threat of privatisation.

The Presiding Officer: You really should wind up now.

Helen Eadie: The industry should be democratically accountable to both Government and its members.

09:54

Rob Gibson (Highlands and Islands) (SNP): It is absolutely essential that we keep under review the water services that we receive. That could be done by committees or the whole Parliament, but it should be done all the time. In the previous session, a lot of attention was paid to various aspects of how Scottish Water was working and whether its governance arrangements were in order.

We are not comparing like with like. The English water companies have operated for much longer. Scottish Water has been expected to do a big catch-up job in a short time. Our public sector model has achieved a lot, as the minister said.

Derek Brownlee: I understand that Scottish Water is a relatively new organisation and that it has perhaps not had time to develop in the way the English companies have. However, in 2005, Mr Gibson asked that Scottish Water be transformed into a not-for-profit trust in the public sector. It had had even less time then. [*Laughter.*]

Rob Gibson: There is no need for the Tories to laugh. There is a good reason why the former Environment and Rural Development Committee went to Wales to look at Glas Cymru—that is the bit that is mutualised, not Welsh Water. It was a disaster as a private company. At the time, it was suggested that mutualisation would be a good thing. However, when one digs deeper, one sees that the way in which Scottish Water and the privatised companies work means that

subcontractors such as United Utilities—which are not mutualised—are making the huge profits. Until we dig into that and ask whether the subcontractors are causing customer charges to be higher than they should be, we will not properly review how water services work, or should work.

I suggest to those who are calling for a review—the Tories and Labour—that we should solve some of the problems from the past. We should consider that the charging regime placed on customers perhaps £1 billion of extra costs between 2002 and 2010. I know that the Finance Committee considered that in some detail in the previous session. A review will have to deal with that in the context of the regulatory capital value accountancy system that forced it, which is a model for the privatised utilities, not public companies. Current customers in Scotland have had to pay 86p in every pound for developments that should last for 50 years. That ought to be central to any review. The model of delivery is perhaps secondary.

I am concerned that developments in places such as the Highlands, where I live, rely on there being enough workers to carry them out. Scottish Water is always saying that it needs 40 per cent of the engineering workforce each year. The competition from the London Olympics and other things makes that difficult.

At the Transport, Infrastructure and Climate Change Committee, I questioned the regulator about the way in which Scottish Water underuses its borrowing requirements. He asserted that that is because it cannot complete its capital programme on time because of other constraints. We should consider such constraints, rather than the model.

Liam McArthur: Earlier this week, the Finance Committee considered the spring budget revisions, which included an additional amount for Scottish Water, principally on the basis that its capital programme is progressing much more swiftly now than it did in the past.

The Presiding Officer: Mr Gibson, you should start to wind up now, please.

Rob Gibson: I will indeed.

There has been an exemption scheme for charities, which is one of the things that we can direct the regulator to look at. It is important that we consider charging not just in terms of giving customers bonuses; they deserve lower charges as a whole. All charities, whether existing or new charities, ought to be exempt from charges. We should ask the minister and those who are talking about a review to back such moves, rather than just consider whether the model should be mutualisation.

10:00

Charlie Gordon (Glasgow Cathcart) (Lab): Members might notice that I have moved to the left during the debate, but that is only because my lectern is broken.

The Tories have form on Scotland's water. As Des McNulty said, in the mid-1990s, while the Tory Government was busy undermining, Balkanising and gerrymandering Scottish local government, it sought also to quangoise Scotland's water services as a stepping stone to privatisation. As Des McNulty said, he and I also have form on water services. As the then Strathclyde Regional Council's spokesmen, we organised the historic and successful Strathclyde water referendum. Although it did not prevent quangoisation, it certainly scared the Tory party away from privatisation. Members should never forget that the Tories cannot be trusted with Scotland's water.

I know that all that happened before Derek Brownlee's voice broke and before he ran away from the circus to join a firm of chartered accountants, so why do we still not trust him today? Take budget day for example, which brought out the beast in Brownlee—if members can conceive of such a thing. On that day, he proclaimed the demise of Scottish Labour, rather than support our fight to protect jobs in the tourism industry, as Alex Johnstone did at the Transport, Infrastructure and Climate Change Committee. Politically speaking, I am well qualified to ruminate on near-death experiences, so I say to Mr Brownlee that we know what it is like to be savaged by a dead sheep; today is his day to be skewered by an alleged corpse. Reports of Scottish Labour's death are highly exaggerated.

The original Tory-created water boards had a poor investment record because they were intended only as a stepping stone. That was certainly the case in Strathclyde, compared with the record of investment under local government. Scottish Water has improved greatly over the years, for example in relation to investment to release development constraints. I think that I can claim accurately to be the first Scottish politician to have blown the whistle on the potential damage to regeneration that development constraints were doing. I did so under the auspices of the Convention of Scottish Local Authorities in my time as leader of Glasgow City Council. The impetus for that came when Scottish Water sent every local authority in the country, in their capacity as planning authorities, a list of red, green and amber sites. The red designation meant that development could not take place for the foreseeable future. We have sorted that out.

We need to consider options to improve the effectiveness of Scottish Water, but privatisation

should not be an option, not least because the people of Scotland would never stand for it. While we consider various other options, we must remain focused on the major challenges that Scottish Water still faces, such as leakages, sewage discharges, slippage in the capital programme and the disproportionate impact of even a modest increase in water charges on people on fixed incomes, such as pensioners.

Gavin Brown: Will the member give us one viable option for Scottish Water that the Labour Party thinks could be taken forward?

The Deputy Presiding Officer (Alasdair Morgan): You should begin to wind up now, Mr Gordon.

Charlie Gordon: I have some new ideas, but I do not intend to share them with Parliament today. Unlike the Tories, I do not go around saying, "Here's a solution. Now let's find a problem I can apply it to."

On the impact of increased water charges on pensioners, the Scottish Government sets great store by the popularity of a council tax freeze. However, when people open their bills shortly, the whit-about factor may emerge: the cry could be, "Whit about water charges?" In that scenario—or indeed any other—Labour will continue to fight for the early abolition of water charges for pensioners. We would even accept Tory support for that measure, but we will still never trust the Tories on water.

10:05

Bill Kidd (Glasgow) (SNP): I start by stating an obvious fact. Water is a precious resource, without which life cannot exist. Communities overseas without access to clean water supplies are the subject of regular Oxfam-style appeals on television, in which people in affluent countries are asked to donate to the development of water supplies that are free from germs and parasites. We are all aware that we get nothing for nothing. Water is a precious commodity—so much so that it should not be up for grabs. Speculators should not be allowed to get their hands on something without which none of us can live. Water is a human right, the control of which is too important to be left to market forces. Let us be under no illusions: the Welsh model of mutualisation that the Tories are proposing for Scottish Water—

David McLetchie: If water is a precious resource that must be in public control because it is essential to life, does that mean that the food industry has to be in public control as well?

Bill Kidd: I expected a wee bit of fatuous vacuity from the Tories.

David McLetchie: Answer the question.

Bill Kidd: I am willing to reply to it. Water is a resource without which even food cannot be produced. It must be retained within the public system or it will cease to be able to be used by anyone, including the businesses that the Tories are always looking after. The Tories should want water kept in the proper hands.

To use the Welsh model of mutualisation for Scottish Water would be no more than a de facto move to privatise water and sewerage systems in Scotland. Where is the mutual benefit within mutualisation? The only obvious source of funding for a mutual water company in Scotland is the private sector.

Derek Brownlee: I appreciate that Welsh Water is a private sector company. On the basis of what Bill Kidd is saying, is he against the Government's proposals for a Scottish futures trust, which would also be a private sector company?

Bill Kidd: I am in favour of the Government, as was stated by the minister—[*Laughter.*] Thank you. I am in favour of the Government allowing a review of all services in Scotland and considering whether better systems can be found. I am stating that there is no other, better system. [*Laughter.*]

The only obvious source of funding for a mutual water company in Scotland is the private sector. The water industry is capital intensive. Mutualisation capital funds would be sourced from financial institutions with high interest rates, which would insist that all the services that are provided by Scottish Water would be operated by private contractors with profit margins, high borrowing costs and correspondingly high charges to citizens and businesses. Further, who would control and effectively own the resources that the publicly owned Scottish Water maintains, such as Loch Katrine and the Mugdock, Craigmaddie and Bankell reservoirs?

Scottish Water, as a publicly owned body, recently funded a £120 million renovation of the Milngavie treatment works to improve the quality of drinking water for the greater Glasgow area. Would a mutualised company based on the Welsh model be willing to commit to such projects and to carry the costs, or would water charge payers face excessive prices in order to pay the borrowing costs for those works? Water and waste water are public health issues and are, by their nature, capital intensive. They must be funded by the cheapest means available in order that no one will be priced out of access to those vital resources. The Scottish Government has a duty to ensure best value in its provision of services to the people—it is their money, after all—but the Parliament's duty is to all the people. Scottish Water must be a properly regulated, publicly owned and publicly scrutinised operation that delivers a cost-effective service to the Scottish people.

The Tories' Welsh model of mutualisation is known in leading academic circles as being inherently unstable. It is dominated by large private companies with a veneer of public participation and would inevitably leave Scottish Water in private hands.

10:10

Robert Brown (Glasgow) (LD): This has been a brief but undoubtedly important debate. The differences between the various positions seem to have moved outwards and backwards again as the debate has progressed. I confess that the positions of Labour and the SNP are as clear as mud. There have been some interesting speeches: Helen Eadie spoke well about issues surrounding mutualisation, Charlie Gordon talked about the challenges that are faced by Scottish Water and Rob Gibson talked about the sub-contractors and the investment challenges. Those were all significant contributions to the debate.

I am disappointed that we are not clear about the Government's position on the issue. It is to review the issue, but it will not have a review. It is to report back to Parliament, but it is not clear what it is to report back to Parliament about or when it will do it. We need some clarity, particularly given the spinning that was being done by the SNP Government's machine last night. The Government was busy spending the money in the Scottish block that it thought it would save by moving towards a mutual approach. If the SNP is going to make yet another U-turn on policy, could it at least be bold about it and do it with some style? There is no doubt that John Swinney is keen to put the £182 million from the block towards the pressures on his budget, but the Government gives no impression of a coherent or thought-out approach on that or a number of other substantial policy issues.

It was touched on earlier that there is something about water that lies deep in the psyche of many nations. In Scotland, the general view is that we have too much of it, and that it should be regarded as a human right or a gift of nature—or a curse of nature, depending on the circumstances. In fact, water is to some degree a manufactured product. It is a public good, which, in the view of most people in Scotland, should be provided under the aegis and control of the state. Water costs the average household £310 a year. Despite the enormous burden of modernisation of the tremendous Victorian legacy, in 2006 Scottish Water ran the business for more than 40 per cent less than in 2002. Considerable credit for that achievement is due to the ministers in the previous Administration, who came under some brickbats on the issue.

The traditional public ownership model has limitations. In our view, the business could deliver a better service for less if it moved to a mutual model, with profits retained for future investment to the benefit of customer savings. I stress mutualisation, not privatisation.

Rob Gibson: Why did the member's Government resist the mutual model while it was in power, until the most recent election?

Robert Brown: That has been explained already. Everybody accepts that a change of model will take a little time to bring about. It was Councillor Christopher Mason, a Liberal Democrat, who suggested the Strathclyde Regional Council referendum that reaffirmed the public aspect of the issue. Liberal Democrats are totally opposed to the privatisation of water and would bar the possibility of any future demutualisation or privatisation in any legislation on the matter.

I shall touch on charity relief. As members know, and one or two have mentioned, the original exemption for smaller charities was extended to 2010 by Liberal Democrats in government. In my view, that was entirely justified, and the present Government should consider a further indefinite exemption. That should, there is no doubt, be examined. Perhaps the exemption should be reviewed and, if necessary, revised. There may be issues about whether the lost revenue should be recouped in some other way. However, what would be intolerable would be to impose further burdens on the most vulnerable part of the voluntary sector just as it will be threatened by service investment cuts following the pressures of the council tax freeze.

There was a sense in the pre-debate arguments that members were coming together on the issue. We should not disguise the fact that there is much basic agreement on the matter, such as the challenges to Scottish Water and the ways in which we have to move forward. Whatever the history may be, the Conservative motion provides a timescale and mechanism for moving forward and for building on Scottish Water's current successes. It closes down no options, although it should close down the option of privatisation.

Labour's amendment has all the signs of being cobbled together, perhaps to disguise the clear divisions in its ranks. To see those divisions, we need only examine past statements on Scottish Water from Lewis Macdonald on the one hand and Sam Galbraith on the other, or even some of the speeches today.

I urge support for a thorough review and would like some clarity from the minister as to what exactly the Government's position is.

10:15

Des McNulty: A number of members have accepted that Scottish Water has made considerable progress in recent years. It has achieved the rigorous European standards on water quality while costs have been reduced by up to 5 per cent annually through major efficiency savings. Households have benefited from lower-than-inflation increases in water charges. In the current quality and standards programme cycle, which runs from 2006 to 2010, £2.446 billion—a huge amount—will be invested and plans are already in hand for the next Q and S programme, which will run from 2010 to 2014.

In that context of success, and given the requirement for stability, it makes far more sense to focus attention on delivering greater efficiency and on meeting performance targets than to set in train a review that would be focused primarily on ideologically driven options for changing the industry's structure. That is the fundamental difference between our position and the Conservatives', who want a structural review because they disagree fundamentally and in principle with the way in which Scottish Water is organised at present. They want it to be privatised; their whole record is one of wanting privatisation. We fundamentally disagree with that, as I believe other parties in Parliament do.

Patrick Harvie: I certainly disagree with privatisation and mutualisation. I hope that I have misinterpreted the Labour amendment and I ask Des McNulty to explain the central problem that I have with it. The amendment

"supports the retention of Scottish Water under public ownership"

but goes on to describe

"alternative public sector models, including mutualisation".

In what way is mutual ownership a public sector model?

Des McNulty: The point that needs to be made—which was made quite well by Stewart Stevenson, the minister—is that Scottish Water has developed through an evolutionary process that has enjoyed consensus across the bulk of the Parliament and in which the emphasis has been on continued public ownership.

Public ownership of Scottish Water should continue, but the issue is not mutualisation; it is about hitting delivery targets while making clear the Government's responsibilities for ensuring good governance and delivery of services that equal or exceed those that are available from comparable providers elsewhere. That is what people want. They do not want a debate about the structure—they just want better services. That is the reality. The focus is not on reviewing the

structure. The emphasis is on the Government doing its job, which is to ensure that we get the best water and sewerage services possible. The Labour Party's view that that should be achieved through the public sector is clear.

David McLetchie: I will clarify the difference between public ownership and mutualisation. In his opening speech, Des McNulty spoke eloquently about the Rochdale pioneers in the co-operative movement. Will he clarify whether a co-operative society or organisation is a publicly owned body—that is, owned by the state—or a private organisation that is owned by its members and customers? Is a co-operative public or private?

Des McNulty: It is fair to say that there are significantly different public models, including community ownership, which is how the co-operative movement started out. Ultimately, the Conservatives are not credible when they talk about co-operation or mutualisation because they fundamentally disagree with both. At present, we are in favour of a public sector model—publicly owned and publicly driven. We believe that that works effectively but also that it is possible to improve it.

Let us consider the process of managing capital. On the one hand, we have Transport Scotland, an executive agency that manages the transport budget. On the other hand, we have an arm's-length body in the form of Scottish Water. There are advantages to both approaches and it is perfectly reasonable for the Government or Parliament to consider how the models can learn from the best aspects of each. That is a perfectly sensible discussion to have and one that the public would expect us to have.

We are not saying that advantages and new mechanisms should not be explored; we are saying that we support the retention of Scottish Water in public ownership. The amendment says that explicitly and it is the correct position. My party and the people of Scotland support it. I hope that we will continue with it.

10:20

Stewart Stevenson: The intervention that we have just had from the Conservatives was interesting. It seemed to focus on the minutiae of ownership of an organisation rather than—

Alex Johnstone: It is the key to whole thing.

Stewart Stevenson: That is the point: it is not the key to the problem. The key to the problem is to ask what needs to be delivered for what public benefit. Ownership is only a mechanism that can influence that outcome. It is a sideshow to the real issue, which is whether Scottish Water is

delivering for the Scottish people and whether there is more that it can do to do that.

In a sense, the ownership mechanism can be positive or negative, whatever its style. Northern Rock is an entirely different animal from the Royal Bank of Scotland: one is a failing organisation; the other is one of the world's leading banks. They followed a similar model of ownership, so there is a clear disconnect between ownership and achievement.

I am surprised that the party of pragmatism—which the Tories claim to be—should focus on ownership rather than outcomes and what is delivered. That is the heart of the debate, and I hope that we will address it.

Derek Brownlee: The Government's futures trust consultation document says that its starting point is pragmatic. We are agreed on that, but the futures trust would be a private company that would deliver public benefit. Why could that approach not be considered for Scottish Water?

Stewart Stevenson: The private sector is a critical part of our economy. If we can find ways of reducing the cost of borrowing for public projects, which is what we are trying to do with the futures trust mechanism, we should of course pursue it. I am sure that we will have the support of all who examine the numbers.

Speaking of numbers, there were almost none from the Conservatives to back up the proposition that they laid before us. One would expect the party of money to be able to provide figures, but it signally failed to do so. Des McNulty commented that mutualisation appeared to be expensive. Substantial costs would certainly be associated with the conversion to a mutual model for no clear, pragmatic benefit for Scottish Water's customers and the broader community of Scotland.

Liam McArthur referred to meters and to the charitable exemption. There is a consultation on charging, which will close next week, if I recall correctly. I hope that all members will add their tuppenceworth—or their £400 million-worth, in the Tories' case—to that consultation. The exemption is a little more limited than was suggested, in that it covers charities only while they remain in their existing premises. There are some clear discrepancies and issues that will need to be examined when we get the results of the consultation, and members can be sure that the Government will examine them.

I realise that Helen Eadie probably came to the chamber with her speech already written, but I make it absolutely clear to her that we are not supporting mutualisation.

Patrick Harvie: Will Stewart Stevenson give way?

Stewart Stevenson: I think that I am running out of time but I will let Patrick Harvie in if he is brief.

Patrick Harvie: I will be brief in asking why, if the Government rejects mutualisation and the Labour Party supports public ownership, we are wasting time on a review of an option that has already been rejected.

Stewart Stevenson: There is an important point there: it is the Government's role to review continuously the operation of everything in government. The Labour Party amendment supports precisely that idea because it

"calls on the Scottish Government to keep"

the matter "under review". Of course we should do that. We would be roundly criticised if we did not keep matters under review, not just in relation to Scottish Water but across the public sector. I repeat that it is normal, natural and necessary to do that, so of course we will do it, in line with the Labour Party amendment.

Mutualisation is really a financial chimera that is simply a surrogate for privatisation. It is not about delivering the services that the people in Scotland want or about supporting Scottish Water and building on its success of recent years. Scottish Water has a high-quality board with a load of experience. It has the people on board to succeed. It is clear that we should keep the structure, personnel and financing of all public services under review, but that does not mean that we should take a radical shift into the sands of mutualisation.

10:26

Alex Johnstone (North East Scotland) (Con): It was interesting to hear the minister talk about the need for permanent revolution and continuous review. It left me wondering just how many brothers Fidel Castro has.

Des McNulty rose—

Alex Johnstone: Oh yes.

Des McNulty: Alex Johnstone may not be particularly familiar with the lexicon of Trotskyism, but permanent revolution was the approach not of Fidel Castro but of Leon Trotsky.

Alex Johnstone: Excuse me for not knowing the history of socialism.

An interesting point about history is that, as we all know, history is written by the victors. We have been given a history lesson today by Des McNulty and other Labour members who, as victors, have been able to invent the reasons and justifications behind the referendum on the water industry that was held by Strathclyde Regional Council. They

have been able to do that because they were the victors, but I warn the Labour Party that it is not winning any more. It will no longer be able to write history.

Many of us who did not want the situation that we face today opposed the process that created Scottish Water, but credit must be given where it is due. Scottish Water's control of the Scottish water industry has served to bring together, and has begun to solve, some of the many problems that our water industry faced. The nature and scale of those problems dictated the direction that previous Governments took in managing Scotland's water industry. Mutualisation was perhaps considered at the start of that process, but it would have been very difficult when massive problems had to be solved and massive investment had to be directed. It is therefore only right that Derek Brownlee's motion proposes a review of the current position so that action can be taken in advance of the next spending review in 2011. That is a reasonable ask.

We need such a review because the different political parties present the Scottish water industry and Scottish Water in different ways in order to make different claims. However, one or two of the claims that have been made today must be questioned. On the efficiency of Scottish Water and on the extent to which water bills in Scotland are competitive, in comparison with those that are issued by companies elsewhere, some members fail to take into account the fact that the taxpayer pays to Scottish Water the equivalent of about £100 per household, which does not appear in those bills. Scotland's water bills are still significantly higher than those in other places, but that fact is hidden because the money comes out of the taxpayer's pocket rather than the water buyer's pocket.

Another myth is that Scottish Water has succeeded simply because it is a public company. Much of the work that has enabled Scottish Water successfully to overcome its infrastructure difficulties has been carried out by Scottish Water Solutions, which is a Scottish Water-run consortium that includes many private companies that work together to create a more efficient Scottish water industry. We already have the private sector working for the benefit of Scotland's water consumers.

Liam McArthur: Will the member take an intervention?

Alex Johnstone: I will not take not any interventions at the moment.

We must remember that Scottish Water exists to deliver for consumers. I resent the remarks of Helen Eadie and others who suggest that only the public sector can deliver public services—

Helen Eadie: Will the member give way?

Alex Johnstone: No, sorry.

The concept of a public service ethos has always existed within the private sector. That is a strong ethos in Scotland and across the United Kingdom. We should defend that and be proud of it. A body does not need to be a public company to provide public service.

Helen Eadie: Will the member give way?

Alex Johnstone: Sorry, I must make progress.

The key to today's debate is what we mean by public sector or private sector. Conservatives have consistently asked for consideration to be given to running Scottish Water on a mutual model. We have done so for almost four years. We use the Welsh model as an example of mutualisation. What do we mean by mutualisation on the Welsh model? The key is whether Welsh Water is in public or private ownership. In his response to David McLetchie's question, Des McNulty suggested that the co-operative model involves public ownership, whereas I would define that same model as involving private ownership. That must be taken into account in the review. We want a broad review that will consider every possibility. Our aim is for mutualisation on the Welsh model.

The Deputy Presiding Officer: The member must conclude.

Alex Johnstone: I say to the Liberal Democrats that they must consider that issue as well. The Liberal Democrat amendment would eliminate the Welsh model from the review's consideration. The Liberal Democrats should reconsider their amendment before tonight's vote.

I ask for a review in the terms that are set out in the motion in the name of Derek Brownlee.

Prisons

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-1385, in the name of Bill Aitken, on prisons policy.

10:33

Bill Aitken (Glasgow) (Con): Over the past two weeks, Kenny MacAskill has stomped around the country bemoaning the fact that prison numbers in Scotland are at an all-time high. He is right to be concerned—indeed, all of us share his worries—but we are even more concerned by what he sees as the solution to the problem. As the motion states, the primary responsibility of any Government is to establish a justice system in which the public has confidence and which ensures a secure and safe society. Mr MacAskill's proposals would prejudice that to an unprecedented extent.

Let us be quite clear about what Mr MacAskill wants. He wants to empty the jails of those who have been sentenced to six months or less. He would remove from the prison system many of those who have been convicted for offences such as carrying a knife, house-breaking, domestic violence, reckless driving and driving while disqualified. He seeks to replace custodial sentences with community sentences, in which sentencers currently have absolutely no confidence.

Why should sentencers have any confidence in such sentences when, of the 8,404 probation orders that were made last year, 45 per cent were the subject of a breach application to the court? Of the probation orders that included a requirement for unpaid work, the rate was even higher—it was 46 per cent. Of community service orders, around one third resulted in a breach application. My experience tells me that social work departments will bend over backwards to avoid making such applications.

The Cabinet Secretary for Justice (Kenny MacAskill): Does the member accept that, although those statistics are sad and rather shameful, they are significantly better than the statistics on the amount of reoffending by those who are sent to prison for two years or less, 75 per cent of whom reoffend?

Bill Aitken: I will come to that, if Mr MacAskill will bear with me.

We have to ask how much community service is actually done, but I suspect that we will not get the answer because it will be another statistic that is not held centrally. Fines are ineffectual because of

the derisory lack of fine enforcement, which results in many offenders simply not paying.

It seems that alternatives to custody fail under every aim of sentencing policy—to protect the public, to deter, to punish and to rehabilitate. The most worrying feature of Mr MacAskill's attitude is that no thought has been given to how so-called tough community sentences could be made to work. There has been not one iota of a suggestion or scintilla of an idea as to how the existing system, which—as Mr MacAskill admitted a moment ago—is failing so lamentably, can be made to work.

Mr MacAskill argues—he did so today—that prison is failing to some extent, and he might have a point. The recidivism rate is far too high. Of course, we can never know how much chaos, mayhem and heartache would be caused by those who are in prison if they were free to commit more crime. If Mr MacAskill has his way, we will soon find out.

We need to address the problems that exist in our prisons. There is a unanimous view that it is appalling that offenders, many of whom are in custody for drug-related crime, find it comparatively easy to access drugs in prison. If we are to rehabilitate offenders successfully, we must give them every chance by keeping them off drugs. It is an appalling indictment of the situation that there are units to which offenders can volunteer to go to ensure that they stay off drugs. There has to be a zero tolerance approach towards drug use in our institutions. If a thorough shake-up of the system is required, we should not hesitate to bring in the appropriate measures, such as closed visits and greatly increased security. We have duties to our prisoners and I suggest that ensuring that there is a drug-free environment is one of the more pressing ones.

Mr MacAskill says that the approach to rehabilitation is inadequate. Again, he has a point, and overcrowding might well contribute to that, but whose fault is overcrowding? In our manifesto, the Conservatives budgeted for the provision of a new prison facility. The Scottish National Party could have done so—Mr MacAskill could have done so in his departmental budget.

I will attempt to be helpful, as I frequently am. I refer Mr MacAskill to a statement that was made by no less than John Swinney in *The Mail on Sunday* last week. In responding to a similarly constructive question from Derek Brownlee on the Carter review of prison spending down south, Mr Swinney said that he has now written to the Chief Secretary to the Treasury asking for Scotland's share of the £1.2 billion of additional spend following that review. Given that Scotland's share would be about £120 million, the Government has

an ideal opportunity to increase prison capacity, and it would have some change left over.

If that is not enough, perhaps it is not too late in the day for the SNP to shake off its blinkered, dogmatic prejudice towards private sector involvement in new prison provision. I accept that like-for-like comparisons can be odious from time to time, but surely it cannot be denied that the cost of running a prison in the private sector is immeasurably cheaper than the cost of the system to which the SNP seems inextricably committed.

Is it not the ultimate irony that, at a time when we have unanimously agreed increased police resources, which will inevitably result in increased police activity and, in turn, more prosecutions, the Government seems almost determined to frustrate our efforts to make Scotland a safer society? Let us be clear that the moves will have serious and damaging consequences. The Government's course is clear.

The recommendations of the Scottish Prisons Commission, which was set up by Kenny MacAskill and is headed by Henry McLeish, have been pencilled in in biro. In an astonishing statement last week, Mr McLeish said that he does not believe in prison sentences. To be frank, that prejudices the commission's report. What sort of message is that to send out?

In going down its chosen route, the SNP must appreciate the dangers of alienating much of the electorate. The Government must support the vast majority of the people and the courts to avoid crime levels soaring beyond the present, unacceptable figures.

I move,

That the Parliament acknowledges the importance of a criminal justice system in which the public has confidence and which upholds the fundamental right of the public to a secure and safe society; notes with concern the current pressure on prison capacity; believes that the courts must be supported in sentencing disposals and, where that includes custody, believes that it is the obligation of the government to ensure that adequate custodial provision exists; views with concern deficiencies in the prison regime to address drug addiction, and deplores the Scottish Government's hostility to deploying the private sector in new prison provision.

10:40

The Cabinet Secretary for Justice (Kenny MacAskill): I say at the outset that we will support the amendment in the name of Margaret Smith. I also say to members on the Labour benches that, although the vagaries of the system mean that we cannot support the Labour amendment, we have a great deal of sympathy with what is espoused in it. If Ms McNeill and Mr Martin wish to meet me later, I will be more than happy to discuss how we can tackle matters where it appears to us that there is

a national problem that we need to address to ensure that our communities are safer. The desire to do that should unite us, and I am more than happy to work with them on that.

The Scottish Government is committed to a publicly owned and operated prison service. We live in Caledonia, not Utopia, and there are bad people whom we need to detain to protect our communities. However, public safety, and not private profit, must always be our priority.

Paul Martin (Glasgow Springburn) (Lab): In respect of the procurement process for the new Low Moss prison, the Cabinet Secretary for Justice said last year that there would be some delay but that it would be a delay of months rather than years. Can he confirm that that is still the position?

Kenny MacAskill: Yes, it is.

Mr Aitken went on about the requirement for prisons. The Government has announced record investment in the creation of a modern, fit-for-purpose prison estate. We have committed to Addiewell, we are proceeding with Bishopbriggs, but within the Scottish Prison Service, and we are preparing for a new prison in the north-east. We have committed to three new prisons and a financial package of £120 million of capital funding a year for the Scottish Prison Service to continue the modernisation of its facilities and finally eradicate the scandal of slopping out.

All those things reflect our commitment to deliver a modern, effective public prison service that makes a real difference in reducing reoffending and adds to the rehabilitation of offenders.

I take the opportunity to announce that we plan to scrap the law that allows children to be locked up in Scottish jails with adults. There are seriously disturbed children in our communities who need to be detained, often not just for the safety of our communities but for their own safety, but they should be detained in secure residential units with other children. They should not be placed in the adult estate, where they face entering academies of crime and where their safety is jeopardised.

We debated prison policy as recently as last September.

Bill Aitken: We are all uncomfortable with the fact that children can be kept in prisons or young offenders institutions. There is a unanimous view that that should happen only in cases at the extreme edge. However, can Mr MacAskill guarantee that the new arrangements will guarantee public safety and that violent young people will be kept in an environment that is safe both for them and for the rest of the community?

Kenny MacAskill: I can give the member that assurance. I listened to the Commissioner for

Children and Young People this morning. I do not know whether Mr Aitken has been to residential secure units, but I have been to several, both as the Cabinet Secretary for Justice and in the past, as a defence agent. Those places are not prisons, because they deal with children, but they are secure, and troubled youngsters are detained there under lock and key.

We set up the Prisons Commission under Henry McLeish to consider the purpose of imprisonment. I believe that we should look forward to its findings and not anticipate them. Mr Aitken seems to believe that some of the script has already been written. There is a national problem, and that is why we are prepared to work with all. We await with interest what is decided.

In the meantime, we cannot ignore the present situation, which includes continuing increases in the number of people who are imprisoned. At a time when the level of offending is decreasing, it is perverse that the number of people in prison continues to rise. For the first time in our history, the number of people detained in custody in Scotland has passed the 8,000 mark. The Scots are not inherently bad or more prone to criminality than the citizens of other countries, yet we continue to lock up twice as many offenders as Ireland and Norway.

Looking behind the numbers, we must all be concerned that a third of the offenders who go into prison have alcohol problems, more than half have drugs problems, and many have mental health problems. Recently, I visited Cornton Vale—an invitation was given to Mr Aitken, but he was otherwise detained. We were given a lecture and some information on the nature of those in the Cornton Vale estate. Some 98 per cent have an addiction problem, 80 per cent have mental health problems, 78 per cent have been the victims of abuse and 50 per cent self-harm.

Those people need to be detained, but in many instances they also need treatment and compassion. Reoffending rates show vividly that prison does nothing for those offenders. Yes, the great numbers of offenders who get short sentences have broken the law, but the sentences do not end offending; rather, they continue the cycle of crime. The figure of 14,000 receptions for sentences of less than six months does not mean that there are 14,000 individuals—it is made up of a hard core.

We cannot go on as we are. Prison is not cost free—it is substantially expensive. There comes a time when we need to invest in the good citizen and not just throw good money after bad on the bad citizen. We need to break the cycle of offending by tackling the root causes, whether they are mental health issues or drug or alcohol addiction. Building more prisons is simply not the

answer. They are costly to build and expensive to run, with a cost of £40,000 per annum per prisoner. We must have prisons, but we must ensure that we use them to best effect. Those who commit less serious offences should face tough sentences to pay back their community for the harm that they have caused. Equally, those who offend because of mental health problems or drug or alcohol addiction should be treated in the community with the compassion that they deserve. That is cheaper for us and better for them.

We have a problem with the prison estate. We must ensure that it is used for those who need to be detained to protect our communities. However, we need to break the cycle of reoffending. We must punish toughly in the community and treat with compassion those who have addictions.

I move amendment S3M-1385.2, to leave out from first “with concern” to end and insert:

“that, while the offending rate has been falling, the number of people in prison currently stands at record levels and that Scotland has one of the highest imprisonment rates in the world; welcomes the McLeish Commission into Penal Policy and recognises that, in the case of serious and dangerous individuals, custody is the only appropriate punishment, and notes that the Scottish Government is committed to three new prisons and has increased investment in the prisons estate to an average of £120 million a year.”

10:46

Pauline McNeill (Glasgow Kelvin) (Lab): Prison numbers have crashed through the 8,000 barrier and overcrowding is affecting prisoner regimes. Rehabilitation work, schedules and prison officers are under severe pressure. That would concentrate the mind of any Government, not just the present one. The situation has become a driving force of penal reform, as a necessity, and has been the subject of two debates in this session of Parliament. I welcome this morning's debate on the finer points of penal reform.

Every prisoner who is in prison is there because the court believed that that was the best option available to it. I do not support the notion that there are people in prison who should not be there; rather, I believe that there are people who might have been given an alternative sentence if the court had thought that that was the best option. The growth in alternative sentences in the past few years has been stark. We now have restriction of liberty orders and drug treatment and testing orders. I have argued in each of the three sessions of Parliament that the power to impose DTTOs should be extended to the summary courts, particularly for women who are involved in prostitution in Glasgow, because that is primarily a drugs problem. Labour believes in payback schemes and reparation orders. We call on the Government to rethink its stance on those orders.

In previous Administrations, Labour and the Liberal Democrats introduced the concept of restorative justice and provided a range of options as alternatives to prison. It is unclear why the SNP Administration has taken reparation orders off the agenda, as they could be another tool in the sentencing options kit.

What should we do if we cannot cope with prison numbers? The Tories would build more prisons and the SNP would empty them—those are certainly the accusations that we have heard this morning. However, neither option will do, so what is the answer? One key issue that must be addressed, perhaps by the Scottish Prisons Commission, is the repackaging of community sentencing and refocusing on how best to resource it. We must consider how to ensure that sheriffs have confidence in alternatives to prison. We think that it would be useful for the Scottish Prisons Commission to conduct a cross-party summit that involved sheriffs and others to consider the issues around community service orders.

When a judge sentences someone to jail, they do so because they believe that it is the last resort. They know that the door of the court shutting will be followed by the door of the jail shutting, with an enclosed environment and a brutal regime that will have an impact on the individual and, in many cases, the community. However, when a sheriff gives someone a community sentence, there can be huge delays. With many community sentences, when the door of the court slams behind the offender, they walk free and carry on with their life until a community sentence is available, so the sentence does not have the instant impact that it should have.

I welcome the general direction of the announcement on not imprisoning children. However, like Bill Aitken, I think that questions arise about what the Government believes should be done with violent young offenders in secure units. What will be the safety valve if we ban putting such people in prison?

Hugh Henry (Paisley South) (Lab): Does the member agree that, if we ensure that children do not go into prisons, the funding for secure units must be guaranteed and that there should be no threat to secure units?

Pauline McNeill: I agree whole-heartedly. When Hugh Henry was the Deputy Minister for Justice, he rightly ensured an increase in secure unit places.

After the prison estates review and the commitment from the previous Administration to provide at least two new prisons—which the Government claims as its own—I was concerned that the SPS attempted to sabotage what should

have been a public sector bid for the Low Moss project. I welcome the Government's decision on that, but it must give more detail on how the project is progressing. We will have a serious problem if the new Low Moss prison is not on stream by 2012. I was not impressed with the previous SPS chief executive, who seemed to be rather complacent about that date. We must reduce overcrowding, so we need an urgent answer on that. We must hear from the Cabinet Secretary for Justice today how that prison is progressing.

I move amendment S3M-1385.1, to leave out from "acknowledges" to end and insert:

"notes the crucial role of the prison system in the criminal justice system and its role in dealing with a range of offenders; believes that only robust community sentences will provide a real alternative to custody for the Scottish courts and that this requires real investment in community sentences and community disposals; believes that short-term sentences are appropriate for certain types of offenders; further believes that urgent measures should be taken to provide real and appropriate alternatives to prison models for women offenders to reduce the female prison population; calls on the Scottish Government to report to the Parliament on the progress of the planned new prisons which could alleviate overcrowding in the prison estate, and further believes that sentencing policy should be clear, transparent and understood by the general public and should be driven by an underlying policy to protect the public from harm."

10:51

Margaret Smith (Edinburgh West) (LD): I welcome the cabinet secretary's comments about no longer placing children in adult prisons, but I echo the sentiments and concerns of colleagues who have raised issues about that. I hope that the cabinet secretary, either in his speech or in writing, will give us more information to confirm that public safety will be paramount. We all agree that the protection of our citizens and our communities must be at the heart of our penal system. However, no one could be content with the present situation, with record numbers in our prisons and a penal system that is obviously failing everybody. We might not agree on exactly how to go about improving the situation, but at least there is overlap between the parties, and certainly in the amendments, which is welcome.

The Conservatives still believe that, as long as we build more prisons, everything will be all right. Of course, those new prisons would be full of even more prisoners if we imposed the Conservatives' three-strikes-and-you're-out policy. Again, we have a bit of muddled thinking from the Conservatives. Edward Garnier, the Conservative shadow minister for home affairs, thinks that prison is hugely expensive and does not work, but Annabel Goldie insists that prison works. Bill Aitken says that the truth is somewhere in the

middle. On that, as on many things, I support Bill Aitken. Some serious offenders must be locked up—that is only right—but the decisions about who those people are and for how long they are imprisoned are rightly for the judiciary. We all agree that the independence of the judiciary should not be compromised.

Liberal Democrats are determined to work with the Government and others in the Parliament and elsewhere to deliver an effective prison service and sentencing system. I look forward to meeting Henry McLeish in the next few days to discuss our thoughts on this important issue. We welcome the establishment of his commission and await its conclusions. We hope that it will consider the proposals, from us and the Government, on short-term sentences. No doubt Mr McLeish and his colleagues are now confronted with many of the familiar statistics, such as that three out of five prisoners leave prison only to reoffend or that the majority of prisoners suffer from a cocktail of deprivation and disadvantage that results from poverty, addiction, mental health conditions or an inability to read or write. The problems with which the men and women of the SPS are expected to cope go far wider than ever before and are more than simple criminal justice issues.

The convener and members of the Justice Committee recently visited Cornton Vale prison. Those of us who visit prisons surely ask ourselves how many of the people there should be there and how many could be dealt with more effectively elsewhere, not only for their benefit, but for the benefit of our communities. We are not interested in easy headlines; we want a system that works and which reduces reoffending. The Liberal Democrats believe that that is the best possible way in which to protect our communities.

Many prisoners would be better dealt with by tough community sentences. Is not it better to have a system in which offenders give something back to communities, make reparation and have their behaviour and its underlying causes challenged and, I hope, tackled, rather than pay £40,000 a year to keep them in a prison cell? I hope that the McLeish commission will examine the need for sentencers and the public to have confidence in community alternatives to custody. That means that we must find ways in which to deal with breaches more effectively than we do at present.

We must ensure that community sentences are undertaken quickly. At least dispatching offenders to jail at the end of a trial has the benefit that justice is seen to be swift. Therefore, we are interested in any proposals to quicken the process of community disposals. Community sentences are not a cheap option; we need to ensure that they are properly resourced, and that the option

has at its heart the safety of our communities and our countrymen.

Short-term sentences do not work. The vast majority of people who are sent to prison with a short-term sentence come out of prison and reoffend. The comparative figures for community sentences are seductive, but they must be carefully considered. A person who receives a short prison sentence may lose their job, family and home, which means that they are more likely to reoffend on release. Andrew McLellan, Clive Fairweather and other experts tell us that, due to overcrowding in prisons and other factors, a person in prison does not have access to the skills and programmes to which they should have access to tackle their underlying behaviour or addictions. That must be changed. However, staff in facilities such as the link centre in Edinburgh prison and throughout the SPS do good work.

Scotland's prison population is reaching record levels, and we must all be concerned about that. We welcome the chance to take part in this debate and to propose options to Parliament.

I move amendment S3M-1385.2.1, to insert at end:

"recognises the need to reduce the number of low-level receptions into custody for short-term sentences by focusing on tough community sentences that pay back into the community for the harm caused; further notes the need to improve treatment for those with mental health problems and drug and alcohol addictions, thus addressing the underlying causes of offending, and calls on the Scottish Government to build on schemes which provide offenders with education and skills training for work, not crime."

10:56

Willie Coffey (Kilmarnock and Loudoun) (SNP): Members have mentioned that the prison population in Scotland, at more than 8,000, is the highest that has ever been recorded here. In percentage terms, our prison population is among the highest in Europe. Is that the hallmark of a safer society or an indication of failure in our system? Prison population rates in the United States of America and Russia are around five times higher than those in Scotland, but the rates in countries such as Norway and Japan are around half of those in Scotland. Which of those societies are safer to live in?

Two thirds of all those who go to prison in Scotland reoffend within two years, and our female prison population has almost doubled in the past 10 years. That suggests that we are getting something badly wrong. The available data suggest that we are dumping people in prison who could be dealt with by other means. Last year, for example, we sent 6,000 people to prison for defaulting on fines. Most of those people were in prison for less than a fortnight. There must also be

concern about the large number of women who end up in prison, particularly from the south-west of Scotland. Recent figures that have been made available to me suggest that 14 per cent of the entire female prison population come from that area. In her recent report, Scotland's Commissioner for Children and Young People, Kathleen Marshall, suggested that women may not be able to get access to community sentencing because of the lack of child care. Tackling that problem is not being soft on crime or criminals. We must deal appropriately with women with child care responsibilities who come into contact with the criminal justice system.

As we have heard, a person who goes to prison is more likely to return to prison than not to do so. Evidence from the south west Scotland community justice authority shows that reoffending rates for those who have been imprisoned run at 75 per cent, but those for people who have received community penalties are around 39 per cent. I think that that was mentioned.

Pauline McNeill: The reoffending rates for people who have been in prison and for those who have received community sentences are often quoted, but does the member really think that we can compare reoffending rates for people who have been appropriately sentenced in the community with those for people who have received prison sentences? Is that a fair like-for-like comparison?

Willie Coffey: Such a comparison certainly gives us cause for concern. We must consider and analyse the figures rather than ignore or run away from them. Mr McLeish will probably consider that aspect of the matter in his review.

Some people have claimed that it is virtually impossible to get into jail in Scotland, but it appears that a high number of people who are not otherwise deemed to be dangerous end up in Scotland's jails. The existence of overcrowded prisons means that we may not be able to focus on serious offenders. The commission that is being chaired by Henry McLeish is considering the use of custody. It will be interesting to find out the commission's recommendations in the spring.

The community justice authorities are considering how we could increase community disposals to reduce the high number of short-term sentences. To deliver that, we must re-examine the use and quality of social inquiry reports, which may better inform and assist our sheriffs in considering sentences. Such measures represent a mature and practical approach to the problems that we face with our rising prison population.

On whether prisons should be publicly or privately run, the Government has made it clear that responsibility for the future development of the

prison estate lies with the public sector, as responsibility lies with that sector when people are deprived of their liberty. That said, I am sure that prison officers in both public and private prisons deliver a high-quality professional service within the constraints of the resources at their disposal. Their dedication and commitment are first class and must be recognised.

Surely the challenge for us in Scotland is to tackle reoffending and the ensuing high prisoner numbers. We must recognise and act on the emerging trends if we are to have any realistic prospect of tackling the problems.

I am pleased to support the Government's amendment.

11:00

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Most people believe that there are people in Scottish prisons who should not be in them, but they also know that prisons house serious criminals and dangerous people who have rightly been put behind bars so that our communities and law-abiding people will be protected.

There is serious pressure on prison capacity in Scotland. I have spoken previously in the chamber about the significant number of people who are serving prison sentences for misdemeanours such as fine defaulting—Margaret Smith, Pauline McNeill and other members mentioned them, too. I do not think that those people should be in prison. They should make reparations to the taxpayer in their communities. They should not cost us money as a result of being locked up inappropriately. Seeking more effective non-custodial punishments for such misdemeanours should be a priority for the Cabinet Secretary for Justice, albeit that proper custodial provision for serious offenders should always be available. Keeping the public safe is the Government's first duty and a main function of prisons. The Scottish people have the right to expect that everything possible will be done to minimise the risk from serious violent or dangerous offenders and to expect the Government to give sufficient priority to that, but members of the public think that the system is frequently not working and they are losing confidence.

There is a role for the open prison system in rehabilitating offenders, although there are problems with it. The system is breaking down in assessing people who find themselves in it and in assessing when a prisoner is fit and trustworthy enough to make unescorted visits from prison. Robert Foye's absconding from Castle Huntly open prison and his subsequent rape of one of my constituents in August last year is a case in point. My constituents in Cumbernauld and Kilsyth think

that the system is not working, and they are losing confidence fast. How can they believe that the Cabinet Secretary for Justice and the Government are giving sufficient priority to minimising the risks from serious or violent offenders when such a crime has been perpetrated on their doorstep by someone who had been sentenced for a serious act of violence against an officer of the law? What message does that send to people? What respect do we have for our justice system and our law officers when that person can be allowed out of prison with seeming consent? There can be no excuse for a system that does not result in the proper custodial provision that its prisoners require and which the public expect. The safety of the public must be paramount.

The frequent movement of prisoners, the difficulty in achieving continuity in respect of those who manage offenders and the varying availability of facilities and capacity to address educational, health and other needs of prisoners are obstacles to the punishment and rehabilitation of prisoners. There is a pressing need to take a long, hard look at the prison estate and to ask whether it meets the needs of the modern justice system, prisoners and the community, as well as rehabilitation needs and the need for links between communities and prisoners.

The Government must ensure that there are secure prison environments for the most dangerous long-term prisoners and that its prison estate has adequate provision. In short, a balance must be struck. We must provide for those who require to be imprisoned and ensure the safety and security that the public deserve.

11:04

David McLetchie (Edinburgh Pentlands) (Con): I struggle to think of any other area of the public sector in which 95 per cent of resources are devoted to men and 5 per cent are devoted to women, and in respect of which the publication of such statistics would not provoke scandalised cries of outrage about discrimination, demands for investigations and inquiries by the Equality and Human Rights Commission and other bodies of that ilk, and a feminist uprising throughout Scotland.

However, the fact that 95 per cent of the prison population is male and only 5 per cent is female is cause for complaint not about inequalities, but that the proportion of female prisoners is too high. One would expect the make-up of the prison population to reflect the proportions in which men and women commit crimes that merit imprisonment, but that is not the case. The most recent figures show that, overall, 16 per cent—not 5 per cent—of convicted criminals are female. Women commit 12 per cent of crimes of violence, more than 8 per cent of

homicides and serious assaults, and 21 per cent of crimes of dishonesty. If women make up only 5 per cent of the prison population, it would appear that our judges, in passing sentences in individual cases, are already less willing to jail convicted women. Notwithstanding that, the present Government's policy, and that of its predecessor, is to deplore the fact that as much as 5 per cent of the prison population is female, to lament the increase in the number of women in prison, and to seek a reduction in that figure as an act of policy. What nonsense.

Pauline McNeill: Will the member take an intervention?

David McLetchie: By all means; let us hear more nonsense.

Pauline McNeill: I am quite alarmed at David McLetchie's view. Many sheriffs say that they are concerned about the women that come before them and they think that prison is the wrong place for them. Perhaps the member should take a different perspective.

David McLetchie: I take a different perspective, and I will tell the member why.

We can all visualise the statue of justice: it is a woman bearing a sword in her right hand and scales in the other. In many depictions, she is blindfold, not because justice should be blind to the truth—far from it—but to illustrate the principle that the law must be administered without fear or favour, and without reference to the rank, wealth, race, colour, religion, sexual orientation, and, yes, gender of the accused. That is a fundamental principle of our justice system, which we discard at our peril.

Nigel Don (North East Scotland) (SNP): Will the member give way?

David McLetchie: No.

If a person is found guilty of a crime that would merit a sentence of imprisonment for a man, it should merit a sentence of imprisonment for a woman. It is as simple as that.

I keep hearing how many women prisoners are victims of abuse and exploitation, drug addicts and the like, and that that is in some way an explanation for their conduct and a justification for non-imprisonment. However, our jails are full of men who could point to equally depressing personal histories, so I find that rationalisation to be deeply unconvincing.

Our justice system works on the basis of free will, of people knowing the difference between right and wrong, and of them being culpable and punishable for actions that they have undertaken freely or recklessly. That should be the case irrespective of the gender of the guilty person. The

idea that some female criminals should escape imprisonment as one of the range of punishments that is available to our courts is nonsense and a betrayal of one of the fundamental principles of our justice system. It is to the shame of the Cabinet Secretary for Justice, the present Administration and its predecessor, that they pander to such nonsense. We on this side of the chamber will have none of it.

11:08

Robert Brown (Glasgow) (LD): I have seldom seen David McLetchie so passionate, but he is being passionate about a cul-de-sac up which we ought not to go. There are more significant issues to be dealt with than the line that Mr McLetchie encourages us to take. Therefore, I move from women to children and welcome the cabinet secretary's announcements on the ending of detention for children. We are dealing with numbers in the 20s, and it is eminently possible to deal with the issue within the confines of the current estate.

There is a fairly stark difference between the Conservative motion and the major alternative that is being offered by the Government and Liberal Democrat amendment. My goodness—we know where we are with the Tories; they believe in prisons. Despite all evidence to the contrary, they believe that prisons deter and reform people. They want more of them and, despite the fact that Scotland already has more people in prison than any other country, the Tories want more people, including more women, to be put in prison.

However, it is an imperfect world. In their haste to roll over for a few crumbs from the SNP Government's table, the Tories agreed to a reduction in prison funding to pay for more policemen. There is some doubt about where that leaves the Tories now; perhaps they will enlighten us during the debate.

No one in the chamber seriously suggests that dangerous prisoners who have been convicted of serious crimes should not be locked up for the protection of the public. The issue is about those at the lower end of the scale, where some consideration of why they have offended and what can be done about them is in the public interest. We know that a high percentage of those who come before the children's panel at the age of five as a result of parental abuse and neglect end up coming before the court at the age of 17 or 18 for criminal or antisocial behaviour. We know that 70 per cent of prisoners have some form of mental health problem, 50 per cent have a drugs problem, one third have an alcohol problem on admission, and substantial numbers have learning and literacy difficulties. We also know that the average cost of a prison place is around £40,000 per year

per prisoner. We must at least ask whether the public get good value for that money.

From those statistics, it is possible to identify a general picture of the high cost to the public of short-term prison sentences that do not and, because of their shortness, could not succeed in rehabilitating the prisoner. They certainly give limited protection to the public for the period of detention, but that is relatively short, and the prisoners have to come out at some relatively near point in the future, possibly with tensions that have not been dealt with.

Bill Aitken: Which of the following short-term prisoners should not receive a custodial sentence: the knife carrier; the wife beater; the person who drives whilst drunk and disqualified; or the shoplifter who has done it 50 times?

Robert Brown: I will not get into that sort of debate, because that is not the issue. At the end of the day, prisoners who are serving short-term sentences have to come out in a short period of time. We need to consider the contributory factors to criminality in our fractured society and decide what we want to do to reduce crime and get better benefit from the public's money.

The Prison Reform Trust recently produced a report, based on interviews with Scottish prison staff, which estimated that up to 2,250 prisoners out of 7,000-odd have a technical learning difficulty or require some additional support with learning. Scandalously, the report also said that few procedures were in place to identify and deal with such issues in prison, and that little information arrives with the prisoner, despite the need for a social inquiry report before prison sentences are handed out.

I lodged a motion in the Parliament on that issue, which was signed by no fewer than 34 members from all parties, including Mary Scanlon. I hope that the minister will say whether he is in a position to take the issue forward. The protection of the public will be dealt with by changing the behaviour of the person who has come before the courts, and by dealing with some of the reasons why people are aggressive and take to alcohol.

I have been sparing in my praise of this Government's actions in the past, but establishing the McLeish commission is worth while. Its report will give the measured support to progressive and effective penal policies that, regrettably, the Conservative motion does not give.

11:13

Nigel Don (North East Scotland) (SNP): Once again, I find myself coming relatively low down the batting order in a very interesting debate and wondering what is left to say. I will start with some

basic principles that have not yet been articulated but which underpin much of what has been said.

When I studied the subject, I found three reasons why we punish offenders. The first was stated to be retribution. It gives us a sense of justice, or an eye for an eye and a tooth for a tooth. If someone thinks something is good for me, I want them to find out what it feels like. That leads to the second reason, which is deterrence. At this point, I dive into the prison debate and ask whether there is any evidence that the possibility of going to prison deters people from doing criminal things. For the people who are in the chamber at the moment, it might, but I respectfully suggest that, for the people who end up in prison, it is not an issue. Prison as a deterrent is not worth any further discussion.

The third reason for punishment, and for imprisonment in particular, is that it should protect the public. We have said quite a lot about that point. Surely the most convincing reason for locking anyone up is that there is no safe place other than prison for the offender to be, given their history of interaction with the public. If we could hold on to that idea, we could halve our prison population.

It is the other half that we should consider—what happens when somebody goes into prison when they do not need to? It costs us a great deal of money. I suspect that the sum is dropping slightly; the walls are not getting any more expensive and more people are going in, so I guess that the figure of £40,000 is coming down, for all the wrong reasons.

When someone goes into prison, it must harm their children and their dependants. Prisoners are very likely to lose their accommodation, their job and contact with family. We know all that, so I will not rehearse it. They also suffer deterioration in mental and physical health and they are likely to be introduced to drugs, if they have not met them before, and the criminal culture, if they were not already part of it.

Who is in prison? We have many more folk in prison than certain European countries, and we must ask ourselves why. I am sure that Henry McLeish and his colleagues are doing so.

I will pick up on various points made by members. I must agree with Pauline McNeill that people are in prison because judges and sheriffs think that they should be there. We in Parliament should not challenge what justices, judges and sheriffs are doing. If they feel that people should go to prison, that is because they do not see a credible alternative. I am with all those who say that we must work to ensure that there are credible alternatives. Until those who give the

sentences believe in the credibility of the alternatives, nothing will change.

Having said that, I also agree that people should not be imprisoned for defaulting on a fine. That costs us a huge amount of money. There is no value in sending someone to prison for fine default.

Paul Martin: Can Nigel Don say how many fine defaulters are in prison?

Nigel Don: No, I cannot. I would rather stick to principles than facts. I accept that the number is not huge, but the point is that if someone is not going to pay their fine, they should not have been given it in the first place. The basic principle is that we need to have alternative disposals, so that sheriffs and judges can hand down disposals that are credible, effective and enforceable and which will keep people for whom prison is wrong out of prison.

11:17

Lewis Macdonald (Aberdeen Central) (Lab): My constituents in the Seaton area of Aberdeen know why prisons matter. They know who commits most of the housebreaking and petty thefts in their neighbourhood. They know when he is up in court and how long he will serve when the sentence is handed down. They know when he is coming out of prison and they check that their doors are locked and that the kids have not left anything valuable lying outside.

Prisons matter to those constituents of mine because prisons give them respite, not from the crimes of a serious criminal but from the crimes of a persistent repeat offender. Seaton is no different in that respect from communities throughout the land. Prisons matter because the public require protection from those who break the law and because the victims of crime rightly demand that the perpetrators should be punished.

Crimes are committed daily in Aberdeen, as they are in every city. Courts deal with offenders week in, week out, and some of them are sent to jail. Aberdeen prison has often been the most overcrowded in the land, not because more crimes that justify imprisonment are committed in Aberdeen but because the prison is an old, cramped, Victorian building that is not fit for purpose in the 21st century.

The decision to replace Craiginches with a modern purpose-built prison ought to be welcome, but its intended replacement is not in Aberdeen. Instead, SNP ministers announced in the summer that a new prison is to be built in Peterhead to serve both as a serious sex offenders prison for the whole of Scotland and as the local prison for the north-east, including Aberdeen.

Elected representatives of all parties on Aberdeen prison visiting committee believe that Aberdeen should continue to have a community prison. They have not argued that the existing prison should be retained, but they have asked ministers to consider providing at least a remand unit in the city, so that prisoners who have not yet been convicted are not held in a prison that houses serious sex offenders and is 40 miles away by road from Aberdeen sheriff court. I am sorry to say that they received neither a direct answer from ministers nor any response to their request for a meeting with ministers.

Remand prisoners need to appear in court for their cases to be considered and they often need to appear more than once. It is surely fundamental to prudent prison estate management that ministers should seek to place prisoners who are on remand as near as possible to the court in which they will appear, to avoid the cost of transporting them many times further than is now the case.

Aberdeen prison visiting committee has not asked ministers for a commitment to a new prison in Aberdeen, although there is a case for putting a prison where prisoners' family members can have access to it, in the interests of the rehabilitation of the prisoners. The members of the committee have not even asked ministers for a commitment to a new remand centre in Aberdeen. They have simply asked the Cabinet Secretary for Justice and the First Minister to meet them to discuss their concerns, and they have asked ministers to support a feasibility study to consider whether there is an economic case for the Scottish Prison Service to invest in a modern, purpose-built remand centre in Aberdeen.

Ministers should meet those with knowledge and experience of the issues in Aberdeen and they should agree to consider the case for a remand centre in the absence of a prison in Scotland's third city. That does not seem to me to be too much to ask.

11:20

Mike Pringle (Edinburgh South) (LD): Prison reform is an important and emotive issue and I welcome today's debate. Like other members, I welcome the minister's statement with regard to children.

As members including the minister and Robert Brown have said, proportionally Scotland has one of the largest prison populations in the world. Despite that, reoffending rates continue to rise. As it stands, the system is ineffectual and expensive and there are widespread problems with drugs and overcrowding. Sixty per cent of those who enter prison reoffend within two years. Her

Majesty's chief inspector of prisons, Dr McLellan, has consistently warned that overcrowding is making it impossible for those who work in prisons to contribute as well as they might to the reduction of reoffending.

We are long since past the stage when it could be said that the people of Scotland are best served by the current system. If we are to move forward, as the Scottish Liberal Democrats have always maintained, the culture of our prison system must change to incorporate further community sentencing for minor offences and thus cut reoffending. The statistics speak for themselves: more than 20 per cent fewer criminals who are given community sentences reoffend.

As Margaret Smith said, we must ensure that such disposals are well resourced and immediate. Willie Coffey referred to the problem of women with families doing community service. I suggest that that shows that more resources are needed.

Obviously, such a change will not happen overnight, and more research is required in some areas. Among the possibilities that must be explored further is the notion of weekend prisons, where people are deprived of their leisure time to complete useful work projects in the community. The scheme could be used for the offenders to whom Cathie Craigie referred. As Nigel Don said, those offenders are not a threat to society, so why are they in prison? They should not be there. A pilot scheme in England and Wales met with some success but struggled to be cost effective. That barrier must be overcome if the idea is to be developed further.

There are numerous examples of effective systems from abroad. Indeed, in this month's *Holyrood* magazine, Keith Simpson, the head of restorative justice at Sacro, pointed to Finland as a valuable example of a country where community sentences, backed up by strong deferred prison terms, have proved effective.

As I would expect, the Conservative motion, without saying so explicitly, implicitly presupposes the maintenance of the current prevalence of custodial sentences. The Conservatives have talked a lot about early release—a policy that the previous Conservative Government at Westminster introduced—as well as the shortage of prison places with respect to current demand. I am concerned that such an approach offers no answers to the problems that are inherent in Scotland's prison system. Rather than being an attempt to examine the viable options, it represents simply a failed status quo. However, I agree with Bill Aitken that we must tackle the problem of drugs entering prisons.

The core of the problem is self-evident. As my colleague Margaret Smith said, Edward Garnier,

the Conservative shadow minister for home affairs at Westminster, concedes that imprisoning criminals

“is hugely expensive and not working.”

I began by welcoming a debate on prison reform and will close by saying that it is reform that is required, not the maintenance of the failing status quo. Our reactive and overly custodial-based sentencing system is what has got us here. What is required is a proactive system that concentrates on cutting reoffending. The cabinet secretary used the word “compassion” several times; perhaps we all need to show a bit more of that. I support the Executive’s amendment and our amendment to it.

11:24

Paul Martin (Glasgow Springburn) (Lab): The amendment in the name of Pauline McNeill makes our position very clear. We differ from Nigel Don in that we believe that prison acts as a deterrent and plays a crucial role in ensuring that the perpetrators of crime are aware that prison sentences are always an option. As Bill Aitken said, community disposals, which are alternatives to prison, should be robust measures and carefully audited to ensure that they are not seen as a soft option for the perpetrator.

Some members might not relate this issue to today’s debate, but we are clear that victims of crime must be considered in this discussion. I offer a constructive criticism of the current Government: much of what we have heard from it so far has supported the perpetrators, but we want to ensure that the victims of crime are also supported.

Robert Brown: Does Paul Martin accept that to best protect the public we must stop people’s disposition to commit crimes in the first place and therefore deter them through reforming and rehabilitating their attitudes?

Paul Martin: Robert Brown will admit that following that philosophy is easier said than done, although what he says is a serious challenge to us all. We on the Labour benches are clear that we must put victims at the forefront of many of our strategies. We did that in partnership with our Liberal Democrat colleagues and delivered for victims. I ask the McLeish commission to take seriously the views of the various victims organisations throughout Scotland.

Of course we support rehabilitation and alternatives to custody; that has always been the case. Most of us in the chamber support that philosophy. However, we need to acknowledge that our communities need to be protected from the individuals in our communities who pose a serious threat. We will not support the scrapping of short-term sentences. We will not release 600

housebreakers, 1,600 individuals who have been convicted of common assault or 60 who have been convicted of serious assault. I ask the minister in his summing-up to confirm that those statistics are correct and I challenge him to make it clear that he will be releasing those individuals if he scraps short-term sentences.

Nigel Don referred to the need for sheriffs to be free to make disposals. However, it would require legislation to deliver that philosophy. The early actions document that the SNP produced as part of its manifesto process said that an SNP Government would deliver a criminal justice bill, which would give us the very opportunity that Nigel Don mentioned. If the minister is serious about delivering alternatives to custody and opportunities for rehabilitation, why will it take over two years for him to deliver the criminal justice bill that he said would be an early action of the Scottish Government? The minister needs to answer that question and he needs to say where the money is. He said that he would make available £35 million to deal with rehabilitation. Again, he needs to make his position clear. I ask members to support the amendment in the name of Pauline McNeill.

11:28

Kenny MacAskill: This has been a useful and worthwhile debate. A great deal unites us in the chamber, notwithstanding Mr Martin’s best efforts. It is clear from the speeches of Labour and Liberal Democrat members that there is a great deal of consensus on how we can work together to tackle a national problem. Mr Martin is right that we have to provide resources and put victims first. Indeed, on Monday I was in Glasgow—although not in Mr Martin’s consistency—to visit Victim Support Scotland. All that is valid, but we cannot go on as we are.

Pauline McNeill is right that we have to ensure that those who sentence have faith in the community sentences available—our judiciary does not hand down sentences out of relish for putting people away. We have to ensure that communities feel that community sentences are working and that the judiciary feels that it has sentencing options available.

Bill Aitken: I seek to be helpful. Will the cabinet secretary share with us his thoughts about how such community sentences can be made to work more effectively? The problem is that sentencers and the community have no confidence in the sentences.

Kenny MacAskill: I will gladly move on to address that point. In response to Ms McNeill’s point about reparation orders, I say that the reason why we decided to dispense with such orders was that they were not being used. We recognise that

options have to be available to sheriffs, but when sheriffs do not use them, we should dispense with them. We are more than happy to meet members and discuss that matter, as well as family contact centres. We want to ensure that there is payback—whether through a formal reparation order, community service, probation or whatever else. Such matters can be worked out and, as I said, the door is open to try to do so. We accept Pauline McNeill's point.

On Low Moss, the delay that came about from the nonsensical, absurd system that saw millions of pounds—

Pauline McNeill: When will Low Moss be open to prisoners?

Kenny MacAskill: The position remains the same as before; we are on track to meet the appointed date, but with a slight delay because of what we had to do. I am more than happy to return to the matter with the member. I give her an assurance that I am as anxious as she is to make sure that Low Moss is available to ease the pressure on our prison estate.

We heard from Willie Coffey, Cathie Craigie, Robert Brown and others who recognise that we have to have tough community punishments. It is perverse that, when somebody in our community is injured by a crime being inflicted on them, the agony is compounded by taxpayers having to pay for the criminal to have free bed and board and television. Because of the nature of our system, we cannot even give them any work. It is much better that they should be put out there to do some work in the community to repay through the sweat of their brow the damage that they have done. That is what our communities want. *[Interruption.]* Cathy Craigie is right to challenge me—I tell her that I am not criticising her in any way. It is up to us to deliver what our communities want.

Cathie Craigie: Will the minister give way?

Kenny MacAskill: I am sorry; I want to make some movement in my speech. I do not seek to put words in the member's mouth and I accept that it is the Opposition's legitimate role to challenge the Government. We can work together to tackle that perverse situation that I described.

I will deal with the Conservatives. Mr Aitken and I have discussed today's subject, whether over a pint in Babbity Bowster or in the chamber. I accept his points and know where he is coming from. However, I was somewhat scandalised by Mr McLetchie's position. It showed cant, hypocrisy and a total lack of humanity, which is what we might expect from him.

As the old saying goes, let he who is without sin cast the first stone. I will give some examples. A gentleman who was sentenced to serve four years

for perjury and perverting the course of justice was released after two years spent in open prison, including in an open prison called HMP North Sea Camp. I speak of Jeffrey Archer and I do not remember scandalised Tories speaking out against that. Jonathan Aitken received 18 months for perjury but was released after serving only seven months, much of which was spent in the open estate. The situation was compounded by his being released on an electronic tagging order to serve the balance of two months. Again, I do not remember the Tories being outraged. But oh dear me, when it comes to the wee lassie of heroin-addicted parents from Pennywell or Penilee, the Tories will detain her, if need be, until the day she goes to meet her maker. As everyone in the chamber acknowledges, some people are a danger to our communities and we have to protect those communities.

David McLetchie: Will the minister take an intervention?

Kenny MacAskill: I am sorry; I am in my last minute. It is unacceptable that the Tories fail to show the same compassion to the heroin-addicted girl from Pennywell or Penilee that they show to the cad and bounder who was caught with his fingers in the cookie jar and then rehabilitated and welcomed back to the club. We will always treat with compassion the wee lassie who was neglected by her ma, abused by her da and separated from her gran—the only one who ever loved her—and who is more likely to hang herself in Cornton Vale than to harm anyone else if she were released. We recognise how such people need to be treated. The cant and hypocrisy from the Tories is outrageous.

11:34

John Lamont (Roxburgh and Berwickshire) (Con): I welcome the change in the Cabinet Secretary for Justice's approach. It appeared to me that, so far this year, Mr MacAskill has been using justice debates to pick constitutional battles with Westminster in an attempt to hype up the tension between the Labour Government in London and the SNP Administration in Edinburgh. However, when I watched the television earlier this week, I realised that the constitutional battle for this week would not be justice related but would instead be about the Scottish Government's—or, more particularly, Alex Salmond's—territorial claims to the great border town of Berwick-upon-Tweed. Although I would always warmly welcome the people of Berwick to my Berwickshire constituency, I remind the Government that it should be getting on with the job of governing Scotland rather than picking constitutional fights, seeking to push Scotland's border southwards and

promoting the First Minister's empire-building agenda.

The debate has been useful for a number of reasons, not least because it has given us the opportunity to consider the failure of the previous Administration's policy on prisons and to highlight the issues that the new Government must tackle.

We believe that prison should serve four functions in our society: to protect the public; to deter; to punish; and to reform criminals. I am sure that most members—at least, those of us who are Conservatives—agree that the most important of those four functions is protection of the public from the crimes that are committed by the minority.

However, as Pauline McNeill, Margaret Smith and others have pointed out, the role of the Scottish Government should be not to decide sentencing policy but to support the courts in making sentencing disposals and to ensure that adequate provision exists to allow those disposals to be implemented. The judiciary must be allowed to maintain its independence, and judges and sheriffs should be left in charge of sentencing.

I am concerned that that view is not necessarily shared by the SNP Government. For example, the SNP and others have stated that women do not belong in prison, but we must face up to the fact that half of the prisoners in Cornton Vale are there because they committed a violent crime. As David McLetchie said, to single them out for special, kid-glove treatment just because they are women is wrong. A crime is a crime, regardless of the sex of the offender.

Kenny MacAskill: Will the member take an intervention?

John Lamont: I want to make some progress; I am very short of time.

It is also important to remember that, according to the Government's figures, the average daily female prison population is only 5 per cent of the total average daily population of prisoners and young offenders.

That is not to say that I disagree with the idea that some people should not be in prison. We have long argued that fine defaulters of either sex should not go to prison and that their fines should be deducted from their pay or the benefits that they receive.

The Scottish Conservatives have a zero tolerance approach to drugs in prison, as Bill Aitken said. A proactive programme is needed in every jail, whereby agencies work with addicts both while they are in prison and when they get out. Prisoners who want to get off drugs should be given help and encouragement to do so. We welcome the Government's new policy on tackling

drugs, but we hope that it will also penetrate the misuse of drugs in our jails.

Kenny MacAskill: Does the member accept that, as Lewis Macdonald said, if our dedicated prison staff are to do what they are qualified to do, which is to work with people to address addiction problems and underlying problems such as dyslexia and low levels of literacy and numeracy, they must be able to concentrate on those people? That means that they cannot simply be asked to provide control of prisoners for a day or two, a week or two or a month or two. If we are to allow SPS staff to fulfil their core functions, we must stop putting low-level offenders in prison for short periods of time. It is by enabling our excellent qualified prison staff to deliver what is necessary that we will tackle heroin abuse.

John Lamont: The Government's agenda appears to be focused on the criminal rather than the victim. We need to face the harsh reality that people who go into prison often come out with a drug habit or develop a worse drug habit than they had when they went in. Until the Government of the day, regardless of its political persuasion, tackles that problem, we will not address the core problem behind the rising crime rates in Scotland.

Nigel Don: Will the member take an intervention?

John Lamont: I want to make some progress; I am very short of time.

We welcome the Government's new drugs policy, but we are concerned that it will not do enough to tackle drug misuse in prisons.

Robust measures must be applied to everyone who supplies drugs to prisoners. Visiting privileges should be withdrawn and, in persistent cases, criminal charges brought. In short, a carrot-and-stick approach must be used to help those prisoners who wish to be helped and to deal responsibly with those who break the rules.

The vital first step must be the comprehensive application of drug treatment and testing orders to every prisoner when they are admitted to prison and at regular intervals thereafter. If we do not know the extent of the problem, we cannot hope to address it. If a prisoner refuses to comply, they must be treated as if they were dependent on drugs and their privileges must be ended. The benefits to society will be great if we find the political will to take on that task. It will result in lower rates of reoffending, less crime and a safer prison environment, and—given that so much crime in Scotland is fuelled by drugs—will be good for addicts, for families and for society as a whole.

It is clear that the Scottish Government is more interested in emptying Scottish jails than in protecting the public. When it comes to tackling

crime, the public want prisoners to be in prison rather than out in the community. However, the SNP seems to want prisoners to be out in the community, given its policy of ensuring that people who get sentences of six months or less receive their punishment in the community. The Government should learn lessons from the mistakes of the previous Administration. It should steer clear of sentencing policy and, if necessary, continue to build more prisons to accommodate our criminals and to keep the people of Scotland safe. I support the motion in Bill Aitken's name.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Public Services (Funding)

1. Richard Baker (North East Scotland) (Lab):

To ask the Scottish Executive what impact it considers that the funding settlement for local authorities will have on the delivery of key local public services. (S3O-2297)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The funding settlement involves record levels of investment. It gives local authorities incentives to achieve better value for money and the freedom to spend their resources as they decide to meet local needs and circumstances. I expect that to result in better-targeted and better-quality local public services.

Richard Baker: The cabinet secretary's answer will raise eyebrows in Aberdeen. If, as he has stated, the funding settlement is good for Aberdeen City Council and will fully cover inflation, why are his colleagues in Aberdeen pushing through £27 million of budget cuts to key local facilities for young people and key services for older and vulnerable people? That is not scaremongering—people in Aberdeen face budget cuts of £27 million. What will the cabinet secretary do to ensure that they do not lose out badly because of the actions of his Government nationally and of his colleagues locally in Aberdeen?

John Swinney: The Government has given record levels of funding to local authorities. It has increased Aberdeen City Council's revenue funding for the forthcoming financial year by 5.2 per cent, even though it received from the United Kingdom Government only a 0.5 per cent increase in its budget. As a result of the funding arrangements for the Scottish Parliament—which Mr Baker supports—I cannot distribute resources that I do not have. In the context of a 0.5 per cent increase in the Scottish Government's budget, through our decision to give Aberdeen City Council an increase in funding of 5.2 per cent we have made a formidable contribution to the provision of public services in the city. I would have thought that rather than ginning about that, Mr Baker would be applauding the Government for the financial support that it has given to Aberdeen.

Dave Thompson (Highlands and Islands) (SNP): Although Highland Council has frozen

council tax, it has increased spending in many areas—it has provided an extra £1 million for street cleaning and litter picking, for example—despite the scaremongering of local Liberals and members of the Labour Party.

The Presiding Officer (Alex Fergusson): Question, please.

Dave Thompson: Does the cabinet secretary agree that that shows that the removal of ring fencing has been a resounding success? Is he planning to extend it?

John Swinney: Local authorities have been given a great deal of flexibility in how they can use their resources. We have eliminated a formidable amount of needless bureaucracy and given local authorities the ability to invest in local services. When I look around the country, I am impressed by the extent to which local authorities have seized the opportunity to invest in public services, to develop new public services and to enhance the way in which we support members of the public. I am glad that Mr Thompson recognises Highland Council's achievements in extending the range of services that it provides. Those achievements are common to a range of councils throughout Scotland.

Nanette Milne (North East Scotland) (Con): I must take issue with Mr Swinney, given that, per head of population, Aberdeen City Council has been given the poorest financial settlement in Scotland. What advice can he give to the many voluntary organisations in Aberdeen, such as the Cyrenians, that will have to let down many vulnerable people who depend on their services because the council has had to make significant cuts to their funding streams? What has Aberdeen done to deserve its place at the bottom of the heap?

John Swinney: The financial settlement that the Government has given to Aberdeen City Council is far in excess of the percentage increase in funding that this Administration received from the UK Government, so the criticism that we have not given the council a more-than-generous settlement cannot be levelled at us.

Local authorities are getting an increasing share of the total Scottish Government budget and we have given them the ability to retain the efficiency savings that they make. We have relaxed ring fencing and have given local authorities more money. It is the responsibility of local authorities to take those opportunities and to configure their finances such that they can invest in public services. There are numerous examples around the country of that having taken place.

This might not go down universally well in the chamber, but nonetheless I point out to Nanette Milne that Aberdeen City Council received a

higher increase in its budget than Glasgow City Council did. I am sure that that will not be popular among all members. The Government is taking steps to ensure that we support Aberdeen City Council properly.

The Labour Party mutters and moans about the funding settlement for Aberdeen, but what was it doing while it was in office for eight years? The funding settlement for Aberdeen was atrocious under the Labour Government. This Government has started to repair the damage.

Cultural Co-ordinators Scheme (Abolition)

2. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive what representations it has received on the abolition of the cultural co-ordinators scheme. (S3O-2302)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): Since we announced our decision to phase out ring-fenced funding for the cultural co-ordinators in schools programme by 2010-11, we have received written representations from 18 individuals: four representatives of cultural organisations; four members of the Scottish Parliament; representatives of seven local authorities; and three private individuals.

Malcolm Chisholm: I will not embarrass the minister by reminding her of what the Scottish Arts Council said about the matter in the e-mails that were reported in *The Herald* on Monday, but surely she realises that not just the Scottish Arts Council but many local arts organisations are enthusiastic about cultural co-ordinators. Indeed, many national bodies are enthusiastic, as was illustrated in the evidence from the National Theatre of Scotland at yesterday's meeting of the Education, Lifelong Learning and Culture Committee.

Why does the minister not leave decisions about the funding of cultural co-ordinators to the Scottish Arts Council, which is best placed to make such decisions? On a related matter, why has she decided to cut in real terms by almost 10 per cent the Scottish Arts Council's budget over the next 10 years? I ask her please not just to refer to an increase in the culture budget as a whole, because I am sure that she realises that the Scottish Arts Council is at the heart of that budget.

Linda Fabiani: This minister is not easily embarrassed. It is a bit rich of members of the previous Administration to talk about leaving decisions to the Scottish Arts Council, when the previous Administration thought it necessary to be prescriptive and to introduce restricted and ring-fenced funding for cultural co-ordinators because it did not trust the arts bodies, artists or local authorities to do what they are accountable for doing.

I tell members what I understand about the cultural co-ordinators scheme. Because the previous Administration did not put the scheme in place properly, there is no way of measuring output and there is no record of additional staff or cultural benefit, as there should be in a proper accountable breakdown.

I have faith in the ability of our arts bodies, our artists and our local authorities to carry out what is best for cultural provision in all areas of Scotland.

Public Transport (Rural Areas)

3. Jim Hume (South of Scotland) (LD): To ask the Scottish Executive what it is doing to improve public transport in rural areas. (S3O-2263)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Since 1998, the rural transport fund has provided substantial resources to local authorities to help to introduce new or improved public transport services, and to community transport projects in rural areas where there are no public transport services or where such services are very limited. In total, almost £70 million has been made available.

The RTF ends on 31 March. From 1 April, we will provide local government with record levels of funding over the period to 2011. Local authorities will be responsible for arranging local transport services, including rural transport services, in line with local needs and spending priorities, from the substantial resources made available to them.

Jim Hume: The Organisation for Economic Co-operation and Development's report "OECD Rural Policy Reviews: Scotland, UK - Assessment and Recommendations", which was launched yesterday, highlighted the discrepancy in funding in Scotland and observed that the Highlands and Islands have been favoured with public spending, whereas in the south of Scotland social exclusion is "a particularly serious problem". Transport is part of that problem.

The south west of Scotland transport partnership in Dumfries and Galloway proposes to increase fares by more than 60 per cent. The daily fare on a bus route that people use for work will increase from £5 to £8, which is unaffordable. Will the minister say what the Government will do to address social exclusion, particularly in the context of transport and the SWESTRANS issue?

Stewart Stevenson: I recently met SWESTRANS to discuss a range of subjects to do with transport in the south-west. The issue to which the member referred was not raised with me, so I concluded that the partnership is happy with its relationship with its local council, from whom it derives funding. SWESTRANS should be able to draw on the additional funding that has

been made available to Dumfries and Galloway Council to deliver services in response to local needs.

A87 and A887 (Vehicular Accidents)

4. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive how many vehicular accidents on the A87 and A887 were reported to the police in December 2007 and January 2008, and how those compare with figures for December 2006 and January 2007. (S3O-2262)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Complete data on the number of road accidents that occurred on the A87 and A887 in December 2007 and January 2008 have not yet been returned to the Scottish Government by the Northern Constabulary. I am happy to write to the member with the requested information when it becomes available. Provisional information is expected in the next four weeks.

John Farquhar Munro: I am sure that the minister agrees that the dangerous road conditions on the A87 and the A887 require more than just a parliamentary question, but I asked the question because I have not received a reply from his office to my request for a meeting—maybe a reply will come.

At least 27 accidents have happened on the roads, and locally the number is thought to be nearer to 40. I drive that stretch of road weekly—

The Presiding Officer: Ask a question, please.

John Farquhar Munro: Yes, sir.

I do not know whether the problem is a lack of maintenance or the new brine treatment, but the road is much more dangerous and if nothing is done there could be a fatal accident in winter. What does the minister's department intend to do to address an obvious problem?

Stewart Stevenson: I have figures for December 2006 to January 2007—a year ago—which suggest that there were one serious and eight slight accidents on the A87 and that no accident was recorded for the A887. I am uncertain whether those figures are at odds with the figure of 27 to which the member referred, but I will be happy to hear from him if he thinks that our numbers are inadequate.

We put on the roads a mixture of 40 per cent brine and dry salt. Modern research shows that that is the most effective way of ensuring that we keep our roads clear. Until I hear to the contrary, we are likely to continue with the new way of distributing brine mixed with salt on our roads.

Personal Bankruptcies and Home Repossessions

5. Aileen Campbell (South of Scotland) (SNP): To ask the Scottish Executive what steps it is taking to tackle rising numbers of personal bankruptcies and home repossessions. (S3O-2274)

The Minister for Community Safety (Fergus Ewing): The Scottish Government is committed to providing access to debt relief to Scots who are unable to pay their debts. However, we must balance that by ensuring that there are effective and appropriate diligences for creditors to enforce payment from people who can afford to pay. We are also committed to ensuring that people are not losing their home or being forced into bankruptcy for relatively small debts if there are reasonable alternatives.

Aileen Campbell: Store cards and unsecured personal loans that charge extortionate rates of interest are a source of personal debt that can rapidly spiral out of control. Does the minister agree that we could tackle such issues much more effectively if regulatory power were devolved to the Scottish Parliament?

Fergus Ewing: I think that members of all parties are concerned about the excessive rates of interest that are sometimes charged by providers of store cards or other credit card facilities. Some interest rates are around 30 per cent, which seems excessive. I agree with the member that more progress could be made if such matters were devolved to this place. In the meantime, I hope that people will make informed choices and become aware of the interest rates that institutions will charge before they incur serious debt.

Road and Rail Links (Ayrshire)

6. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what importance it places on good road and rail links for the economic regeneration of Ayrshire. (S3O-2330)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): We recognise the important role of effective road and rail links in supporting Ayrshire's economic regeneration. Our current programme includes a range of interventions on Ayrshire's railways and trunk roads to improve journey times, capacity and reliability. We will consider future transport investment requirements through the strategic transport projects review, which will report to ministers in summer.

Irene Oldfather: The minister will recall that, in a written answer, he advised me that upgrading of the A737 had basically been kicked into touch. The proposed transshipment container terminal at

Hunterston has been dropped and the route development fund, which supported Prestwick airport, will go. What action will the Government take to put connectivity between Ayrshire and the rest of Scotland at the top of the agenda, to allow appropriate economic regeneration?

Stewart Stevenson: The member might need to be reminded of my answer to S3W-8711, which was that the A737 would form part of the strategic transport projects review. I assure her that it will. The review concerns the biggest programme of work that there has been in the life of the Parliament. Like people in other parts of Scotland, the people of Ayrshire are entitled to have their needs considered. Please accept that they shall be.

John Scott (Ayr) (Con): The minister will agree about the pressing need to improve road links between Ayrshire and the M74. Other Ayrshire MSPs share that aspiration, whose realisation Ayrshire residents and the local business community would widely welcome. Will he consider taking steps to upgrade the A70 to trunk road status under section 5(2) of the Roads (Scotland) Act 1984? Will that be part of the strategic review that he mentioned?

Stewart Stevenson: We have no immediate plans to extend the trunk road network. In the meantime, the A70 is a local road, so the local council can invest in it if it feels that that is appropriate. Of course, we are examining transport corridors and all modes of transport as part of the strategic transport projects review. I am sure that we will find appropriate responses in that.

Kenneth Gibson (Cunninghame North) (SNP): The minister will recall from meeting several organisations in my constituency on 22 August last year that North Ayrshire Council, Scottish Enterprise Ayrshire and others have made it clear that the way to regenerate my constituency, and the most significant investment, would be to construct the Dalry bypass. Will he use his influence to press for the construction of that bypass at the earliest possible date as part of the review?

Stewart Stevenson: The Government's central purpose is to improve Scotland's economy and we recognise that investment in transport infrastructure is a necessary part of that. That is why we are undertaking a wide-ranging review. Ministers will receive the report of the strategic transport projects review this summer. Every part of Scotland is represented in the review's work and I am sure that we will see progress on many projects throughout Scotland.

Government-owned Land (Community Buy-outs)

7. Alasdair Allan (Western Isles) (SNP): To ask the Scottish Government what its position is in respect of community buy-outs of government-owned land. (S3O-2272)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): We support the idea of community ownership of assets as a way of helping to sustain communities and giving them a greater say in their future. The matter is complex, and owning assets must be considered carefully to determine whether it represents the best way of delivering positive change for all communities. It is for each part of government to assess properly all the options when looking to dispose of assets.

Alasdair Allan: The Government is aware of considerable community interest in a community buy-out in Seilebost, Scarista and Luskentyre in South Harris. Is the Government willing to meet representatives of those communities, which are keen to bring to South Harris—if possible—the many benefits that other areas have enjoyed following community buy-outs?

John Swinney: Officials and ministers are certainly willing to meet the community groups concerned. The prospects of areas that have secured ownership of their land have been radically transformed and such communities have new opportunities. The Government would support such an approach and would be happy to facilitate further discussions.

The Presiding Officer: There is time to take question 8 briefly.

Alcohol Advertising

8. Tricia Marwick (Central Fife) (SNP): To ask the Scottish Government what plans it has to address antisocial behaviour by restricting inappropriate advertising of alcohol in and around retail premises. (S3O-2284)

The Cabinet Secretary for Justice (Kenny MacAskill): The Government will not shy away from taking tough action to deal with alcohol misuse and the antisocial behaviour that it inflicts on Scotland's communities. We will set out a clear long-term approach for tackling alcohol misuse and consult on our proposals for action later this year.

I have already made it clear that we want to crack down on irresponsible off-sales promotions that mean that it is cheaper for our youngsters to get drunk than it is for them to go to the cinema or to play a game of five-a-side. However, that is only one part of the picture. At this stage, we are not

ruling anything either in or out of our long-term strategy.

Tricia Marwick: Does the cabinet secretary agree that advertising such as the booze busters line by R S McColl in many of our communities is unacceptable? Will he issue guidance to licensing boards indicating that such advertising is completely unacceptable and that action needs to be taken?

Kenny MacAskill: The right to sell alcohol is not a God-given right; it is given on the basis that the seller accepts various responsibilities. We expect licensing boards to enforce responsible promotion. I accept that responsible promotion is not limited to how alcohol is priced or promoted within the store and extends to how it is marketed outwith the store. The member has made an appropriate point that we are happy to take on board.

First Minister's Question Time

12:00

The Presiding Officer (Alex Fergusson): I am delighted to inform the chamber that His Excellency Iztok Mirošič, the Slovenian ambassador to the United Kingdom, has joined us in the Presiding Officer's gallery for First Minister's question time. Ambassador, I welcome you warmly. [Applause.]

Engagements

1. Ms Wendy Alexander (Paisley North) (Lab): Presiding Officer, I associate myself with the welcome that you have offered to our guest today.

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-00516)

The First Minister (Alex Salmond): Later today I will have meetings to take forward the Government's programme for Scotland. In joining in the welcome for the Slovenian ambassador, I point out that Slovenia is a small, independent country that is leading Europe as the current President of the Council of Ministers.

Ms Alexander: What advice would the First Minister give to Aberdeen's Richmond Fellowship, which cares for those with mental illness and is being robbed of £360,000 due to cuts by the SNP-led Aberdeen City Council?

The First Minister: Nicol Stephen is pointing out that Aberdeen City Council is Liberal led, although the SNP is part of the governing coalition. The council has been through a number of permutations in recent years, but everyone agrees that it is now much better than it was when it was Labour led, in the dim and distant past.

Aberdeen City Council faces a number of funding challenges, as do other councils across Scotland. Like every other council in Scotland, over the next three years it will receive increases well above the inflation rate and well above the rate of increases to the Scottish budget. For the first time in a generation, the share of local government expenditure is rising as a share of Scottish expenditure.

Ms Alexander: I am not sure whether bickering over whose fault it is is the most useful advice to offer to the Richmond Fellowship. Under no Labour administration did local newspapers say, "Would the last person out of Aberdeen please put the lights off?"

We will come to the concordat in a minute, but right now we are talking about some of Scotland's most vulnerable people, who are turning out not to be the First Minister's strong suit. Across

Aberdeen, there have been £27 million-worth of cuts—a move that *The Press and Journal* reported as the "St Valentine's Day massacre". Home care packages for disabled children have been cut, schools are to be closed, a swimming pool has gone and leisure facilities have been axed. That story is mirrored right across the country. Are the cuts not a result of the fact that local government's share of the total Scottish budget will be smaller under the SNP than it was under the Labour-Liberal Administration?

The First Minister: I do not know how far Wendy Alexander's knowledge of the history of the politics of the north-east of Scotland goes, but the previous Labour administration in Aberdeen was drummed out of office by the local newspaper to which she referred.

Wendy Alexander asked about local government's share of the Scottish budget. I know that she is not always in command of figures, so I will point out the reality. I remind her that, over the next three years, the Scottish budget will increase by 0.5 per cent, 1.6 per cent and 2.3 per cent. She thought that those increases were generous. Over the next three years, local government in Scotland will receive annual increases of 5 per cent, 4.1 per cent and 3.4 per cent.

It is little wonder that Pat Watters, the president of the Convention of Scottish Local Authorities, said of the settlement and of the Labour Party's sham opposition to it:

"I think the opposition in parliament has a job to do, and that's to oppose government as they see fit. My job in local government is a bit different, it's to get the best deal possible for our local communities, and I believe that's what we have done."

Ms Alexander: The First Minister knows that he has the highest ever budget at his disposal and that local government's share of the total Scottish budget will be smaller under the SNP than it was under the previous Labour-Liberal Democrat Administration.

It is time for the First Minister to get out of his limo and see what is happening in Scotland under the SNP. In Fife, pensioners can no longer afford a home help. In Highland, the axe has fallen on school cleaners, pre-school provision and support for the voluntary sector. Even the cost of a burial is going up. This is the con of the concordat. The reality is cuts, cuts, cuts. First we had a Tory budget, now we have Tory-style cuts. Is our First Minister big enough to accept responsibility for the real cuts that are now being made across the country?

The First Minister: The settlement is 5 per cent in this coming year, over 4 per cent in the year after, and 3.4 per cent in the year after that. That is a substantial increase in local government

funding in the face of the tightest settlement from Westminster over the course of devolution.

There is one thing about Wendy Alexander's logic that I do not understand. If she says that the small increases that were awarded to the Scottish budget over the next three years are adequate because we are getting the largest budget ever, why does she not also think that the much larger percentage increases that we have awarded to local government over the next three years are more than adequate? Many figures in local government believe that. They think that they have got the best deal for a generation. They think that Labour's opposition is a sham exercise. They are getting on with the job of delivering services for the Scottish people.

Ms Alexander: If the First Minister thinks that the settlement is more than adequate, let us consider the City of Edinburgh Council, where SNP councillors have already forced through a £1 million cut from sure start and cuts to schools budgets of £870,000. They have also axed 320 full-time nursery places. Today, the people of Edinburgh are waiting to hear where the budget axe will fall next.

Christine Grahame (South of Scotland) (SNP): Trams.

The Presiding Officer: Order.

Ms Alexander: We learned this week of the First Minister's fondness of using his ministerial car to pick up his curry. Is the First Minister becoming Mr Takeaway? He is taking away from the disabled, the homeless, the infirm, the youngest—and the oldest—and the poorest. Is not his Government a takeaway Government—all takeaway, but no delivery?

The First Minister: The deputy leader of City of Edinburgh Council said of Wendy Alexander:

"For her to cause fear and unrest among staff and the local community is calculated and irresponsible".

Under the tough settlement that Westminster imposed on this Government, we have increased the percentage to local government and signed an historic concordat with local authorities—

Andy Kerr (East Kilbride) (Lab): That is totally wrong. What about their share of the budget?

The Presiding Officer: Order.

The First Minister: Labour councillors the length and breadth are thanking God for the SNP, as Glasgow City Council said.

In all the settlements across Scotland, local authorities have managed to replicate the Scottish Government's approach to no compulsory redundancies. Contrast that with Wendy Alexander's hungry caterpillar speech, in which

she seemed to say that she thought that efficiency savings were not enough. Indeed, the only people who face job insecurity in Scotland seem to be Wendy Alexander's spin doctors.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): I am delighted to hear Wendy Alexander acknowledge that the only Opposition party in the Parliament to use the budget to deliver for the people of Scotland was the Scottish Conservatives. [*Interruption.*]

The Presiding Officer: Order.

Annabel Goldie: To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-00517)

The First Minister: I met the Secretary of State for Scotland recently to talk about the Gould report. I have no immediate plans to meet him again, but meetings will no doubt be arranged.

Annabel Goldie: Headlines this morning proclaimed that ministers are set for a U-turn on mutual status for Scottish Water. It is clear to me having listened to speeches this morning that, far from ministers being set for a U-turn, they are stuck in a U-bend—in Labour's case, a Unison bend. The truth is that neither party in that left-wing alliance is offering a review—[*Interruption.*]

The Presiding Officer: Order.

Annabel Goldie: Neither party wants a review. Both back nationalisation and reject mutualisation. There is a choice: between a perpetual burden of subsidy on the taxpayer and a progressive utility fit for purpose for this century returning money to its customers.

Let us cut through the meaningless candy floss of the Labour amendment in this morning's debate and ask the First Minister a simple question: does he support for Scottish Water the nationalisation model of the previous century or a new, progressive, mutual model fit for the 21st century? He cannot have both.

The First Minister: I am interested in the new alliance that I am forging with Wendy Alexander and the Labour Party. The abstention on the budget was the first step towards that, and I am delighted that we seem to be finding common ground on the argument on Scottish Water.

There are two things to say about Scottish Water. First, we should acknowledge the substantial improvement in Scottish Water's performance in general in recent times and last year in particular. The whole chamber should acknowledge that.

Secondly, we have two difficulties and doubts about mutualisation. First, even if we took action tomorrow, the savings that the Conservative party and the Liberal party have claimed would not be available until the next comprehensive spending review. That prompts the question how the Tories and Liberals managed to say that they would fund vital services in Scotland this year, next year and the year after that from the mutualisation of Scottish Water.

Our second substantial doubt about the Tory attitude to mutualisation is that many people in Scotland see it as a Trojan horse for privatisation. In other words, they question Annabel Goldie's motives in a way that I would never do. If Annabel Goldie can give me an assurance that her party has rejected privatisation, perhaps I will look with more favour on her suggestions.

Annabel Goldie: The First Minister has recently returned from Ireland. He has clearly had an encounter with the Blarney stone—we wonder who was kissing whom.

The bottom line is that the First Minister presides over a Government that is thirled to state control in which ministers know best. It is a Government in which his Cabinet Secretary for Justice has a bilious prejudice against the private sector and in which his Cabinet Secretary for Health and Wellbeing disdains the private sector—and the First Minister has just confirmed by his attitude to Scottish Water his Government's love affair with state control.

Is it not remarkable that the first love-in between Labour and the SNP has united them in glorious amity on nationalisation? What a time warp, and what a shame. Will the First Minister explain why every household in Scotland has to pay a massive subsidy of £100 every year for Scottish Water on top of its water bill when under mutualisation he could be giving money back?

The First Minister: The Irish do not need the Blarney stone for the luck and success that they have enjoyed in their economy; their independent status has caused the revival in the economy of that nation.

I saw attacks—not from Annabel Goldie, but from some of her colleagues—about making speeches in Dublin. The Conservative party should go to Dublin—as, indeed, the shadow chancellor did recently—and learn some lessons about how to run an economy successfully.

Annabel Goldie should face up to the fact that the savings that she anticipates could not be acquired this year, next year or the year after that. They would be savings in the medium term. She must admit that they could not be applied to budgetary questions in the near future.

Secondly, and most important, we have certain requirements of public services. One does not have to look that far at present—take for example the energy and electricity sector—to see the dangers of having reduced competition in a private sector network. It can lead to consumers being asked to pay enormous bills for some of the essentials of life.

Although I have great sympathy with some of the comments about and question marks over the performance of the Chancellor of the Exchequer, the Bank of England and the Treasury with regard to Northern Rock, let us remember that Northern Rock got into the incredible mess that it was in as a private company, not as a public company. Annabel Goldie's mantra that private sector is best is not borne out by any facts of which I am aware.

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-00518)

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

Nicol Stephen: Today, the University of Dundee has confirmed significant job losses—more than 100 staff will be affected. Is that an efficiency saving or a cut? Will the lecturers and students who will suffer as a result be able to tell the difference?

The First Minister: For some time, the University of Dundee has been going through a process of looking for efficiencies in the running of the institution. That started in February 2007, when Nicol Stephen was Deputy First Minister and the Labour Party was leading the Administration.

I will mention a serious point that I noticed in the coverage today. The university expects that, at the end of the process of efficiency savings, as many people will be employed in the university as lecturers as are at the moment. That seems to be the story not of an institution in decline, but of an institution that is facing up to a difficult budgetary situation, as we all do in a responsible manner in looking to achieve excellence in higher education and university services in Scotland.

Nicol Stephen: I have to say that the First Minister's funding claims were flatly contradicted this morning in *The Scotsman* by his own spokesman, who admitted that there will be a squeeze on Scotland's universities. The truth is that Scotland's universities are facing a record cash crisis. Since the creation of this Parliament there has never been a real-terms cut in university funding—until now, with this First Minister.

On 15 November, when I asked the First Minister about cuts to university funding, he flatly denied that there were cuts. He laughed it off and said:

"There is no such cut, as can easily be demonstrated".—
[*Official Report*, 15 November 2007; c3468.]

Can he demonstrate it easily today, now that jobs are being axed? When university staff lose their jobs, whose fault is it? Is it the fault of the staff, the university or the students—or is it the fault of the First Minister, who cut university funding? Is it their fault or his fault?

The First Minister: Perhaps I can demonstrate it to Nicol Stephen. Over the three years in total of the spending review period, expenditure on universities and higher education will increase in real terms. It will represent 3.18 per cent of total Scottish Government expenditure. In the spending reviews of 2002 and 2004, the figures stood at 3.13 per cent and 3.15 per cent. That indicates to me that university funding is rising as a percentage of the total Scottish budget.

On every subject that Nicol Stephen brings for discussion, he says that he wants more money. I have come across an interview with Nicol Stephen on 18 November last year. When challenged to say which other budgets would be cut to deliver the funding request by the higher education body, Mr Stephen suggested that there might be other ways to find the efficiency savings and that he had a range of proposals for more efficient government, part of which was to do with the future ownership and mutualisation of Scottish Water. Nicol Stephen's solution for higher education is to gain—in three or four years' time—savings from mutualisation of Scottish Water. Everyone in Scotland can agree that it is a good job that he is not Deputy First Minister or any part of this Administration.

Margaret Curran (Glasgow Baillieston) (Lab): Is the First Minister aware of a report in *The Herald* today that 100 patients are to be transferred from the state hospital? We on the Labour benches appreciate the significance of the Mental Health (Care and Treatment) (Scotland) Act 2003 and understand that its implementation requires considerable investment in the delivery of mental health services in Scotland. I ask the First Minister to ensure that investment takes place to enable the appropriate transfer of patients so that public safety is not compromised. Further, I ask him whether he appreciates that public interest in the issue will be substantial. Does he therefore agree that it is appropriate that the Cabinet Secretary for Health and Wellbeing should make a statement to Parliament confirming that appropriate measures are in place?

The First Minister: Any transfer of a restricted prisoner or resident at Carstairs requires ministerial approval. That is the guarantee of public safety that we have. The process that is reported in *The Herald* today was started under the previous Administration. I see Andy Kerr nodding. Members can be absolutely certain that public safety will be paramount in all those decisions.

Commonwealth Games 2014 (Lottery Funding)

4. Bob Doris (Glasgow) (SNP): To ask the First Minister whether the Scottish Government considers that lottery funding could make a contribution to building a legacy for the 2014 Commonwealth games. (S3F-00530)

The First Minister (Alex Salmond): Undoubtedly, yes. Last Friday, I launched the promised consultation document on delivering a lasting legacy from the games for all of Scotland. I made clear that we have high ambitions for Glasgow 2014 and the enduring difference it can make to Scotland as a nation.

Lottery funding was introduced to bring benefits to many good causes across the United Kingdom and thus can play a key part in helping to achieve our legacy ambitions for the games. However, as Bob Doris will well know, lottery funding in Scotland is under severe threat—perhaps to the extent of £150 million for good causes—by decisions that have been made on funding the London Olympics. It is right and proper that, as far as the legacy of the 2014 games is concerned, we should be looking for lottery support to fund those good causes in the ambit of what the lottery can do for people across Scotland.

Bob Doris: I encourage all MSPs to read the Government's lasting legacy consultation paper and to submit their own response to that vastly ambitious document. However, such ambitions do not come cheap. Will the First Minister detail how the Government will attempt to recoup the £150 million that has been robbed from Scottish good causes by unionist MPs to fund the London Olympics and use it to assist the funding of a lasting legacy for Glasgow and Scotland from the Commonwealth games?

The First Minister: I should point out that the concern that I know is reflected in Scotland is shared by our colleagues in Wales and Northern Ireland. Indeed, it was part of the discussions at the British-Irish Council last week. I am quite encouraged by the letter from the Big Lottery Fund to the Finance Committee, which said that it would

"be examining how BIG support can help create and increase opportunities to participate in and celebrate the unifying experience of the Games. This is an historic opportunity to bring Scotland's people and communities together in new and creative ways."

I hope that that indicates that we will be pushing against a door that is at least partially open. When Steven Purcell, Robert Smith and I launched the legacy document last week, we made it clear that we were not talking about the funding profile for the facilities that are already in place and that we were not talking about the infrastructure, although I am sure that Labour MSPs will have welcomed the announcement on the M74 just last week; we were talking about the legacy effect of Glasgow 2014 across the country, not just in sport but in healthy living and education, and about ensuring that that legacy effect can have the maximum impact. I hope that we can carry the support of the whole chamber in a justified demand to secure that lottery funding.

Sex Offenders (Monitoring)

5. Paul Martin (Glasgow Springburn) (Lab): To ask the First Minister what additional measures are being taken to monitor registered sex offenders in Scotland. (S3F-00519)

The First Minister (Alex Salmond): In Scotland, we have in place a strong legislative framework, robust monitoring arrangements and agencies, which are working together, with the expertise to protect the public from harm. A lot has been done in recent years but more is being done and can be done.

The Justice 2 Sub-Committee review into sex offenders reported in 2006. It made 33 recommendations to keep children safe, 16 of which have now been delivered in full. We are working to implement the remainder. Of the ones that are about to be implemented, I highlight the fact that we will tighten the sex offenders register to require more household and social data, including e-mail addresses and information on whether the offender lives in the same household as a child.

We are also taking forward the committee's recommendation on a public information strategy, which will include information on disclosure and other related matters.

Paul Martin: I am sure that the First Minister agrees that registered sex offenders are among the most dangerous individuals on our planet and that we should not rule out any measure to ensure maximum protection for our communities. Does the First Minister support the pilot schemes in England and Wales that will allow parents to ask police authorities whether a named individual such as a carer or a new partner has previously been placed on the sex offenders register?

The First Minister: I acknowledge Paul Martin's interest in the matter through the tragic constituency case of which all members will be aware. We will look closely at the pilot scheme

south of the border to see whether it has lessons for us and will certainly consider that with an open mind.

Paul Martin has asked some parliamentary questions on the matter. I welcome that. The Cabinet Secretary for Justice will provide the Justice Committee with a formal update on the report's implementation before 9 March, when his questions will be answered. We are taking substantial steps. He will acknowledge that, of the recommendations that have been implemented, we have made progress on publishing missing child sex offenders details—the details of those who have escaped from the monitoring system are now published online—and the law on bail and remand in relation to sex offenders has been tightened.

Crucially, the long-awaited decision on Peterhead prison—something about which I know a substantial amount—has been taken. We should understand that, not many years ago, we had the outstanding international example of a prison that addressed sex offenders' offending behaviour. I hope that we can return to that position with the decision that has been made on the prison estate.

Stuart McMillan (West of Scotland) (SNP): What co-operation does the Scottish Government have with foreign Governments, either directly or via the United Kingdom Government, when people on the sex offenders register in Scotland plan to emigrate, particularly to nations whose regulations may not be as strong as ours or to member states or potential member states of the European Union?

The First Minister: The international position is that information is passed to the Serious Organised Crime Agency, which informs other countries about individuals who present a high risk of offending. There is also contact with the authorities abroad through Interpol, and the police can use foreign travel orders to prohibit those who are convicted of sexual offences against children from travelling overseas. Equally, other countries share intelligence via local forces and Interpol. The police also have the power to apply for notification orders, which place UK citizens who have been convicted abroad, or foreign nationals with a previous conviction who live in the UK, on the sex offenders register. I hope that that information is useful to Stuart McMillan.

War Veterans (National Health Service Support)

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the First Minister how the NHS in Scotland will provide adequate support for war veterans and their families. (S3F-00521)

The First Minister (Alex Salmond): I am pleased to have this opportunity to underline further the importance that the Scottish Government attaches to responding to the health needs of our servicemen and women. Last week, as Murdo Fraser will know, Nicola Sturgeon issued guidance to national health service boards extending priority treatment to all veterans. I am delighted to say that she will announce today a further investment of more than £500,000 by the Scottish Government to fund a pilot initiative for mental health care to be run by NHS Lothian with partners, including the charity Combat Stress. The pilot is designed to provide better community-based approaches to the care, support and recovery of veterans with mental health needs.

The new £500,000 investment in new services represents a success for the entire Parliament but, more important, for all veterans in Scotland. The families of veterans are, of course, entitled to the full range of NHS health care in the same way as other members of the public.

Murdo Fraser: I welcome the announcement of support for veterans, particularly in mental health services, in which there have been serious inadequacies in the past. The First Minister will be aware of the report of the Commons Defence Committee that came out earlier this week, which was damning in its criticism of the Scottish Government's approach to the health needs of service personnel, describing it as "totally inadequate". Whether the First Minister thinks the previous Administration or the current one is to blame for that, will he accept that it is simply not good enough and that our veterans, who have put their lives on the line for the country, deserve far better?

The First Minister: I prefer to approach the second part of Murdo Fraser's question by saying that, whatever has happened in the past, we must do better in future. The response of Scotland's veterans organisations to the announcements that have been made in recent months is of perhaps more interest than the Defence Committee's report. Colonel Martin Gibson, who will be well-known to Murdo Fraser as the chief executive of Erskine Homes, said in response to the Defence Committee's report:

"The Scottish Government is working well in partnership with veterans' organisations in providing information to veterans on the extension of priority treatment. There has been much positive activity in Scotland since SG officials appeared before the Defence Committee."

We should all look forward to what can be done. There have been failings and shortcomings in the past. It was unfortunate that the Defence Committee, despite being given the information, did not acknowledge the extension of priority treatment to veterans—that would have been the

fair-minded thing to do—but, rather than quibble about who said what to whom, let us talk about the future. This is a moral obligation that we have as a people and as a Parliament; let us discharge it in that manner.

The Presiding Officer: We started late, so I will allow a final, brief, supplementary from Jamie Stone.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): This week, we heard about the gruesome discovery of an elderly serviceman—William Hunter—who died at his home in Milton in my constituency 14 months ago. The grim event raises issues that deeply concern us all. It sends out a terrifying message to the elderly and terminally ill who live alone in our communities. In a civilised and technologically advanced society, how is it possible for a housing association and the NHS to fail to follow up the disappearance of a terminally ill man? How is it possible that it takes more than a year for people to start asking the right questions?

The First Minister: I thank Jamie Stone for giving notice of his question. I extend my sympathy to the family of the deceased.

Jamie Stone is right that the story raises serious questions, but the facts are not altogether clear yet and it is too early to make a definitive comment. We should remember that any weaknesses on the part of the housing association or the NHS can be looked at by an independent regulator and we will not hesitate to involve him if necessary. The member is absolutely correct that the issue raises serious questions that must be addressed.

12:32

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Health and Well-being

General Practices (Opening Hours)

1. Keith Brown (Ochil) (SNP): To ask the Scottish Government what further progress has been made in discussions with representative bodies on extending the opening hours of general practices. (S3O-2273)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We continue to have a constructive dialogue with representatives from the Scottish general practitioner committee of the British Medical Association.

The Scottish Government's offer promotes flexible access for patients while also offering a substantial increase in investment through the GP contract. If the offer is accepted, the average practice in Scotland that extends its opening hours by two and a half hours a week will receive new money worth £19,000 a year. As we have consistently said, we believe that the offer is fair, and we hope that GPs will vote in favour of it. We look forward to receiving the result of the GP poll in due course.

Keith Brown: I advise the cabinet secretary that, like many members, I have been in discussion with a number of GPs in my constituency—in Dollar, in Tillicoultry, in Alloa and, on Monday, in Clackmannan—who have all said that they are concerned about what they perceive to be the heavy-handed approach that is taken down south. They feel that the Scottish Government is being more constructive, however, and if new money is allocated to cover the additional expenses of extended opening hours they will be happy to accept the deal—at least, that is my impression. Can I have the cabinet secretary's assurance that the £9 million that has been announced in the media as earmarked for that is genuinely new money, rather than money that is being drawn down from existing national health service budgets?

Nicola Sturgeon: Our discussions with the SGPC have been and continue to be constructive. It is our intention to continue the constructive dialogue around the implementation of the offer that has been made to GPs even after they accept it—as I hope that they will. It has been made clear that the Scottish arrangements will be less

prescriptive than those that exist south of the border, taking account of the very different demographic and geographic considerations in Scotland, and I look forward to those discussions continuing.

Keith Brown is correct to say—and I am happy to assure him—that the £9.5 million of new money is indeed new money. In addition, £6.5 million will be recycled from the existing 48-hour access directed enhanced service to fund the extended opening hours proposal. That service will be discontinued and replaced with new arrangements that link patient experience to payments to practices for 48-hour access and advance booking.

Therefore, within the deal there is £9.5 million of new money and, because we have made a commitment to 1.5 per cent guaranteed additional investment across the GP contract envelope, there will be, over and above that, an additional £9 million of new money.

It is a fair deal for GPs. Rewarding two and a half hours of additional clinical time for the average GP practice with £19,000 a year per practice is a good deal. It is in the interests of patients, and I look forward to receiving the verdict of GPs on it in due course.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I commend the cabinet secretary for continuing the Labour policy of seeking a different settlement for general practitioners in Scotland such as we already had on access. I ask her to talk about the alternative proposals that she is putting to the general medical services committee of the BMA. Those do not seem to include any new money, yet they seem to take a rational approach in amending the quality and outcomes framework guidelines. I also ask her to confirm that the three elements in the primary proposal are: the £9.5 million of new money; the £6.5 million of recycled money; and the remainder of the £19 million, which is to do with the review body and a guarantee that she has offered.

Nicola Sturgeon: I wish to correct Richard Simpson slightly. He is right to say that there are three elements to the extended hours proposal: the first is the £9.5 million of new money; the second is the £6.5 million recycled from the existing 48-hour access DES; and the third is the money that will be part of the QOF for the existing 48-hour access DES, which will link patient experience with 48-hour access and advance booking and is worth an additional £7.5 million. Over and above that, the 1.5 per cent minimum investment guarantee will deliver an additional £9 million of new money. I appreciate that this is all a bit complex, but the total amount of new money in the package is £19 million. I think that that is a considerable investment.

As for the alternative proposals that Richard Simpson referred to, I hope that they never come into the equation, because my hope is that GPs will vote to accept what I think is a very fair deal not only for them but for the patients that they and I serve.

I should acknowledge that many GPs already provide extended opening, and we are grateful to them for doing so. However, at the moment, they are not rewarded for that activity, and this offer will enable that to happen. Our legal obligations require us to have an amended contract in place by 1 April so that we can introduce alternative proposals if GPs reject the offer. However, as I have made very clear to the SGPC, that is a bottom-line position on which we can have further negotiations. In fact, that is reflected in the BMA's newsletter.

General Medical Services Contract

2. Alison McInnes (North East Scotland) (LD):

To ask the Scottish Executive what discussions it has had with general practitioners about the impact of any changes to the GMS contract on the number of doctors willing to participate in out-of-hours services. (S3O-2254)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We continue to have discussions with representatives of the GP profession about how any change to the GMS contract can best be implemented for GP contractors, the national health service and patients. Those discussions include our proposals for extended hours and any possible impact on out-of-hours services.

Alison McInnes: I support flexibility in opening hours to allow local health centres to respond to particular needs in their communities, and I feel that, on this issue, we must resist any one-size-fits-all solution. However, I am concerned about the real risk of a knock-on effect on out-of-hours services. Indeed, doctors in my region have advised me that they are much less likely to be able to take on a share of out-of-hours cover. That will be particularly damaging in rural areas where it is more difficult and expensive to recruit locum doctors to cover out-of-hours services. Will the cabinet secretary undertake to meet representatives of rural practices in my area to explore that issue thoroughly before she presses ahead and finalises her plans for extended hours?

Nicola Sturgeon: I am always delighted to meet GPs in any part of the country. I regularly visit GP practices and meet GP representatives, and find those discussions very fruitful.

I very much agree with Alison McInnes about flexibility, and assure her that flexibility has been built into our proposals in two key ways. First, the

offer to GPs involves an extra half-hour of clinical time per 1,000 patients on a GP's list, which clearly takes account of the fact that some GP practices have fewer patients than others and ensures that the eventual outcome will be tailored to the size of practice.

Secondly, as I said in my answer to the previous question, if, as I hope, the offer is accepted, we intend to implement it in a less prescriptive way than appears to have been the case south of the border. The implementation of the arrangements will very much be a matter of negotiation between GP practices and local NHS boards, and those discussions will take account not only of rurality and other factors but of any impact of extended opening on out-of-hours services. That is the right way to proceed and I hope that GPs will welcome the move. I am sure that many patients throughout the country will.

Ian McKee (Lothians) (SNP): Previous changes to the GP contract are alleged to have altered the nature of the demand for out-of-hours services. What impact have those changes had on increasing the demand for such services and, in particular, on increasing the burden of work on accident and emergency departments? Will the cabinet secretary's new proposals help to alleviate the situation?

Nicola Sturgeon: Dr McKee raises an important point about the increase in the past couple of years in total attendances at A and E departments; indeed, over the past two years, total attendances have increased by just under 4 per cent. I suspect that a range of factors will have contributed to the increase. Changes to the GP contract may be one of those factors, but they are not the only factor.

At the national level, we are responding to the issue through a demand review steering group, which has been set up to explore further the reasons for changes in patient demand for unscheduled care services. That includes demand for accident and emergency services as well as services provided by the Scottish Ambulance Service, NHS 24 and minor injuries centres.

The issue is important and we will keep it under review. We will ensure that we respond appropriately.

National Health Service Boards (Deficits)

3. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive whether it is anticipated that any NHS boards will have a financial deficit in the next financial year. (S3O-2354)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): NHS Western Isles is the only health board currently expected to have a financial deficit

in 2008-09. The board has a cumulative deficit of £3.364 million, brought forward from 2006-07. In the current financial year, the board is cautiously optimistic of delivering in-year financial break-even. If that happens, the board will carry forward the cumulative deficit of £3.364 million into 2008-09.

Mary Scanlon: Highland MSPs recently received a briefing from NHS Highland, at which we were told that NHS Highland would have to find more than £17 million of savings in order to break even in 2008-09. With smaller budget increases planned for the next few years; with ever more stringent targets to meet; with the spectre of a new funding formula that would work against rural health boards; and with the additional cost on rural boards of providing services such as out-of-hours care to remote communities, will the cabinet secretary assure us that the Government is not embarked on a path that will lead to deficits or cuts in services in future years?

Nicola Sturgeon: I can certainly assure Mary Scanlon that that is not the Government's intention. We want to continue what has been a period of financial stability in the NHS, and we want to deal with any particular issues that arise, such as the situation in NHS Western Isles.

I will make two additional points. All NHS boards received an increase of at least 3.15 per cent for the next financial year. In what was a tight overall financial settlement, I think that that was a very good increase. Some boards that are below their Arbutnott and NHS Scotland national resource allocation committee target shares received greater increases. NHS Lothian was one such board, and all the boards have welcomed the increases warmly.

I think that the NRAC was at the heart of Mary Scanlon's questions. She will know that the NRAC was a committee of independent experts that was set up by my predecessor. The NRAC reported to us and I asked the Health and Sport Committee to make observations and comments on the report. NHS boards have also commented on it. I will shortly take a decision on whether or not we will implement the NRAC recommendations. However—as I have said before and as I want to repeat now—if we implement the recommendations in the report, we will do so on a phased basis. No health board will receive less funding, as a result of such implementation, than it does at the moment. It is important to stress that point yet again in the chamber, for the benefit of all NHS boards.

Margaret Curran (Glasgow Baillieston) (Lab): Is the minister aware of financial pressures that certain health boards and services are facing? Does she acknowledge that certain services are

now under pressures that they have not experienced to date?

I recently visited Albyn house in Aberdeen. I am sure that the minister will agree—because Kenny MacAskill is on record as doing so—that Albyn house provides a very important service in tackling alcohol abuse. It provides safety for people who would otherwise be in accident and emergency or police custody, and it gives advice and support on alcohol services. Does the minister share my concern that the project now faces financial cuts? She is on record as placing significant emphasis on alcohol issues, so will she put her money where her mouth is and ensure that the project is properly funded?

Nicola Sturgeon: Perhaps everyone in Scotland—those who use NHS services and those who do not—would be better served if Margaret Curran and her colleagues were to cease scaremongering without any foundation, both within and outwith this chamber.

I am sure that my predecessor—I see that he is gracing us with his presence—would agree that all NHS boards always face financial pressures, because that is in the nature of the work that they do and the services that they provide. In the context of a very tight financial settlement this year, we have ensured above-inflation increases for the NHS. Those increases have been welcomed. They will enable the NHS to continue to provide the excellent service that it provides.

On the particular case that Margaret Curran raised, I will, of course, look into it, as I will do with any cases that are raised with me. I am happy to write to her once I have done so.

I suggest that Margaret Curran read the budget—perhaps people who abstain on the budget do not need to read it in advance. If she does so, she will see that the Government is committed to investing, over the next three years, an additional £85 million in initiatives to tackle alcohol misuse. When I appeared before the Health and Sport Committee to talk about the budget, Margaret Curran's deputy spokesperson, Richard Simpson, welcomed that investment. Perhaps she should do so as well.

Alasdair Allan (Western Isles) (SNP): Will the cabinet secretary join me in welcoming the news that NHS Western Isles is making progress towards breaking even in future years? What lessons does the Government hope to draw from the Auditor General's recent report into the corporate and financial governance of NHS Western Isles?

Nicola Sturgeon: The Parliament's Audit Committee is currently looking into that issue and I look forward to reading its report.

As I have said, NHS Western Isles is cautiously optimistic that it will reach a financial break-even position this year. If it does so, that will be extremely good news for the people of the Western Isles and will enable the board to move forward with more stability than it has known in recent years.

We are always looking to learn lessons that previous Administrations perhaps failed to learn. I want to take this opportunity to pay tribute to the management team in NHS Western Isles, the acting chief executive and the chairman of the board. They are doing a good job of ensuring that the problems of the health board that have been present for the past few years are tackled while the board continues to provide first-class services for the people of the islands.

Lothian NHS Board (Meetings)

4. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive when it next plans to meet NHS Lothian and what topics will be discussed. (S3O-2299)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I meet monthly with all national health service board chairs and chaired the NHS Lothian annual review on 12 November last year. I have also met front-line staff and national health service managers during visits to health care facilities in the Lothians, most recently when I visited the Edinburgh cancer centre at the Western general infirmary on 12 February.

Scottish Government officials also regularly meet NHS Lothian to discuss a wide range of issues.

Sarah Boyack: I note the cabinet secretary's picture in today's *Evening News*. Would she like to go further than she did in the rather brief quotation that she gave to the newspaper today and reveal her current thinking about children's cancer services? Will she give a commitment that such services will stay in the Lothians? Can people take assurance from the appearance of her picture in the newspaper that she is committed to retaining those services?

Nicola Sturgeon: I hope that members will not mind if I begin by paying tribute to the extraordinary young man who yesterday presented me with the petition that the newspaper story was about. He has been through a great deal in his life, yet he is a great example of a young person who is extremely concerned about the world around him. He is a credit to his generation and I thank him for taking the time to meet me yesterday.

At this time, I will not expand on the comments that I made to young Ross when I met him.

However, I will say that the group that was set up by my predecessor—I seem to be mentioning him a lot today—to review specialist children's services has been doing important work. I have received its report and will take time to consider it before putting it out to public consultation, which has been the commitment all along.

As I have said on a number of occasions in the chamber and publicly, this Government is committed to all the children's hospitals in Scotland and to retaining services as locally as possible. I look forward to making further announcements in that regard soon.

Aberdeen Dental School

5. Nigel Don (North East Scotland) (SNP): To ask the Scottish Government what progress is being made on establishing the Aberdeen dental school. (S3O-2276)

The Minister for Public Health (Shona Robison): I visited the Aberdeen dental institute on Tuesday and received a full briefing from NHS Grampian and other key stakeholders on the new Aberdeen dental school development. Excellent progress is being made that will enable this challenging task to be achieved. On completion, the dental institute, including the dental school, will represent a unique and high-quality facility that will provide comprehensive oral and dental services and put Grampian in an excellent position to train, recruit and retain dental professionals.

Nigel Don: The minister is well aware that the shortage of national health service dentists is nowhere more acute than in the north-east of Scotland. Will the Government consider incentives to encourage graduates of the Aberdeen dental school to practice in the north-east?

Shona Robison: I am well aware of the pressures in the north-east, which have existed for quite some time and which we are determined to resolve. I remind the member that the dental bursary scheme—which is the lever for NHS commitment of up to five years—will be available to Aberdeen students. In the other dental schools, 70 per cent of students have taken up that bursary, which is encouraging. Other financial incentives are in place, including the vocational training allowance of up to £6,000 and a golden hello payment of up to £20,000 over two years if graduates join the dental list within three months of completing their vocational training.

The establishment of the core facilities for the new dental school in Aberdeen will be followed by the creation of an educational network across the north of Scotland to provide outreach experience for dental students. Outreach for the Aberdeen dental students will, in the first instance, be within Grampian, with proposed centres in Elgin and

Peterhead. Outreach will develop further as the dental school matures, to engage more widely with facilities across the Highlands and Islands health boards in the north of Scotland. The benefit of such facilities and of other capital dental projects should encourage students who will study in Aberdeen to remain in the north-east after qualification.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Professor Logan, the senior vice-principal of the University of Aberdeen, confirmed in a meeting with me last week that the much smaller postgraduate programme is all that the Scottish Government has funded the university to run. He also confirmed that funding for a full undergraduate dental school, if it was forthcoming, would be warmly welcomed by the university. Will the minister consider expanding what is proposed at the University of Aberdeen and fund the full undergraduate dental school that she promised members in the chamber and the people of Scotland?

Shona Robison: I can see that Mike Rumbles is still soaking his sour grapes, which comes as little surprise, given that we are delivering something that he singularly failed to deliver when he was in government. I will make it clear—the Aberdeen dental school will be a full dental school and a centre of excellence for the north-east of Scotland.

Professor Mike Greaves and his team at the University of Aberdeen are doing a wonderful and powerful job in getting the Aberdeen dental school up and running for the next academic session of 2008. It is disappointing that we are hearing negative comments from Mike Rumbles and some of his colleagues that undermine the reputation of the Aberdeen dental school before it is even open. Such comments are received very badly by those at Aberdeen University, particularly when they are trying to recruit the best staff for the Aberdeen dental school—

Mike Rumbles: I met them last week.

The Presiding Officer (Alex Fergusson): Mr Rumbles, you have had your question.

Shona Robison: I suggest to Mr Rumbles that, rather than carping from the sidelines—

Mike Rumbles: But it is a personal attack.

The Presiding Officer: Mr Rumbles, that is out of order.

Shona Robison: I suggest that Mr Rumbles actually gets behind the Aberdeen dental school, as the rest of the population is doing.

Housing (Glasgow)

6. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what plans it has to address housing need in Glasgow. (S3O-2317)

The Minister for Communities and Sport (Stewart Maxwell): “Firm Foundations: The Future of Housing in Scotland” sets out the Scottish Government’s radical and ambitious housing proposals for the whole of Scotland. It focuses on our proposals for creating a housing system that can meet the housing needs of all our communities, including Glasgow. Ministers have met the city council and a range of stakeholders in Glasgow to discuss the document and will reflect on the responses in order to achieve the best outcomes for tenants and residents in the city.

Johann Lamont: I am sure that, like me, the minister recognises the key role and proud record of community-controlled housing organisations in meeting housing needs in Glasgow. Critically, that is about regeneration, which is almost absent from “Firm Foundations”.

The minister will be aware of the belated response by Glasgow Housing Association to the Communities Scotland inspection report. I ask the minister to comment on two issues that emerged from that report. First, the GHA has indicated that it

“remains committed to transacting those SST proposals which are currently being progressed”.

Separately, it appears to make a case for being the lead developer itself, as identified in “Firm Foundations”. Those are clearly directly opposed positions. Does the minister still support the cross-party view in the Parliament that the GHA is a transitional body and that community ownership is part of its core business, which does not appear to come out of its response to the inspection report?

Secondly, when will the minister report in detail to the Parliament—as he committed to do in the debate on the matter—on progress in tackling the critical issues in the inspection report as regards meeting housing need in Glasgow?

Stewart Maxwell: I thank Johann Lamont for all those questions. On the GHA and second-stage transfer, I point out to her yet again that, over many years, the previous Administration failed to deliver one single step towards SST, yet we, in a short eight months, have 16 transfers moving forward and another 17 under discussion, which is a huge, significant step towards SST. The first SST ballots will be issued within the year. We are moving the situation forward where the previous Administration failed to do so.

We did indeed include competition in “Firm Foundations”. It is quite right that we ensure that we extract the maximum value for the public purse for housing supply in Glasgow and throughout the country.

As we have said a number of times, we view the GHA as a transitional body. As far as the report

into the GHA is concerned, the GHA has now provided information in response to the regulator and will proceed with implementing the proposals. I am sure that many members will welcome the changes that will be made as a result of the report.

Tooth Decay

7. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive what progress to its—I am sorry, I will start again.

To ask the Scottish Executive what measures are in place to address tooth decay. (S3O-2345)

The Minister for Public Health (Shona Robison): A number of measures, introduced as part of the dental action plan, are aimed at improving oral health. In addition, I launched a school-based service for children on 3 December.

Bill Aitken: As Dr Richard Simpson will confirm—he diagnosed it—I am suffering from tooth decay, which is perhaps why my initial question was somewhat confused.

The minister will be aware that there is a particularly acute problem in Glasgow in respect of tooth decay and bad teeth in general, which is not helped by the shortage in national health service dentist provision. What plans does she have to improve the alarming and concerning situation?

Shona Robison: The issue in Glasgow is not so much the distribution of NHS dentists as deprivation and people not accessing the dentists who are available often enough in the way that they require to. That is why we have an on-going programme—which will be extended—that includes childsmile practice, which is operating in a number of community health partnership areas. The programme will be rolled out to the remaining CHP areas in due course.

Childsmile and childsmile school will commence in the NHS Greater Glasgow and Clyde area in 2009-10. They are concerned with early intervention and ensuring that, by giving the oral health of the next generation as good a start as possible, we prevent some of the dental decay of which there is unfortunately too much among the adult population. A lot is happening, and I am happy to write to the member with more detail on the plans.

Tricia Marwick (Central Fife) (SNP): I was pleased to welcome the minister to Methilhill primary school in my constituency for the national launch of the childsmile school programme, to which the minister has just referred. Given the success of that programme and the access that it gives young children to NHS dentists and to early treatment for the prevention of tooth decay, can the minister indicate how quickly it will be rolled out to the rest of Scotland, so that others can benefit like my constituency?

Shona Robison: It was a pleasure to visit Methilhill primary school. The staff there are working hard with dental nurses to roll out the project. Childsmile school carries on the good work of childsmile nursery and childsmile practice. It includes fluoride varnish and, later on in school, fissure sealants, which is good preventive work.

The boards that have got childsmile school early are in NHS Borders, NHS Fife and NHS Tayside. In addition, the programme will be rolled out to a number of other boards in 2008-09, and then to the rest of the boards in 2009-10. I guarantee that childsmile school will be available over time to all children within the deprived areas that the programme targets.

The Presiding Officer: Question 8 was not lodged.

General Practitioner-prescribed Exercise

9. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive when it plans to instigate a programme of GP-prescribed exercise. (S3O-2269)

The Minister for Public Health (Shona Robison): A national working group has been established to develop a long-term strategic framework for the promotion of physical activity in primary care, which will include exercise on referral. The working group is taking forward its work in three phases. The first phase, which is almost complete, is the preparation of guidance to raise awareness of physical activity with health professionals working in primary care. The further phases will concern the development of measurement and screening tools and the identification of effective interventions. The group will draw on evaluations of other primary care initiatives in which exercise on referral has been practised—for example, the keep well and have a heart Paisley projects—as well as other pilot programmes.

Margo MacDonald: I thank the minister for her answer, but I repeat my question: when? I appreciate that the budget has come and gone, but more money could be found within the health budget to instigate a programme of GP-prescribed exercise before the working group is likely to report, which would lead to savings. We know the benefits of exercise. We do not need to wait for any more reports.

Shona Robison: Margo MacDonald is aware that we have doubled the budget for physical activity, which will be £4 million a year for the next spending review period, so the money is in the budget. In addition, we will publish the joint obesity action plan in the spring, which will outline how we intend to spend the £56 million that we have made available to pull together the food and health,

physical activity and other strategies to maintain a healthy weight. However, we need to consider the mechanics of prescribing exercise—it is not that we do not want to do it or that the money is not available. I am happy to write to Margo MacDonald with more detail on the timescale.

Blood Donors (Admissibility Criteria)

10. Ross Finnie (West of Scotland) (LD): To ask the Scottish Executive whether it plans to review the admissibility criteria for blood donors. (S3O-2260)

The Minister for Public Health (Shona Robison): The Advisory Committee on the Safety of Blood, Tissues and Organs advises health ministers throughout the United Kingdom on the blood donation eligibility criteria, which are under constant review.

Ross Finnie: I do not doubt that they are under constant review, but that does not encourage me in any way that the current palpable discrimination against gay men in the system will be ended. Does the minister agree with me that that discrimination is indefensible, in light of the evidence? More important, will she consider changing our testing system? She will be aware that we use serological testing, although it is not the highest standard of testing that is currently deployed throughout mainland Europe. If we adopted a higher standard, it might greatly assist risk assessment and therefore greatly assist in removing the unfortunate discrimination against gay men.

Shona Robison: The Scottish National Blood Transfusion Service, along with other UK blood services, bases its blood donor selection criteria on the best scientific and clinical advice available. I suggest to Mr Finnie that it is crucial that we follow that advice. If the advice changes, we will listen. However, we must follow the best scientific and clinical advice that is available to us, which is exactly what we are doing.

Health Equality

11. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what meetings the Cabinet Secretary for Health and Wellbeing has had with voluntary organisations to discuss their role in achieving health equality. (S3O-2334)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I met representatives of the Scottish healthy living centre alliance on 10 January to discuss the work that healthy living centres do in addressing health inequalities in some of our most deprived communities. Following that meeting, I agreed to establish a healthy living centre

transition fund of £2.5 million to provide support for those centres that are facing difficulty following the ending of Big Lottery Fund funding. I have also met representatives of many voluntary and community-led health initiatives on my visits to projects around the country. I take this opportunity to pay tribute to those projects and to the many people who work in them—staff and volunteers—for their dedication and commitment to serving their communities.

Dr Simpson: I join the cabinet secretary in commending the work that is done by our voluntary organisations. I also thank her for responding to Labour's call for funding for healthy living centres. However, £2.5 million for one year, far from being the "funding lifeline" that her press release describes, is more like a shoogly peg. She has provided only half the funding for half the time that we called for. Four centres are already beyond the cabinet secretary's lifeline because they have closed.

Does the cabinet secretary understand that the funding may not be enough for the 2,000 deaf or blind clients in my constituency who might lose the services of Fife healthy living and sensory awareness project, which has already announced that it will close on 31 March due to lack of money? When the healthy living centre alliance wrote to the cabinet secretary about the situation in October, it called for £10 million over two years, but she made her announcement only this week. Will she take this opportunity to apologise to those 2,000 deaf or blind clients in Fife? Will she apologise to the many centre workers who have already been made redundant and to those who have been made fearful by the redundancy notices that have been issued?

The Presiding Officer: Dr Simpson, you must be brief.

Dr Simpson: Will she apologise to the management boards, whose voluntary efforts have been undermined by her inability to make decisions on time? Will she return to Parliament with a longer-term—[*Interruption.*]

The Presiding Officer: Order.

Dr Simpson: I am halfway through my last sentence.

The Presiding Officer: Please finish quickly.

Dr Simpson: Will the cabinet secretary return to Parliament before the summer recess to make an announcement about year 2 of transition funding for the healthy living centres, so that we do not go through this whole sorry mess next year?

Nicola Sturgeon: The specific project to which Richard Simpson refers will be able to apply to the transition fund. I hope that it will do so, but I am more than happy to look into the issue. The

decisive action that I took this week is good news for health living centres and was welcomed by the healthy living centre alliance.

I must correct Richard Simpson: six, not four, healthy living centres have closed. Let me tell him which those were and when they closed: the Shetlands healthy living centre closed in December 2005; the new ways healthy living centre project in Fife closed in March 2006; Inverkeithing healthy living centre closed in March 2006; Moray healthy living centre closed in March 2006; Wester Hailes healthy living centre closed in March 2006; the our health matters healthy living centre closed in March 2006. Those healthy living centres closed because the Labour-Liberal Government sat back and did absolutely nothing to save them. I will take no lectures from Richard Simpson or other Labour members, who have shown such rank hypocrisy.

This Government will act to ensure that such projects and the people who work in them for the benefit of our communities are supported. If only Labour had acted as quickly and decisively, six more healthy living centres would be operating in Scotland today.

War Veterans (Housing)

12. Joe FitzPatrick (Dundee West) (SNP): To ask the Scottish Government what plans it has to improve housing for veterans in Dundee. (S3O-2278)

The Minister for Communities and Sport (Stewart Maxwell): I recently met Veterans Scotland representatives and Ministry of Defence ministers to discuss the support that is provided to people who leave the forces to live in Dundee or elsewhere in Scotland. We will continue to work together on that issue.

The Government's housing policy is aimed at meeting housing need. Guidance to social landlords—circular DD 1/2005—makes it clear that they should treat housing applications from ex-service personnel sympathetically. When such persons return to the locality in which they lived before joining the forces, they should be treated equally alongside any other applicant with a local connection. Homelessness legislation also requires that those who are considered vulnerable as a result of having been discharged from the armed forces are assessed as having a priority need for accommodation.

Joe FitzPatrick: For some time now I have been working to get appropriate housing for my constituent Sandy Gibson, who was left medically disabled when he was badly injured on a live firing exercise while serving with the Scots Guards. Because his health has deteriorated, he is now, in effect, trapped in his home. Dundee City Council

has been unable to find appropriate housing for Mr Gibson since he first applied in October 2004. I ask the minister to look into the case and consider whether the Scottish Government can do anything to help Mr Gibson and other veterans in similar circumstances.

Stewart Maxwell: The Scottish Government believes that it is important that the courage, valour and sacrifice of Scottish servicemen and servicewomen, not just in the world wars but in all the conflicts in which they have fought around the world, is appropriately and properly recognised and commemorated. We are aware of the issues that face those who leave today's armed forces. We liaise closely with veterans organisations in Scotland to examine how best they can work together to address the needs and aspirations of Scotland's veterans community.

Although I cannot comment on the individual case that Mr FitzPatrick raises, I am more than happy to meet him to discuss it to see what help I can perhaps give him and his constituent. I am aware, however, that Mr Gibson's case was raised with the First Minister in December and the First Minister wrote to Dundee City Council asking for further information. I hope that Sandy Gibson gets the housing that he requires in the very near future.

It is clear that our veterans are owed a debt of gratitude by all of us, and I am sure that we can all join together in hoping that all our veterans, not just Mr Gibson, get the treatment that they deserve given the service that they provided for us.

British-Irish Council

The Presiding Officer (Alex Fergusson): The next item of business is a statement by the First Minister on the British-Irish Council summit. The First Minister will take questions at the end of his statement and there should therefore be no interventions during it.

14:56

The First Minister (Alex Salmond): Last week, along with the Minister for Community Safety, I represented the Government at the 10th British-Irish Council summit. The meeting took place in Dublin and was hosted by the Taoiseach. I take this opportunity to inform colleagues of the productive and useful discussions that took place at the summit and of the way in which Scotland is contributing to the valuable work of the council. I am pleased to report that we are making excellent progress in forging friendships and close working relationships with all the members of the British-Irish Council.

The council was established under the Good Friday agreement on 10 April 1998

“to promote the harmonious and mutually beneficial development of the totality of these islands.”

Its members are the British and Irish Governments, the Scottish Government, and those of Wales and Northern Ireland, Jersey, Guernsey and the Isle of Man. It is reasonable to say that the importance of the body has been substantially enhanced by the participation of the reconvened Executive of the Northern Ireland Assembly.

The council enables members to exchange information, consult and co-operate on areas of mutual interest. Last week, we made progress in a number of areas. The meeting focused on the misuse of drugs, which is a strand in the council's work that is being led by the Irish Government. There was an extremely constructive discussion on the topic. We reflected in particular on the impacts of problem drug use on families, especially young children, and on how we respond through our respective drug and alcohol strategies.

All members welcomed the opportunity to hear from their colleagues on the shared and specific challenges that they face. The discussion was valuable and timely in relation to the development of the Scottish Government's new drugs policy. Indeed, it emerged during the discussion that all the Administrations are going through similar processes.

The discussion broadened to embrace the impacts of alcohol misuse, which is a significant,

shared challenge for all our societies. That led to a constructive discussion that will certainly help to shape the council's future work. Significantly, it was agreed by all who were present that, great though the social damage that is caused by the scourge of illegal drugs undoubtedly is, the consequences of alcohol misuse are substantially greater.

There was a brief discussion on the work programme for future meetings of the council—a subject that will be discussed in detail at the next summit. I was pleased to confirm to members that the Scottish Government will host the next British-Irish Council summit in Edinburgh in September.

The Scottish Government aims to be a positive and proactive partner in the council. As part of that approach, we propose to include energy as a new work stream for the council. It is a matter of huge importance to all members. Last week, I highlighted to colleagues the importance of energy issues and emphasised that the focus of the work should be connectivity and transmission, which is a strategic issue for all council members.

The generation of renewable energy presents an enormous opportunity, but there is not yet a strategy for connectivity and transmission. Scotland has a huge amount to offer on that. Co-operation through the British-Irish Council may lead to progress on related issues, such as carbon capture and storage and climate change. By leading a new work stream on energy—on which I will present a paper at the Scottish summit—council members can give the issue the profile that it deserves.

As colleagues in the Parliament are aware, the British-Irish Council is an important forum and the Scottish Government seeks to maximise its potential. We can further enhance the strength and success of the council by developing closer bilateral relationships with each of the member Governments. While in Dublin, I had a useful meeting with the Taoiseach, during which we discussed our respective plans in a number of areas, including energy. We look to Ireland with respect and admiration for what it has achieved as a small independent country. Our relationship with its Government is of major significance. The Taoiseach and I discussed ways in which we can strengthen that working relationship. We have paved the way for future talks and bilateral visits later this year.

In addition, I held a meeting with the First Minister and Deputy First Minister of Northern Ireland and the First Minister and Deputy First Minister of Wales. That was our first formal trilateral meeting since the three new Administrations were established and it is significant for several reasons. First, we held discussions on the current arrangements for

devolution in the United Kingdom and reached a clear collective view on the importance of the joint ministerial committee and other formal mechanisms and the reinstatement of mechanisms that have fallen into abeyance. Secondly, we identified important opportunities for bilateral co-operation in specific policy areas. One early opportunity that we have proposed is for other member Governments to come to Scotland to hear about the work of the Scottish Broadcasting Commission, which has excited great interest, particularly in Wales. Thirdly, following our valuable bilateral and trilateral discussions, we have set in train plans for similar meetings later this year.

It would be remiss of me not to mention the successful visit yesterday by our friends from across the sea, the First Minister and Deputy First Minister of Northern Ireland and junior ministers. In particular, we made significant progress on the Campbeltown to Ballycastle ferry service through the signing of a joint declaration and the publication of a joint paper setting out the way forward.

I am pleased to inform the Parliament about the positive and constructive set of meetings at last week's British-Irish Council summit and about the strengthening of the ties between the Scottish Government and other council members. The communiqué from the summit, which is the official record of the meeting, is now lodged in the Scottish Parliament information centre. The current arrangements bring together two sovereign states, three devolved nations and three Crown dependencies. That could be a model for future co-operation throughout the islands, although of course I anticipate that a situation in which we have three sovereign states is a likely development soon. We look forward to growing co-operation and to making progress together in the coming months and years. The Scottish Government will ensure that the next summit in Edinburgh later this year is a success and that it lays strong foundations for the future of the British-Irish Council.

The Presiding Officer: I commend the First Minister for the brevity of his statement; I also commend it as an example to the members who follow.

Ms Wendy Alexander (Paisley North) (Lab): I thought, Presiding Officer, that you might be hoping that some of the rest of us would fill in the time, to make up for what was perhaps not the fullest statement that members have ever heard.

The 10th summit of the British-Irish Council is an appropriate occasion on which to recall the circumstances of its birth. I hope that the First Minister will join me in acknowledging the vision of the British and Irish politicians who brought the

council into being a decade ago. The development was not without risk—perhaps a bit like devolution—but the council has contributed significantly to supporting peace and prosperity, particularly in Northern Ireland, and to policy co-ordination throughout these isles. I welcome the fact that the next British-Irish Council summit will be held in Edinburgh in September.

We welcome the inclusion of energy in the council's possible future work programme. However, given that we have a minority Government that is dependent on the support of Parliament, will the First Minister offer a commitment that Parliament will have the opportunity to debate the proposed energy paper in advance of his presentation to the summit in Scotland in September?

I note from the official communiqué that other council members have suggested that early years policy should be included in the council's future work programme. Is the Scottish Government willing to support that call? To avoid sending the wrong message to other members of the council on drug misuse or early years policy, will the First Minister consider reviewing his Government's decision to pull the plug on nursery places for Scotland's 900 most vulnerable two-year-olds?

Finally, the official communiqué does not directly mention the Campbeltown to Ballycastle ferry service. However, the First Minister stated that a joint declaration was signed yesterday and that a joint paper has been published. In light of those developments, will he enlighten us as to when he envisages the restoration of that service?

The First Minister: The ferry service was discussed at the bilateral meeting with our Northern Ireland visitors yesterday as opposed to at the British-Irish Council summit. However, the issue was raised last year at the British-Irish Council summit in Belfast. We expect to have the consultant's report, which tenders are out for now, in September. There is a real wish and enthusiasm on the part of both Administrations to move forward that important initiative.

I thank Wendy Alexander for some of her comments, but I should say that the Welsh, in proposing debating early years strategy, referred to the fact that such a strategy is a great part of the Scottish National Party Government's education drive in Scotland. Would that she were as complimentary and understanding as her Welsh colleagues are of all the good things that we are doing. Her Welsh colleagues are also deeply enthusiastic about the Scottish Broadcasting Commission. That is another policy that I commend to Wendy Alexander.

Of course I accept that we are a minority Government. We have proposed to the council a

work stream on energy, and I would be delighted to set out our various ideas on that and on the importance of connectivity and transmission in particular.

One of the most interesting features of the British-Irish Council at the moment is the range of political views and the types of Government that are represented round its table. Indeed, as a result of Rhodri Morgan's unfortunate illness at the previous British-Irish Council summit, the Prime Minister and the Secretary of State for Northern Ireland were the only Labour Party politicians who represented around the table the Governments and Administrations that participate in the council. The varied nature of the Administrations that are represented in the British-Irish Council makes for constructive dialogue and interesting discussions.

We should welcome the farsightedness of those who have brought such bodies into being. I certainly agree with Wendy Alexander that discussions on constitutions in the future are not for the McChattering classes. Such discussions are vital in understanding what future constitutional development will be. Councils and commissions are much more important than working parties, review groups and sub-committees of bodies, and the Parliament needs to engage in constructive work in determining such things.

I hope that Wendy Alexander acknowledges that the SNP's drive for early years provision has included a substantial increase in provision for nursery education. When the British-Irish Council debated drug misuse, we considered at considerable length the consequences of such misuse to vulnerable children across the islands and in our respective areas. In a mood of cross-party reciprocation, I acknowledge the substantial increase of £800,000 in Labour-led Stirling Council's budget for vulnerable children, which was discussed at its meeting this morning. That council went on to cut its council tax rate by more than 1 per cent. We thought that a council tax freeze was enough. Although we welcome the council's imagination in such matters, which is a tribute to the generosity of the Scottish local government settlement, what it has done rather leaves Wendy Alexander's comments about a cash crisis in local councils in tartan tatters.

Annabel Goldie (West of Scotland) (Con): I apologise to the Presiding Officer and the First Minister for arriving late in the chamber for the latter's statement, for which I thank him. I, too, am glad that the summit in Dublin was so constructive.

In the discussions on drug abuse, was thought given to co-ordinating the work of the respective law enforcement agencies of the jurisdictions that are represented on the British-Irish Council? If it was, will the First Minister confirm that the Scottish

Crime and Drug Enforcement Agency will be a primary body in that co-ordination? In addition, is it proposed to devote part of the positive forum of the British-Irish Council, when it meets in Scotland in September, to a continued discussion on drug abuse, given that the new drugs strategy for Scotland will have been published by then?

The First Minister: That was not a feature of the discussion, but the summit meetings are only the most formal part of the proceedings and many ministerial meetings take place as a consequence of those meetings. I will therefore ensure that there is a discussion between the respective ministers for justice about policing and enforcement, and about co-operation between the various Administrations on the issue of drug enforcement.

Two things were of interest to me in the discussions on drug misuse, and I am sure that Annabel Goldie will be interested in them, too. First, the discussions centred substantially on the impact of drug misuse on children and on children who are at risk. There was agreement that the misuse and abuse of drugs is an enormous scourge in society. The Welsh have just published a reconsideration of their drug strategy; the Westminster Government is about to publish a strategy; and the other Administrations indicated how their thinking is developing. It struck me that consensus is emerging across Governments, as I hope it is in this chamber, on refocusing the work. Fergus Ewing has been taking that forward with the spokesman of each party.

Secondly, Liam Byrne, the United Kingdom minister, pointed out that the latest statistics that have been collated—I pay tribute to him for identifying them—show that 200,000 children are at risk in their families because of the misuse and abuse of illegal drugs. He also pointed to a figure of more than 1 million children who are at risk because of alcohol misuse. We must never underrate the drive against the scourge of drugs—Annabel Goldie would not allow us to do so—but that figure, which was reinforced by comments from several of the Administrations, highlighted the fact that alcohol misuse is a huge problem throughout our islands. All parties must put the same effort into tackling that issue as we put into tackling illegal drugs.

Nicol Stephen (Aberdeen South) (LD): I welcome the First Minister's statement. The renewed involvement of the Northern Ireland Assembly Government is clearly significant, and I was pleased to join the First Minister and other ministers on Tuesday in welcoming the First Minister and Deputy First Minister of Northern Ireland to Edinburgh castle. Their presence together in Scotland on behalf of their shared Government was a truly remarkable and very

positive sight. It reminds us that the British-Irish Council was one of those bodies that were established for dialogue and to secure peace in Northern Ireland, and it is part of that truly historic agreement.

I would be grateful if the First Minister could give an update on the work that is being led from Scotland on immigration issues across the nations and others that are represented on the council.

In supporting the Campbeltown to Ballycastle ferry service, what budget has the First Minister's Government allocated?

The First Minister implied that there was agreement that drugs policy was still very important but perhaps less significant than tackling alcohol misuse. I have read the communiqué and I cannot find that sentiment expressed directly in it. Can the First Minister explain that apparent omission from the communiqué? Are any discussions under way about changes to the criminal classification of drugs or changes to enforcement policies?

Finally, I am very pleased that the energy and renewable energy opportunities in these islands continue to be taken seriously. How will the First Minister seek to balance that work with the strong opportunity that also exists for joint transmission and grid work with Norway and other North Sea countries? An opportunity to link from Ireland to Scotland and the Scandinavian nations might also interest Ireland. Does the First Minister expect to bring his paper on energy to the Parliament in any form before he presents it to the next British-Irish Council meeting?

The First Minister: I will answer the last point first. I indicated to Wendy Alexander that I would be happy to bring the scoping paper for a strand of discussion to Parliament to be discussed, because it contains issues on which I would like to secure maximum cross-party support. I know that Nicol Stephen understands that—regardless of how great Scotland's potential is in renewable energy and regardless of how much we strive to knock down some of the obstacles, for example on access to the grid—unless we have a transmission system that is capable of taking the amount of power that we are capable, in electricity, of producing, our potential will remain just that, rather than actuality. I will be delighted to bring forward that strand.

In Dublin, I also had a meeting with Airtricity. As Nicol Stephen knows, that company has pioneered the concept of the so-called supergrid and has just been taken over by Scottish and Southern Energy, which is obviously one of Scotland's great companies. Many of the ideas and much of the imagination that Airtricity has put into that concept will now have an even more

distinct Scottish connection than Airtricity's own investments in Scotland.

I was delighted that the First Minister and the Deputy First Minister of Northern Ireland came to Edinburgh castle the other night. Sometimes we underrate points of historical significance when we are living through history, but I suspect that if anyone had said a few short years ago that we would have a convivial social gathering with the First Minister and the Deputy First Minister of Northern Ireland—Ian Paisley and Martin McGuinness—it would have taken some believing. The fact that that has come to fruition is a tribute to everyone who has played such a strong part in the peace process—successive Prime Ministers, for example—but in particular it is a tribute to the politicians of Northern Ireland, who have put behind them so much of the past to enable them to co-operate for a better future. Ours may be a small role in many ways, but nonetheless, because of our connections, history, interrelationships and family relationships with Northern Ireland, we are duty bound to do everything that we possibly can to assist even further in that process.

I regard the ferry service as important in itself. It is important for the Mull of Kintyre and for tourism in Scotland, and it offers a number of other transport opportunities, but I regard it as important to indicate the tangible progress of joint projects with the new Executive in Northern Ireland. There is, as yet, no budget for the ferry service, because we are at the stage of tendering for the feasibility study, but there is the strongest possible determination to make a success of it. We are dependent on the service being feasible, arguable and financially stable—it would not be any use to us if it was not. There is an absolute political will to see the project delivered if it possibly can be.

The discussions that we had on transport were broadened to include our existing direct ferry services with Northern Ireland. New facilities are going in at Belfast and I hope that before long new facilities will emerge in south-west Scotland. I know that that enthusiasm for co-operation will be shared by all parties in the Parliament.

On the discussion broadening out to cover issues of alcohol misuse, it is the way of such things—Nicol Stephen has participated in them, so he knows this—that communiqués are sometimes drawn up before the discussion takes place. I do not in any sense downgrade or minimise the issue of the abuse of illegal drugs, the scourge that it is on society and the problems that it causes, but the recognition by all Administrations—they all brought forward their own figures—of the impact of alcohol misuse was a telling aspect of the discussion that took place at the council.

The Presiding Officer: We have six minutes left. I am unlikely to fit in all back-bench members who want to ask questions, so brevity all round would be greatly appreciated.

Keith Brown (Ochil) (SNP): As the First Minister said, one of the results of yesterday's visit by the First Minister and Deputy First Minister of Northern Ireland was the announcement of the feasibility study on reinstating the Campbeltown to Ballycastle ferry. As a student of Scottish history, I am sure that the First Minister knows all too well that sea travel along that route led to the emergence of Dalriada, one of the precursor kingdoms of Scotland, more than 1,000 years ago. In those days our transport links with Ireland helped Scotland to be founded, and the links have continued right the way through. The First Minister has answered questions on the timetable and budget; will he say something else about the benefits of that link should it be re-established?

The First Minister: I do not think that I should come out in favour of reinstituting Dalriada; Berwick wanting to come back to Scotland seems to be causing enough controversy. Keith Brown's point is well made, nonetheless. The links between Scotland and Northern Ireland are hugely important for the reasons I have given. Let us remember that the direct link from the south-west of Scotland to Northern Ireland is a euroroute—it is designated as one of the main strategic transport routes of the continent of Europe. We all want to see increased investment so that the facilities match the designation.

Hugh Henry (Paisley South) (Lab): I welcome the First Minister's comments about tackling drug misuse and I am sure that he agrees that the best way to do that is to prevent drugs from getting into the community in the first place. I hope that the First Minister will reflect on the success of the drug dealers don't care campaign, which led to significant arrests and convictions. Will the First Minister repeat that initiative and will he invite members of the council to join him in running similar campaigns simultaneously in their Administrations so that we have a concerted effort to tackle the drug dealers who cause mayhem and misery in our communities?

The First Minister: That particular issue did not come up in the discussions, but I am prepared to look carefully at Hugh Henry's suggestion with Fergus Ewing and to come back to him with action. The other Administrations might well be extremely interested to hear about the benefits and results of the project that the member mentioned.

Michael Matheson (Falkirk West) (SNP): I welcome the First Minister's statement. He stated that energy would be a new work stream for the council when its summit takes place in Edinburgh

later in the year. What other issues will be discussed at the Edinburgh summit?

The First Minister: I am glad that Michael Matheson asked me that question, because it reminded me that I did not answer Nicol Stephen's point on demography. The demography work stream will be discussed at the council meeting in Edinburgh later this year. It is also being discussed at a ministerial meeting next month in preparation for that summit.

Demography is interesting in respect of, for example, drugs or alcohol misuse. It affects the constituent parts of the British-Irish Council in radically different ways. Therefore, it is understandable that the paper that is taken to the September meeting must reflect that different experience. That work stream will be presented at the September meeting as well.

As regards energy, connectivity, the ability to access Scotland's energy resources, the energy resources of Ireland and Northern Ireland and the marine resources around these islands in particular, are very important issues.

Irene Oldfather (Cunninghame South) (Lab): Is the First Minister aware of a European and External Relations Committee report from the previous parliamentary session on a programme of Scotland-Ireland co-operation that included a recommendation, which was accepted by the previous Scottish Executive, on cross-border co-operation to attract increased European funding? Is he further aware that the committee recommended that opportunities existed to extend areas eligible for cross-border support to North and East Ayrshire and the Western Isles on the ground of adjacency to designated areas? Did the First Minister raise that matter in discussions and will he give a commitment today to promote the case for inclusion of North and East Ayrshire and the Western Isles in any future discussions, both at the council meeting and with the European Commission?

The First Minister: Yes, I am aware of that. With reference to one of the specific projects mentioned, the matter is very much in our minds at present. I hope that when we make the relevant applications for European funding—for example, in the case of electricity transmission to the Interreg programme—we will receive support from all parties in the chamber.

Gavin Brown (Lothians) (Con): The First Minister stated:

"we identified important opportunities for bilateral co-operation in specific policy areas."

One example was the Scottish Broadcasting Commission. What are the other important areas for bilateral co-operation?

The First Minister: We heard about one—the Welsh initiative on early intervention in early years. The Welsh are extremely impressed by the emphasis that we in Scotland have placed on that and plan to introduce their own policy programme on it. They were anxious to put that forward as a work stream in the council, and that was supported enthusiastically by the Scottish members who were present.

Iain Smith (North East Fife) (LD): The First Minister might be aware that the Scottish Parliament is leading discussions on reforming the British-Irish Inter-Parliamentary Body, which is the parliamentary wing of the British-Irish Council. One issue has been the lack of willingness, to date, of the British-Irish Council to allow effective scrutiny of its work by the BIIPB. At the council's next meeting in Edinburgh, will the First Minister institute a discussion to establish whether greater co-operation between the two bodies could result in proper scrutiny of the council's work by the BIIPB or whatever it comes to be called?

The First Minister: For a number of years, I was an alternate delegate to the parliamentary association, so I have attended a number of its meetings and know something about it. I am sympathetic to the point that Iain Smith makes, but he will be aware that one reason why such scrutiny has not taken place in the past has been to do with sensitivities surrounding the peace process in Ireland and, in particular, the position that some parties took towards the bodies in question at a particular point in time. Although I will be happy to put forward his suggestion, I will so do in a way that does not compromise or embarrass any of the parties that are participating so well in the existing bodies. I hope that he will accept my assurance that I am sympathetic to his idea but will take on board the caveat that there is a substantial reason why the scrutiny and co-operation that he seeks has not taken place in the past.

The Presiding Officer: I apologise to the three members who pressed their buttons but whom I could not call.

Democracy in Local Health Care

The Presiding Officer (Alex Fergusson): The next item of business is a debate on democracy in local health care.

15:27

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I am pleased to open an important debate that, in many ways, will go to the heart of the kind of national health service that we want to build for the next 60 years. We made a deliberate decision to hold the debate during the consultation on the proposed local health care bill in order to give members of all parties an opportunity to contribute to the consultation. I make it clear at the outset that all contributions are welcome and will have an impact on developing the proposals in the consultation paper.

I have no doubt that, although members are divided on many health and well-being matters, we all agree on the need for good public and community involvement in, and engagement with, the national health service. A view that has been repeatedly reinforced in my mind over the past few months—as I have travelled the length and breadth of the country talking to people who work in the NHS and to the many thousands of people who use its services—is that people desperately want to be involved in their local health services. They want to be involved in the key decisions about the future development of the NHS and they want to be able to participate actively in their own care. In stating clearly that we must do more to encourage and enable such participation, “Better Health, Better Care: Action Plan”, reflects the strong views that have been expressed by patients and the public during the consultation.

It is important to say—I hope that members will agree—that some NHS boards are already doing a good job in fostering and encouraging community and public involvement. All NHS boards now have a statutory duty to show year on year how they are improving their engagement with the public. That represents good progress, and the Scottish health council plays an important role in ensuring that boards live up to that statutory obligation. In my experience—albeit that it is short, so far—as Cabinet Secretary for Health and Wellbeing, examples of innovative good practice are perhaps not as widespread throughout the NHS as they should be, so I have no doubt that there is room for improvement.

For too long, public opinion has been viewed by too many people as an obstacle that is to be navigated around. There has been evidence of such an attitude in many recent consultations on

major service change proposals, but that attitude must change. Last year, when I launched “Better Health, Better Care: Action Plan”, I set out our vision of a mutual NHS, in which ownership and accountability are shared with the public and the staff who work in the service. The action plan contains proposals that will bring the concept of mutuality to life and will start to shift ownership and accountability to the people of Scotland: for example, later this year we will launch a consultation on the possible contents of a patients’ rights bill.

We have experienced the real benefits of independent scrutiny panels. For example, an independent scrutiny panel exposed the complete lack of evidence to underpin the decision to close accident and emergency departments at Ayr hospital and Monklands hospital. When we have consulted the Scottish people, we will shortly announce how independent scrutiny will be embedded in how the NHS develops proposals for major service changes in the future.

We will develop a participation standard, to ensure that patient focus and public involvement become the core drivers of decision making, rather than afterthoughts or side issues. We will require boards to produce annual ownership reports setting out information on how to access local services, how to raise issues and concerns and how to get involved in the design and delivery of local health services.

Perhaps most important, for the purposes of today’s debate, we are undertaking an extensive consultation on proposals that might be included in a local health care bill. The consultation started on 8 January and will run until 1 April. The consultation document has been distributed to a wide range of organisations representing the public, patients, professionals and many other interested parties. I look forward to receiving a substantial response.

In the context of a mutual NHS, the consultation is a major step towards strengthening public and community involvement with NHS boards. The consultation seeks views on two key themes. They are not presented as alternatives—we must make progress on both. First, the consultation seeks views on how the current process and procedures for public involvement can be improved. For example we are, with a view to strengthening existing mechanisms, seeking views on the future role of the Scottish health council, on the role of local authority members on NHS boards, and on how public partnership forums and community planning partnerships can support improved public involvement.

Secondly, the consultation seeks views on a range of issues that relate to direct elections to NHS area boards. I appreciate that direct elections

raise complex issues, some of which are already being considered during the consultation. There is an issue about the proportion of elected members on boards and whether elected members should be the majority. I was amused the other day to read that Bill Butler will support the approach only if the majority of board members are elected, whereas Jackson Carlaw will support it only if the majority are un-elected, which might present me with interesting challenges in bringing opinions together.

There are also issues about the accountability of boards. Boards are currently accountable to ministers and to Parliament, which should not change. There are issues about the type of elections and who might stand. I am sure that no member wants further party politicisation of the NHS—many of us think that we have enough of that in Parliament. There are questions about whether we should pilot elections and about the relationship between elected and other board members. It is important to acknowledge the important work that stakeholder, lay and executive members play, and to consider how we incorporate elected members into the mix without making NHS boards unwieldy.

Bill Butler (Glasgow Anniesland) (Lab): Is one way of avoiding an unwieldy number of board members to return executive members to their pre-1981 state, when they simply offered advice? There is a solution.

Nicola Sturgeon: I agree very much with Bill Butler that that is an option. It will be considered, and I look forward to receiving his contribution to the consultation. He has many important things to say on the subject.

There is a range of views on all the issues. I have views and our manifesto set out clear views on some of them—for example, on the proportion of elected board members. However, as a minority Government, we must build consensus for change: that should be seen as a strength, not a weakness. That is why the consultation deliberately steers clear of fixed positions. We will listen to all strands of opinion and seek to move forward on the basis of agreement, but move forward we must.

Some people take the view that direct elections are too radical a step for the NHS. However, in this year of all years—the 60th anniversary of the founding of the NHS—we should be willing to countenance radical change, just as the founding fathers did 60 years ago. Other people say that direct elections will not have the effect that people think they will have. If, by that, they mean that direct elections will not remove the need for tough decisions, they are absolutely right. As I am finding out with every passing day in this job, difficult decisions will always have to be made in

the NHS. Nevertheless, I believe that directly elected members on NHS boards will enhance and improve the quality of decision making. In my experience, when people are allowed to be involved in decision making—when they understand and are persuaded of the reasons for change—they are more likely to become drivers for change than barriers to change. Problems arise when people feel excluded, ignored and cut out of decision making, and when they are treated as though they do not understand the issues.

This is an important debate that goes to the heart of the kind of NHS that we want to develop for the future. It is absolutely right to see the Scottish people and the NHS staff as equal partners in—indeed, as co-owners of—the national health service. With “Better Health, Better Care”, we have made a positive and encouraging start to the process of building mutuality into the very fibre of our national health service, and the consultation on the proposed local health care bill will maintain that momentum. Everywhere I go, I see evidence of people’s willingness and desire to be involved and to play a full part in the delivery of health care services in their areas. It will be to the advantage of all of us if we encourage and embrace that willingness and desire.

I look forward to hearing views from across the chamber. It is an important and welcome innovation, although it is not the first time that it has happened and it will not be the last. Nevertheless, it is important during a consultation to give Parliament the opportunity to have a debate without the need to divide at the end of the debate, so that our views can be incorporated and, I hope, reflected in the final decisions that are made. I very much look forward to listening to the range of views that I have no doubt will be expressed.

15:38

Margaret Curran (Glasgow Baillieston) (Lab):

I welcome the debate. Nicola Sturgeon was correct to contextualise it as she did. We acknowledge formally that, when Labour requested a subject debate on the issue because we felt that it was appropriate, it was readily agreed by the SNP business manager.

As the cabinet secretary has outlined, the performance of the health service and all that is around it is of critical importance to the Parliament because it is crucial to the well-being of Scotland. How the health service operates and functions and how it is scrutinised and held accountable are of critical importance as we conduct our day-to-day affairs. The cabinet secretary referred to what I would call the unequivocal commitments that were made in the SNP manifesto. If the SNP wants to move away from them, it should give us fair

warning of that. Nevertheless, it is important that we are having this discussion in the manner that has been outlined, rather than in the manner that was suggested in earlier political discussions.

There has been a perceived democratic deficit in health services for some time. We should remind ourselves that the health board landscape has been significantly decluttered. Richard Simpson reminded me just yesterday that, some years ago, before we came to power, there were 42 health boards in Scotland. Board meetings have now been opened up and a tough freedom of information regime has been applied. Over recent years, we have also extended the influence of locally elected councillors, introduced new standards of consultation, introduced patient partnership forums and established the Scottish health council. I welcome the fact that the cabinet secretary said that she would examine and strengthen those mechanisms. Despite those many changes and the progress that I argue strongly has been made, the sense of democratic deficit remains. We have to acknowledge that and appreciate some of the reasons for it.

Some members of the community remain critical of the consultation processes that health boards have undertaken. Some believe that boards are too remote and are not responsive enough to local opinion and experience. Some believe that boards are dominated by professional interests—both managerial and clinical—and it seems that, at times, they do not explain their reasoning properly and do not engage with other voices and perspectives.

There is another argument. Given the powers that boards wield, the resources that they command and the decisions that they make—and the centrality of all that to the lives of Scots—it is important that we attempt to improve scrutiny and accountability. We should make the processes more comprehensive and thorough. There is a substantial argument that the greatest stimulus for that is democratic involvement.

Overall, it is fair to say that there is a substantial argument for change, so we should consider how such change happens and what shape it takes. Of course, we need to be careful about the implications of any changes. I am sure that we have all had representations about that. None of us can afford to play fast and loose with the NHS—it is just too important for that. Therefore, any change has to be well thought through and we have to be fully aware of its implications. I acknowledge that many of the challenges that have been flagged up have been added to the consultation paper. If we are to proceed with changes, we must appreciate the arguments of those who oppose elections to health boards and ensure that we address their substantial concerns.

How will we maintain a national health service with national targets and standards if we further decentralise decision making? Could a minister reasonably overrule decisions that had been reached democratically? What would be the implications? What would be the relationship with national programmes and facilities? How do we ensure national and effective decision making without undue influence of vested interests, whether they are issue-related, political or geographical? I acknowledge the comments that the minister made on that issue.

How do we ensure adequate participation? I have to say that I probably disagree with Nicola Sturgeon, who seemed to emphasise that there is a huge appetite for participation. I worry that participation would not be at an appropriate level and that we would have to give great consideration to ensuring that people were encouraged to participate if we were to adopt the direct elections model. We have to be careful; Scotland is perhaps on the verge of voter fatigue, given how many regular elections we have. We have to ensure that we do not downgrade the significance of further democratic involvement in the national health service.

Of course, we have to ensure that decision making is rational and effective. I would never argue that democratic involvement somehow undermines rational and effective decision making, but in any model that we introduce, we have to ensure that the weakest voice is not crowded out so that only the loudest voices exert influence. That will have to be given great consideration, particularly given the challenge that we face with health inequalities in Scotland.

There are powerful arguments on both sides of this debate. We cannot just tinker. The democratic imperative is always a powerful driver, but it is critical that we are aware of the implications of changes.

If we are to alter the governance arrangements of the NHS in Scotland, we have to do so in a manner that leads to an improved service. Any alteration will have to be settled for some time. We will not be able revisit arrangements time and again if we think that they are not working for us.

Given those factors, I do not suppose that it will come as a surprise that I think that our policy of pilots, which was set out in our manifesto, is worthy of consideration and is possibly the most appropriate model. I am interested to see what comes out of the consultation exercise, which the minister said would be extensive. I hope that she will present the evidence and conclusions to Parliament in various ways, whether through the committees or in the chamber. I am sure that Nicola Sturgeon would never dream of doing this, but I hope that she will not dismiss the idea just

because it was Labour's policy at the election. Pilots will be a helpful and constructive way forward that will allow the policy to be tested, allow us to address any concerns and allow us to iron out any difficulties.

Members will know that the Labour Party has held discussions over the years on direct elections, so Nicola Sturgeon will know the strength of commitment of many Labour members. Bill Butler in particular has supported the idea. We cannot dismiss the arguments lightly.

I hope that the minister will come back to Parliament when the consultation is complete, and that she can find the means to ensure that Parliament is systematically involved in understanding the evidence. I hope also that she will commit today to consulting Parliament before any firm decision is taken.

15:45

Mary Scanlon (Highlands and Islands) (Con):

We, too, welcome this debate on the consultation on a local health care bill to directly elect members of health boards. Like Margaret Curran, we will monitor the responses to the consultation. It is fair to say that we would welcome another parliamentary debate.

My colleague Jackson Carlaw is unable to be here today, which is unfortunate given his interest in independent scrutiny panels. However, I understand that ISPs will be the subject of a separate debate in the future.

A publication from the Scottish health council landed on my desk this week. Its new website is a step in the right direction on the issues that we are discussing today. The publication says:

"The Scottish Health Council Evolving Practice website will enable healthcare professionals to share their experiences of how they have engaged with patients and the public to improve services."

It does not cover everything but, as I say, it is a step in the right direction.

The current chairman of the British Medical Association is on record as saying that

"the Government should strengthen local structures and support NHS boards to improve their own consultation processes and communicate better with the public".

I am inclined towards that view. Much of the enthusiasm for directly elected health boards arises from dissatisfaction with the current consultation process. All too often, communities are presented with what are seen as faits accomplis. They have to argue against eminent health professionals and economists such as Kerr and Andrew Walker as to what is the best option for the delivery of services.

The issues surrounding consultation of communities on health issues have rarely been off Parliament's agenda since 1999. I remember the petition on Stracathro, which attracted 48,000 signatures. The petitioners felt that they were not being listened to. I also remember the petition on Stobhill, where the local community felt strongly that no one was listening to them. I remember, too, our being concerned about the consultation process and I remember the work that was done by Dr Richard Simpson on the Stobhill proposals.

My colleague Jamie Stone is in the chamber, and I want to acknowledge the campaigns in the Highlands to save the Belford hospital in Fort William and the consultant-led maternity services in Caithness. In both cases, communities were united to stand against a mighty health board. My goodness—it was quite something to watch.

Surely public involvement at the earliest opportunity, so that people can understand why change is needed, and their further involvement in drawing up options, would help. The public should not just be involved in the final stages.

Representation is another issue—Margaret Curran spoke about it. For example, if all of the Highlands was to be one constituency, it could be that all board members lived in Inverness. The area now takes in Argyll and small communities such as Appin, so ensuring that people are heard will be a huge challenge. I do not think that having a representative from each multi-member ward would be acceptable, given the numbers involved.

Scottish Conservatives are concerned that single-issue campaigners may wish to be elected and that they are very likely to be elected, especially when they are recognised as the guardians of existing services. That could work well, but, equally, it could be a block to innovation, modernisation, development and change, which are inevitable in the NHS.

When I was thinking about that issue, I thought of the former Tory health minister, Michael Forsyth, who proposed that ambulance personnel should upskill to become paramedics and fought tooth and nail to ensure that that happened. The Opposition of the day said that that would lead to a two-tier ambulance service and campaigned strongly against the new paramedic post. However, I do not think that any MSP or health board member would argue against the excellent work that paramedics and ambulance staff do. I use that example to show that difficult decisions have sometimes to be taken and changes have to be made. We do not always like change but, in the long term, it can deliver a better outcome.

We support the appointment of at least one councillor to each board, given the need for people to work together on delayed-discharge issues and

care in the community. I see no reason why a councillor who has been elected to a council need be elected again to gain a place on a health board.

My party supports the inclusion of a general practitioner on each board, given that 90 per cent of patient contact with the NHS is in primary care. Based on recent experience, having a representative of the Scottish Ambulance Service on each health board and a health board member on the Scottish Ambulance Service board would also lead to much better working relationships.

Will direct elections to health boards of less or more than 50 per cent of their members enhance transparency and accountability and lead to greater public satisfaction and agreement over decision making and consultation? The truth is that we are not entirely convinced that that will be the case. However, we think that improvements can be made to the existing process.

15:52

Ross Finnie (West of Scotland) (LD): I welcome the opportunity to participate in this debate on the consultation on democracy in local health care. I note that the consultation ends, somewhat unpropitiously, on 1 April. I hope that no one will read too much into that.

The debate was going quite well until we heard mention of Michael Forsyth.

Mary Scanlon: Paramedics.

Ross Finnie: Never mind the paramedics. I well remember that when Michael Forsyth first campaigned in Scotland, he came here with a reputation for campaigning avidly for privatisation of the ambulance service and the fire service. I have never really been a great supporter of him since then.

The cabinet secretary touched on two issues that ought not to be confused. One is how in delivery of care one tries to allow the individual patient to exert greater influence on that care. The second is how we deal with the democratic deficit in health boards, which are charged with delivering that care in a broader sense.

One of the issues that the cabinet secretary and the rest of us must address is the role of health boards and how they discharge their duties. I mention that because of what came out of the scrutiny panels' reports on Ayrshire and Arran NHS Board and Lanarkshire NHS Board. Those reports contained some excoriating criticism of the way in which those boards consulted. If we want boards that are properly representative, that understand their function and that will, crucially, be responsible for dealing with all that, we have to sort out such failures. I do not wish to debate the nature of those failures, but I must say to the

cabinet secretary that I do not believe that embedding scrutiny panels is necessarily the right idea. Although it might have been justifiable to set up those panels to examine the failures in the boards, my view is that we should remedy the failures in those boards and not subject well-constituted boards to second guessing. In the long term, that will not ensure good governance of our health boards. I am not disputing the fact that the scrutiny panels have unearthed some serious issues, but the answer is not to embed the panels—it is to address the failings that they have exposed.

If we get that sorted, which I am sure is not beyond the wit and imagination of the cabinet secretary, we come to the composition of the boards themselves. In modern corporate governance—whether in the public or private sector, but particularly in the public sector—there is a question of striking a balance between executive and non-executive directors. There is an issue with regard to non-executive directors having a majority—albeit a small one—even if that is in the hands of the chair. In particular, we must recognise that, in our health boards, health professionals must be the key drivers of the executive side, and are to be held to account by non-executive directors.

We then come to the question of what we are looking for in those who will hold others to account. There has been a development, as exemplified by the title of the Cabinet Secretary for Health and Wellbeing, in sending a signal that health embraces and embodies much more and is much wider than the NHS. One cannot work in the NHS unless one understands the particulars of the local community, the local housing environment and the background—the social factors—that surround health care. One must also be acutely aware of what is involved in relation to primary and acute care.

If we require that kind of governance, and if we are looking forward to a modern health system that will last for the next 60 years—as the cabinet secretary mentioned—we must also consider how to square the proposed development of community health partnerships and the issue of local authorities and health boards. With all that in the mix, the Liberal Democrats are not persuaded that pitting elected local authorities against elected health boards is the best recipe for achieving the integration in delivery of health care towards which most people, and most parties in Parliament, are moving.

Of course, as has been mentioned by all the members who have spoken previously, single-interest individuals have to be respected. They hold a view, but they are not necessarily the people who are going to bring the breadth that is

necessary to deliver and discharge the functions that I described earlier, which are required to provide balanced local health care across the board. Their presence might work in the same way that local councillors find to their cost when they are dealing with planning applications—if one has a single interest, one has to declare it and cannot take part, so that could become a slightly self-defeating exercise.

Like every member, I am interested in listening to the consultation. However, if a democratic element is to be introduced to health boards, it would be far better to recognise that, in trying to square the circle between the health boards, the local authorities and the community health partnerships, serious consideration should be given to extending substantially the number of local democratically elected councillors who participate in management and running of health boards. That would address the democratic deficit, but it would also mean that people would come to the table with a balanced and rounded view of what health care actually means in their community. At present, subject to reading with care the detail of the consultation on which the cabinet secretary has embarked, that is the direction in which we incline.

15:59

Christine Grahame (South of Scotland) (SNP): This is an extremely interesting debate—I keep scoring things out and changing my mind as I am persuaded by one or other of the arguments. As members all know, and as the cabinet secretary has reminded us, we have an ageing health service that is 60 years old and no longer fit for purpose. We have demographic changes; a higher expectation of service—quite rightly—among the public; and extraordinary developments in surgery, medicines and treatments. On the other side of the balance sheet, diseases that were once unknown, such as HIV, put huge stress on the system. The health service is a great tanker of a vehicle. We require it to change tack, and we have to put time and thought into how we go about achieving that.

The Kerr report was an interesting start for the Parliament, although some of us read different things into it, as did the public. In particular, to quote from the executive summary, Kerr said:

“we need to ... develop options for change WITH people, not FOR them”.

However, I do not think that that was the public's experience of the various closures that took place. I am, of course, thinking back to the past threat to close Ayr and Monklands accident and emergency units. I will not dwell on what the scrutiny panel had to say on the matter, but I will come on to what was felt elsewhere in Scotland—on my own

patch, when Jedburgh and Coldstream cottage hospitals were closed. Regrettably, the matter is now done and dusted, but there was a huge campaign by local people to keep those hospitals open. They were very precious to them, and they were greatly used by the elderly for respite care because people could stay in the middle of the community. People marched in a bid to keep the hospitals open, they sent petitions here and so on. However, when it came to the day when Borders NHS Board sat down to make its decision, I do not think that anybody in the room did not know, in their heart of hearts, that the decision had been taken many months previously. Notwithstanding impassioned and articulate speeches in favour of keeping the hospitals open, they were closed.

The interesting thing was that people were sitting round that U-shaped table whom nobody knew. They were from NHS Borders. I am not saying that the individuals are bad people, but nobody knew who they were until that day, yet there they were. Margaret Curran spoke about people making major decisions that affect communities at their core. Nobody knew those people, and nobody had elected them. They were responsible for the decision, but not in a face-to-face way, before their electorate—if I can put it that way. Given how people felt, the word “consultation” became somewhat sullied currency. It was just about boxes getting ticked. Afterwards, an appraisal was carried out, which said that the processes had been gone through properly, but people could not argue against the substance of the decision.

I very much welcome the debate, which I think is timely for the Parliament, eight years down the line. We are a small country of 5 million people. We can be much more in touch with our communities than Westminster can be, with its greater representation.

I congratulate Bill Butler on the work that he did on his member's bill, which I supported. I have listened carefully to what has been said about the genuine difficulties on the path towards—I hope—some form of direct elections to our health boards, and I acknowledge those difficulties. They include the mechanics of the elections and turnout issues which, as members of the Parliament, we know about to our cost. There is also the potential hijacking of elections by self-selecting interest groups—goodness me, there are a few community councils on the planet like that, some of which we might say are not very representative. There must be a careful balance between lay people, professionals and councillors, bearing in mind the cross-cutting provision of care in the community, including social work, housing and the whole shebang as we know it.

However, one cannot say that we should not proceed because of all that. As a back bencher, I

can say that I am quite attracted to Margaret Curran's piloting idea. However, if one was to go down that route, because of some of the issues that Mary Scanlon raised about remote and rural areas, we would have to choose several different areas with different problems, including logistics and local campaigns and issues. If I were to pluck three areas from the air, I would choose a really remote area, a rural area and an urban area, and we could see how the pilots operated in practice. There would be no egg on anybody's face; there would be no difficulties in that regard. I was going to make a comparison involving a pilot boat pulling a tanker. Anyway, we would be able to step back and measure progress.

This is not a party-political issue. Everyone knows from experience in their constituencies that the status quo is simply not an option. As has been said, people must feel that they are properly involved in what happens in their health service. We do not expect lay people to make clinical or medical decisions, but we expect them to be able to have a say in what suits their community and what works for them. I am pretty sure that if we had had a different health board in the Scottish Borders, with a different balance, we would have kept at least one of our little cottage hospitals, which were happily located and which were doing a super job with respite care. However, that possibility was not open.

As I have said, I welcome the debate. I am actually enjoying it. It is interesting to have such an exchange of ideas, instead of just trying to head-butt one another politically.

16:05

Bill Butler (Glasgow Anniesland) (Lab): I will refrain from head-butting anybody, politically or otherwise.

I am pleased to take part in this subject debate on democracy and local health care. I congratulate the cabinet secretary on the tenor of her speech and welcome other speeches that have been made.

The Parliament last had an opportunity to debate this important issue just over a year ago, on 31 January 2007. I hope that this debate will mark the beginning of a process that will succeed in moving the matter forward. I also welcome the Government's consultation, to which I intend to make a detailed submission.

I am more committed now than I was even a year ago to the notion that there is a need for greater democracy in our NHS. It remains my belief that there is strong support across Scottish society for the introduction of direct public elections to Scotland's NHS boards. The case for greater democracy, accountability and

transparency in the decision-making process for local health services remains compelling and I continue to hold the view that the best way to achieve that greater accountability and transparency is the introduction of direct public elections. Such a reform would go a significant way towards increasing public involvement in the planning and delivery of health care services in our communities.

I am pleased to say, as Margaret Curran has confirmed, that the Labour Party has moved to a position of having no in-principle objection to the direct election of the majority of health board members and I am glad to have played a small part in moving my party towards that position. Given the current situation, that policy stance is correct. An undeniable problem remains with the way in which boards operate. The anger that some people feel about certain decisions is, to an extent, generated by the manner in which those decisions are seen to be made. There is a perception that they are made in secret with little or no explanation, that they are often predetermined and that they ignore the views of the community and the responses that have been made to boards' consultations. In summary, many people believe that health boards' consultations are artificial, contrived exercises. That is not a happy situation for the NHS or anyone in Scotland.

I was gratified that the cabinet secretary talked about ownership and accountability, which are the nub of the matter. I acknowledge that improvements in public participation have taken place in recent years under the previous Executive and the present Government, which must both be given credit for those changes. However, we still need to go further. Direct public elections would complement the public participation reforms of the previous Executive and the present Government.

Of course, there is no perfect method for consulting the public on major local health issues. I do not believe for a moment that direct public elections will lead to everyone being happy with every NHS board decision. That would be absurd. However, I contend that decisions that were made by health boards on which there was a large, democratically elected element would have much more credibility than those that are made under the current system. That is the point.

Accepting that decisions are legitimate is at the heart of representative democracy. Democracy is not always about getting one's own way, but it is a means of making decisions that takes serious account of people's opinions. At the moment, that does not happen with NHS boards. Direct public elections of a simple majority of board members would give the public a mechanism to influence service delivery in their area.

If we are to address public apprehension—indeed, suspicion—there must be greater

openness and transparency and there must be direct accountability. Direct public elections would allow such an approach to thrive and prosper. Democracy is a pretty good system. That is why we are here. I have not heard a convincing explanation of why the make-up of regional NHS boards should not contain a strong element of direct electoral accountability. Those who favour the status quo—as the BMA does—make poor arguments. Their self-interested arguments do not hold water.

Introducing greater democracy would mean more than just structural change. Introducing electoral accountability would involve patients and communities and provide an opportunity for public debate and greater access to information. There is nothing wrong with that. Direct elections would lead to a sea change in the culture of NHS boards. That would be a good thing, given the real danger of corrosive cynicism spreading among the public. Such cynicism does no good for our NHS in its 60th year or for Scotland as a whole.

I hope that the Government's consultation will lead to legislation to introduce direct public elections to health boards such that elected places constitute a simple majority of the board. If a radical, balanced, reasoned proposal is introduced, I will support it. However, it must be radical in blending the experience of appointed board members with the accountability of those who are directly elected. Anything less than a simple majority—pace Jackson Carlaw—of directly elected health board places would be tame, disappointing and absolutely unacceptable.

16:11

Gil Paterson (West of Scotland) (SNP): It is with great pleasure that I support the concept of democracy in local health care, which is long overdue. Since the start of the current parliamentary session, I have been involved in three health service issues on which the health board would have benefited from having direct input from people with local knowledge who would be directly affected by the board's decisions.

In his member's business debate on parking charges at Stobhill hospital, Paul Martin put forward the argument that there should be no parking charges—a view with which I had, and have, some sympathy—and gave some compelling arguments based on his local knowledge. However, with my insight into the damage that vandals can do to parked vehicles in large unsupervised car parks and my local knowledge of how the parking is set out at Stobhill, I am equally aware that people might be happy to pay a small charge for parking facilities—although I have in mind shillings rather than the pounds that the health board proposed. Given our insight and

our local knowledge of Stobhill hospital, I am sure that, after a little debate on the matter, Paul Martin and I could live with any of the outcomes that we have separately promoted.

In Dumbarton, thousands of people came on to the streets to show their support for the retention of threatened services at the Vale of Leven hospital. A common concern in the community was the aloof manner of the board's consultation, which lacked any other options. There was only one game plan: the health board's plan. Another concern was the perceived lack of accountability to the people whom the hospital serves.

In Clydebank, there is a massive public campaign to retain beds that are threatened with removal at St Margaret's of Scotland Hospice. Just this week, campaigners turned up at the Public Petitions Committee to hear how the committee intends to progress the petition, which was signed by 60,000 people. One of the main grievances is that the hospice was not consulted at any time about the loss of the 30 beds.

Those three different cases share some common issues: the perception that people would not be heard; the perception that people's views would not be taken into account; and the perception that people's views were not worth considering. In all three cases, if local involvement and accountability had come into play, there would have been two benefits: giving the public some ownership of the process would reassure them about decisions; and the boards would benefit because it would give them back some of the credibility that, sadly, they have lost among the public that they represent and serve.

Most people think that health boards work to a plan that has been preconceived in some other place, with no room for changes that reflect the public's views. The master plan is what you get—like it or lump it. The health service is paid for and, indeed, owned by the public. The best way in which to show that ownership is to have members of health boards who are directly elected by the public. In that way, confidence in the boards will return.

Therefore, I support the Government's plans for democracy in health boards. Some decisions will still be difficult and indeed contested, but the public will be reassured that they have ownership of decisions, because they will know that their concerns have been aired and responded to by those whom they elected rather than by those who have been selected.

16:16

Helen Eadie (Dunfermline East) (Lab): I thank the Cabinet Secretary for Health and Wellbeing on two counts. I hope that she does not faint. First, I

trust that you will forgive me, Presiding Officer, if I take a liberty and thank her for an unrelated piece of work. At the Subordinate Legislation Committee's meeting on Tuesday, I noticed that Shona Robison and the cabinet secretary have listened to my appeals on behalf of the Skin Care Campaign Scotland on the matter of wigs. They have addressed that fulsomely, and I thank them for that.

I also thank the cabinet secretary for bringing the important matter of democracy in local health care to the chamber for debate today. I was a member of the Health Committee when my colleague and friend Bill Butler's bill was considered and I was happy to support it. In principle, I still support the arguments that he advanced. I would qualify that because of what I heard in the evidence-taking sessions, but I do not demur from the principle that he espoused today.

I listened to and heard the concerns of those who oppose the proposition. I believe that Bill Butler's proposal should be tested in pilot schemes, and I was delighted at the time to secure a commitment in writing from the then First Minister, Jack McConnell, that one of the two pilots in Scotland would be in Fife. I heard what Christine Grahame said earlier, however, so perhaps we should have three pilots—I do not know. I imagine that Alex Salmond will not be disposed to deliver on a promise that was made by his predecessor, but if the question is not asked, no one will know the answer. Therefore, through the cabinet secretary, I appeal for one of the pilots to be in Fife, which is an urban and rural area. If the answer is no, I can only say, "So, SNP back benchers, take note of what has happened to me. Be careful when Alex Salmond promises something. There may be reasons for back benchers to think carefully before agreeing to any First Minister's advances. Play hard ball with him. First and foremost, get what your constituents want."

Tricia Marwick (Central Fife) (SNP): Will the member give way?

Helen Eadie: No. I do not have time.

In oral evidence on Bill Butler's bill, Pat Watters of the Convention of Scottish Local Authorities said:

"The bill would simply tinker with part of the public services. We also believe that any change to how we organise the public services must be able to deliver improvements. We fail to see how the bill would demonstrably improve the public service."—[*Official Report, Health Committee*, 24 October 2006; c 3117.]

I will be interested to find out whether COSLA will change its views on that. Time will tell.

I recall arguing for direct elections to health boards before I became an MSP, so it was

instinctive for me to support Bill Butler's bill and his ideas. My thinking was underpinned when I witnessed and experienced the harsh reality of public engagement and consultation in Fife. I think that the health board in Fife was first off the block in Scotland when it came to changing the delivery of services in the acute sector. The local Queen Margaret hospital was a key element of the campaigning and the local frustration. Members will remember the front page headlines in the *Dunfermline Press*, which ran a major campaign.

There was a perception of powerlessness, justified or otherwise, which led to anger and frustration and the many uprisings that we witnessed throughout Scotland. Every member who experienced those must have learned lessons. A thousand people turned up at a public meeting in Dunfermline, such was the fury at the proposals, which it was thought would diminish the importance of the hospital in Dunfermline. About 98,000 people signed a petition to the Parliament—some of us turned up to present it—that appealed for the hospital not to be downgraded.

The proposal to have direct elections to health boards is not unique, but the system has rarely been introduced elsewhere in the world. In fact, as far as I am aware, the only other place that has introduced it is New Zealand. In oral evidence to the Health Committee in the previous session of Parliament, the then minister, Andy Kerr, raised several interesting questions about the operation of direct elections in New Zealand, referring to legislation that the New Zealand Government had put in place. I hope that, during the consultation, the cabinet secretary will take account of the Health Committee's report on Bill Butler's member's bill, in particular on the issues in New Zealand. One such issue was control of the directly elected boards in New Zealand, where the Government appointed Crown monitors. It was suggested that if there was potential for intervention by a national Government, Bill Butler's bill would not address the concerns that it was intended to address.

Another issue is the tension between national and local policy. The cabinet secretary may want to set a firm direction for national policy, but there is an issue about how that is delivered locally. That is a matter of serious concern. Another matter is the imbalance that can arise in certain areas, which Mary Scanlon pointed out. In an area such as Fife, we could have board members who predominantly represented west Fife, with nobody at all from the north-east of the area. People who know Fife will know that it is a 70-mile run from Kincardine at one end to Tayport at the other.

I hope that the cabinet secretary will take on board the concerns. Fundamentally, I support the

idea, but it should be tested first. Given some of the major concerns that exist, we should not just rush into it.

16:22

Elaine Smith (Coatbridge and Chryston) (Lab): Like other members, I am pleased to participate in this debate on democracy in our local health care provision. I commend the cabinet secretary for conducting a subject debate on the issue.

Other members have mentioned local experiences and, perhaps unsurprisingly, I will, too. My enhanced interest in the issue stems from experiences in the NHS Lanarkshire area in the past few years, which highlight well some of the dilemmas at the heart of democracy in the health service. Today's edition of *The Herald* used NHS Lanarkshire as an example in a report that refers to the debate.

I am more than happy to discuss the intricacies of the system of direct elections to health boards at another time, but I want to focus on the reasons why we need elections that would, preferably, produce a simple majority. The report in *The Herald* made it sound as though the idea of directly elected health boards was the brainchild of the SNP as a response to unpopular decisions, such as the decision on the accident and emergency service at Monklands hospital. Although I am sure that those issues had, and will, rightly, continue to influence in the consultation, I must point out that my comrade Bill Butler put the item on the Parliament's agenda in the previous session, through a member's bill. I commend him for all the work that he has done on the issue.

Bill Butler: To set the record straight, the idea is not an original one from the SNP or me. Does the member agree that there is an echo back to the 1980s, when the Tories gerrymandered the health boards and made sure that they had appointees on them?

Elaine Smith: I am happy to agree with that.

As Bill Butler pointed out earlier, direct elections would not be the panacea that produced democratic accountability in the health service—the issue requires much further debate and discussion—but they would be a step in the right direction of improving democracy and ownership by the people.

In previous debates, it seems to have been suggested that service users might not be best placed to decide on issues relating to health service policy, practice and delivery, and that it would be better to leave decisions on such matters to the professionals. It is perhaps not surprising that that echoes the BMA's view, as we saw in the

briefing that was sent to us yesterday. I entirely refute such suggestions—indeed, I find them to be patronising, unfair and simply wrong. People in my community know and understand their health needs and those of their community. That was well demonstrated in the public meetings that were held during the so-called consultation on NHS Lanarkshire's picture of health proposals. Numerous well-informed individuals spoke with passion and clarity about why they opposed the closure of Monklands hospital's accident and emergency unit and the downgrading of the hospital.

The strength of feeling that was demonstrated has persisted, and I can safely say that the people of Coatbridge and Chryston will continue to protest against any plans that threaten their local health care provision and that they will not be patronised into accepting half-baked decisions. NHS Lanarkshire and the cabinet secretary need to realise that. My constituents were as delighted as I was that the cabinet secretary instructed NHS Lanarkshire to continue to provide accident and emergency services at Monklands and that the board agreed to do so, but they also want assurances that that provision will be of a high standard. That means that Monklands must be retained and developed as a level 3 general hospital, for which the required funding must be provided. My constituents were told at the public meetings that continuing to run three accident and emergency units in Lanarkshire was not safe, and they must be assured that it is now safe to do so. The people of Coatbridge and Chryston are entitled to nothing less than first-class provision.

We could discuss many areas covered by the picture of health proposals, but the focus for this debate must be on engagement with local people, transparency, openness and accountability. The public must be not only allowed but encouraged and supported to influence health service delivery in their areas.

During a meeting with NHS Lanarkshire on its decision to downgrade Monklands, a senior member of staff told me that he was not accountable to me. Such arrogance shows why we need more democracy and accountability in our health service and helps to explain why the views of the thousands of people whom I represent were not given any credence in NHS Lanarkshire's consultation exercise. The contributions that were made demonstrated that while health professionals bring to decisions their invaluable medical knowledge and understanding, local people bring their knowledge of and insights into their communities and their own health needs. Both types of knowledge are vital in making decisions about local health services.

The boards of other services and institutions in the public sector should also be democratised—

the boards of further education colleges, for example. I hope that the notion of having more democracy is more widely applied.

Directly elected health boards would allow more accountability, but we have heard that that is not the only change that is required. There is a perception that health boards can do what they like even when they are faced with a public outcry—indeed, there is little wonder that there is such a perception in some areas. We must ensure that there is proper respect for consultation processes, that all contributions are fully taken into account and that there is better engagement with and participation by local people and communities.

I could not finish my speech without relating the situation in Scotland to that in Cuba. In the wake of the news that Fidel Castro is standing down, and whatever happens in Cuba now, we have a lot to learn from patient representation at every level in the excellent Cuban health service. Let us hope that Scotland can lead the way in the United Kingdom in aiming for a health service that is as democratic and as rooted in the community as the Cuban health service is. Direct elections for health boards would be a good start.

16:28

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, thank the cabinet secretary for bringing forward this debate. She correctly set the scene by saying that we are preparing the NHS for the next 60 years, and she reminded us that it is unusual to have such a debate during a consultation period—the consultation period in question ends on 1 April. However, the debate is welcome and a constructive approach has been taken to it.

I welcome the cabinet secretary's comment that all contributions to the consultation would be warmly received. She said that people want to be involved. Perhaps they do; I hope that they do. She said that some NHS boards are doing a good job in involving people, which is true, and that there is a lack of evidence behind closure plans. Many members—Mary Scanlon in particular—have echoed that theme. Finally, the cabinet secretary said that she would listen to all strands of opinion. That is a good way in which to conduct a consultation.

Margaret Curran said that she perceived the democratic deficit—we all perceive it—and that there is a strong argument for change. Later in the debate, it was said that the status quo is simply not an option.

Margaret Curran posed the question, "How do we get people to participate?" Although such participation is desirable, it is not always easy to achieve. We should remember the example of

school boards. If I may quote Margaret Curran, she talked about the “weakest voice” versus the “loudest voice”. From my own time as a councillor, I remember that there were powerful members of the health board in the Highlands whose voices carried a little more weight than the voices of the quieter members and rather drowned them out on occasion. Mary Scanlon and Peter Peacock will remember those people.

Mary Scanlon put it very aptly when she said that dissatisfaction with the present consultation process has led to the desire for direct elections. That is absolutely true. She also said that we have to beware of single-issue candidates, which is a very stark warning.

Peter Peacock (Highlands and Islands) (Lab): I have listened to the debate with great interest and agree with many of the points that have been made about the need for change. I am intrigued by what Jamie Stone is saying. Does he agree that, notwithstanding his point about transparency, the experience that he and I had as councillors of the closing of schools by a democratic institution did not in any way diminish the sense of wrongdoing felt by the communities who were the victims of those decisions? They would tell us that a consultation had been fixed, that the decisions had been made beforehand and that the consultation was a sham. Therefore, would it not be naive to assume that such problems would disappear because of democratisation?

Jamie Stone: I shall return to that point in my final remarks about my party’s position, but the point is well made.

When Mary Scanlon came into my constituency—as she has a right to—she saw that one of the problems that beset both sides of the argument about maternity services in the far north was the perceived lack of local representation, or a local voice, for the areas involved.

As a preamble to my backing-up his thoughts about our party’s policy, I note that Ross Finnie was right to separate the two issues of, first, patient involvement, which is hugely important and on which work is required, and, secondly, the democratic functioning of boards. He said, quite rightly, that the issue is about how boards conduct themselves, and I support him entirely when he says that scrutiny panels should not be embedded. It is about fixing the problem and getting it right, and about the balance between executive and non-executive power.

Ross Finnie said that he dreaded pitting elected NHS boards against elected councils. Peter Peacock and many other members will recall the great difficulty between the regional and district layers that we experienced when we were councillors. That situation was not always

constructive, and I see parallels with what Ross Finnie said about the prospect of pitting elected NHS boards against elected councils. He is entirely right to say that there is a role for the elected member in democratising NHS boards, and perhaps there is more than one role.

Mary Scanlon: Will the member give way?

Jamie Stone: In a minute.

Surely it would be appropriate to have the districts of a large NHS area and a council area, such as Highland Council, represented on the NHS board. Some years ago, that would have gone a long way towards addressing the problems with maternity services in the Highlands. Ross Finnie pointed out the responsibilities of the 32 local authorities in Scotland—we think of housing, social work, education and special needs—and an overlapping, joined-up approach to working between local authorities and the NHS would lead to a great improvement in delivering services to the people. Surely that is what we are about.

Mary Scanlon: I acknowledge the points that the member makes as they relate to care in the community and delayed discharge. To correct him, I said that there should be at least one councillor on each board, because of those issues.

Jamie Stone: I accept that point.

The idea behind the consultation and the debate is about where to set the pointer between an entirely elected board, a board the vast majority of whose members are elected and Jackson Carlaw’s position—I am not entirely sure whether he differs with Mary Scanlon.

The point that I, Ross Finnie and my party are making is that there is a role for locally elected local authority members. By bringing those two aspects of democracy together, we can achieve joined-up working and joined-up service delivery, which is what really matters at the end of the day.

16:34

Nanette Milne (North East Scotland) (Con): This has been a good and timely debate, which is being held during the consultation on the forthcoming—and also well timed—local health care bill. It has allowed a comprehensive airing of many of the issues related to increasing democracy in local health services. Interesting and constructive contributions have been made by members from throughout the chamber.

As many members have said, in the past few years the desire for meaningful public engagement in the development of the NHS has been growing, alongside increasing dissatisfaction with the way in which a number of health boards have interacted with the public when major changes

were planned in the local delivery of health care provision.

A number of us in the chamber today—including the cabinet secretary and the minister—will remember the enthusiasm and optimism in the chamber when the anticipated Kerr report on the future of the NHS in Scotland was being discussed, because patient groups and other NHS and public representatives who were present felt that at last they were having a real and meaningful input to the future shape of the NHS.

Sadly, as health boards across the country began the process of reconfiguring services in response to the Kerr recommendations, too many people in too many areas felt that health boards were consulting the public on a fait accompli and were paying scant attention to the reactions and responses of their local stakeholders—as Christine Grahame described graphically with regard to her region in the Borders.

The many campaigns that ensued across Scotland clearly showed the public's dissatisfaction with the consultation process. In my own area, the retention of the option for women to give birth in community hospitals in Aboyne and Fraserburgh was achieved only after a protracted, well-organised and vocal campaign by local people against NHS Grampian's proposals to close those maternity facilities. We are all familiar with the equally strong campaigns to retain A and E provision in various parts of Scotland and with the campaign that Mary Scanlon highlighted to save the Belford in the Highlands.

The battles to retain local facilities have taken time, commitment and resources. They could have been avoided had health boards been made aware of the strength of public feeling and the cogent reasons for that feeling before recommendations for closure were made. Instead, in several cases, the impression was that the consultation process was a sham, with decisions already having been made by the boards, out of the public's view.

I, for one, am pleased that the Scottish Government has brought forward its "Better Health, Better Care" action plan, and I welcome its intention to promote a local health care bill within the first year of this session of Parliament.

There is no doubt that there needs to be improved public engagement. That need stimulated Bill Butler's Health Boards Elections (Scotland) Bill and has led to the current public debate on democracy in local health care.

Like many MSPs from across the parties, I had a great deal of sympathy with Bill Butler's member's bill, which was defeated at stage 1 last year. I saw the merit in members of the public being directly involved in discussions about important changes

to services and having a direct input to the process before recommendations are made. However, I also felt—and still feel—that a majority presence of directly elected members on a health board could lead to short-term decision making and, at times, a distortion of priorities or delay in reaching difficult decisions, which could result in inequalities of care or undermine the planning of regional services. Ross Finnie, Mary Scanlon and others have highlighted the fact that there are also issues around likely single-issue candidates.

As has been pointed out in the debate, significant steps have already been taken to improve public engagement with the NHS in Scotland. The legal requirement in the National Health Service Reform (Scotland) Act 2004 for health boards to consult their local populations on service change was a step in the right direction, even though the implementation has sometimes been flawed.

Recently announced plans for the Scottish health council to establish standards for consultation, the independent scrutiny boards that will examine proposed service changes, the intention to strengthen the public participation fora of community health partnerships and the opening up to the public of the annual review process between health boards and ministers should all help, together with other Government initiatives, to ensure that communities have a say in the design and delivery of local services. The BMA, together with some other opponents of direct elections to health boards, thinks that those proposals have greater potential to improve public involvement in decision making than directly elected health boards. They may well be right to say that money would be better spent on direct patient care than on administering elections, with the attendant risk of the voter apathy that has been experienced south of the border.

Clearly, there is a serious debate to be had about the best way to achieve the stronger public involvement and enhanced local democracy that are requirements of 21st century health care planning.

My colleagues and I welcome the Government's drive to improve public and community involvement in the work of NHS boards. We also welcome its conviction that local people must always be at the heart of decision making and that the process for service changes should be rigorous, evidence based and open to scrutiny. We hope that the on-going consultation will be meaningful, as the cabinet secretary indicated it will be, and that the Government will pay careful attention to the suggestions of its consultees when formulating its proposals for the local health care bill, particularly any innovative ideas from those who are most closely involved with the NHS, be

they staff or patients. We look forward to seeing the responses to the consultation and the content of the bill in due course, and to the ensuing scrutiny of the bill as it progresses through Parliament.

16:40

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): As many members have reminded us, we have had 60 years of the national health service. During that time there has not been a single model of the health service—indeed, change has been one of the hallmarks of its development—but it has broadly moved from a command-and-control structure, through the internal market structure under the Conservatives, to the current model of collaboration that the current Government is seeking to continue and enhance.

In 1999, when the Parliament came into being, I was fortunate enough to be asked to be the reporter on the Stobhill inquiry. I was astounded at the degree to which the health board had not consulted on the issue. It went further than that: there was a marked culture of secrecy and paternalism, and a deliberate attempt to obfuscate matters and delay public information in such a way that the local community and the doctors and nurses at Stobhill general hospital were not informed about the situation with the new medium-secure unit until it was too late for them to have any influence.

The report, which was adopted by the Health and Community Care Committee and the then Government, has led to huge changes over the past few years. One of my concerns is that we may not be allowing those changes to bed in adequately before we proceed. The one thing that all speakers have agreed on today—many have referred to it—is that local accountability is vital. Important changes have been made, including the reduction in the number of health boards and trusts. Whereas there were 42 trusts and boards, there are now 14 boards. Community health partnerships are new, but have enormous potential to increase the involvement of the community and the participation of all stakeholders. That move, and others involving elected councillors, is a change that has only recently begun.

In evidence to the Health Committee on the Health Board Elections (Scotland) Bill, Sir John Arbuthnott said that 43 elected members are represented on NHS board or as chairs or members of local community health partnerships. He believed that that level of representation could be lost with direct elections. I do not agree with that sentiment, but I believe fundamentally that we need to consider carefully before we establish a third democratic focus. Peter Peacock made an

excellent point when he said that democracy of and in itself produces accountability in the ballot box but does not necessarily improve consultation. We have learned that to our cost on a number of occasions.

Other structures have been put in place, such as the Scottish health council—it, too, is a relatively new body that is still finding its feet—to try to ensure that the consultative process works. The revised consultation to which Nanette Milne and others referred means that the guidance on consultation has been improved. The staff partnership forum and its representation on the board brings in an important element of representation.

The cabinet secretary referred to the fact that boards now consult much earlier, much more frequently and much more openly. We all agree that there is still a degree of imperfection there that needs to be strongly addressed. Innovative measures such as open forums, citizens juries, community forums and the involvement of independent facilitators have all been tried out. We need to collect the data and ensure that all boards follow it.

The independent scrutiny of the consultation process, not only by the Scottish health council but, in the case of Lanarkshire, by PricewaterhouseCoopers, was still not sufficient to produce an adequate consultation process. I believe that the combination of the scrutiny mechanisms, including NHS Quality Improvement Scotland and the joint improvement teams, will help to make boards meet national standards to a greater extent than was previously the case.

We have pretty well got the national accountability upwards in place. The HEAT—health improvement, efficiency, access and treatment—targets that replaced the performance assessment framework, combined with the national outcome indicators and the outcome agreements with boards, put the cabinet secretary in a strong position to hold the health boards to account but, as I said at the beginning of my speech, today we are concerned with local scrutiny, which has been served in part by measures such as providing open agendas for health board meetings, making those meetings public and publishing minutes of them, and facilitating public participation in the annual accountability reviews, all of which allow open scrutiny and are most welcome. But are they enough?

As members such as Jamie Stone have said, we all agree on the concept of local ownership and local involvement, but the issue is how best we achieve it. We must look at models elsewhere in the world and find out whether they have worked. Elsewhere in our world, in England, the NHS

foundation trusts conduct elections to their boards of governors. One foundation trust had an opt-out system—in other words, someone had a vote unless they opted out of having it. The turnout was 18 per cent. As a result, a high proportion of the representatives were retirees—that is not unreasonable, given that we have an ageing population, many of whom use the health service—and professionals. It worries me that the groups whose ownership of the health service I want to see enhanced and which needs to be enhanced—the deprived communities—might not have a voice. We all agree that it is the members of those communities whose health needs to be improved and who need to have ownership of the process by which that is achieved.

Some members have mentioned the possible clash between national and local priorities, but that does not concern me too much as there are processes for dealing with it. Governments have had to deal with local government for a long time. However, there are sometimes delivery problems. It will be interesting to find out whether the outcome agreements and the concordat with local authorities deliver the outcomes that the Government wants.

Nanette Milne spoke about short-termism, which will be a danger in an elective system if single-issue candidates are elected on to boards. I regret to say that, in 30 years in the health service, it was my experience that the people who shouted loudest got the most. There is a serious danger that we will find that the people who are elected on to the boards are those who have shouted loudest and got organised.

Another danger that has not been mentioned is the possibility of an increase, rather than a decrease, in the postcode lottery effect. How many times has the problem of a postcode lottery, whereby certain services are available in some areas but not in others, been mentioned in parliamentary debates? If we have increased democracy with regard to the boards, we will have to live with that—in fact, the problem will probably get worse.

My major concern is to do with the role of local authorities. In Sweden, the local authorities control the local health boards and there is a concordat and an agreement between the national Government and the local authorities. That model provides for democratic input, but in a way that is different from what the Government is proposing. The Swedish model seems to work quite well, but the New Zealand model has led to a significant drop in turnout as the process has proceeded. There is also an indication that the type of people who have been elected to boards is not truly reflective of the communities that they have been elected to represent.

I will be interested to hear the minister's summing-up speech. The message from today's debate is that we all agree that we need to have local accountability and ownership of our health service by people in their localities, but that we do not agree on the best means of achieving that.

I return to Margaret Curran's point: if we are to alter the governance arrangements of the health service in Scotland, we must do so in a manner that leads to accountability and improvement and which is settled and will last over time. If the Government chooses to proceed with its plans, I hope that it will do so on the basis of pilot schemes, because I genuinely believe that it will be difficult for us to be sure that having health boards on which, if Bill Butler's suggested model is adopted, 50 per cent of members plus one will be directly elected will truly deliver the consultation and ownership that we all seek and in which we all believe.

16:49

The Minister for Public Health (Shona Robison): We have had a constructive and stimulating debate and I thank members of all parties for taking part. We have debated a topic that is of crucial importance to the NHS and to the public and patients who use NHS services, as many members have said.

As the cabinet secretary said, the Government is committed to improving public and community involvement with NHS area boards. We will bring about improvements in the context of our mutual NHS, of which the public and staff are regarded as partners and co-owners. We will launch a consultation on a patients' rights bill by May this year. As the cabinet secretary said, that will allow us to engage with the people of Scotland to develop a charter of mutual rights. We will shortly announce how we will take independent scrutiny forward as an integral part of how the NHS develops proposals for major service change. We will develop a participation standard and we will require boards to produce an annual ownership report with the people whom they serve.

We accept that some NHS boards are doing a good job in fostering and encouraging community involvement—Richard Simpson talked about that—but there is room for improvement, as many, if not all, members said. Many communities still do not feel that their voices are being heard and listened to, particularly when major proposals for service change are considered by their local health board. Given the contributions to the debate from Christine Grahame, Elaine Smith and other members, I judge that that concern is widely shared. We can build on and enhance the current processes and mechanisms to help to achieve greater community involvement. We have heard

many positive suggestions about how greater involvement could be delivered, to which we will give our fullest consideration.

Simply improving the current mechanisms will not go far enough to allay the deeply felt public concern that community involvement is not good enough. The introduction of an element of direct elections to NHS boards will make a significant difference. As the cabinet secretary said, we do not consider improvements to current mechanisms and direct elections to be mutually exclusive and we are committed to taking both forward.

I listened carefully to the constructive and thoughtful contributions that members made to the debate on direct elections. We are in the middle of an extensive and substantial consultation on the matter. We sent more than 1,500 copies of the consultation document to the widest possible range of national and local bodies across the length and breadth of Scotland. We are holding open consultative meetings at the invitation of many bodies, so that we can seek out all relevant views. This debate is an important and integral part of the consultation process, which will take account of the views of colleagues from all parties.

Jamie Stone: As part of the consultation process, will the minister take a close look at areas in Scotland where some of the most difficult arguments have been taking place? For example, will she consider the background to the proposals for maternity services in Caithness, so that she can identify where the democratic deficit has arisen?

Shona Robison: Of course we will do that, and we encourage people from the area to contribute to the consultation.

As we are in the middle of a consultation, members will not expect me to give definitive answers to all the points they have raised, but I will mention some points. Margaret Curran asked that the involvement of the Parliament continue as the debate moves forward. I am happy to give her an assurance on that point. Given the agreement that change is required and the breadth of views on the matter, it is important that we build on the debate to reach as much of a consensus as possible on how to take the issue forward. We are keen to take the opportunity to involve the Parliament in the debate.

Ross Finnie expressed concern, which Jamie Stone followed up, that the presence of a directly elected element on local boards might lead to power struggles with local authorities. I am not convinced about that. What is important is the way in which local authorities and health boards relate to each other and work together, not how their governance arrangements are put together. In some areas of Scotland, health boards and local

authorities have worked together very well; in other areas, the situation needs to improve. That is how things stand under the current arrangements. We need to reconsider that relationship and joint working, but that does not relate to how the health boards have their governance arrangements in place. Nevertheless, Ross Finnie made some interesting points.

Bill Butler and Gil Paterson made the point that difficult decisions will still have to be made with directly elected health boards. No one is arguing otherwise. The important point is that the ownership of the decisions will be different—more transparent and accountable.

Peter Peacock made the point that, sometimes, even by people in elected positions, difficult decisions are made that are unpopular with the public. That would be the case with directly elected health board members as well—it would be naive for anyone to think otherwise—but that does not detract from the fact that transparency and accountability are important to the process, and people must feel that they have someone to challenge about the decision that has been made. At the moment, that is missing from health boards.

It is clear that there are some fundamental issues that need to be addressed: the people who would stand for election; whether there should be a political element; the impacts of elections on boards' governance; and accountability to ministers—a point that was well made by Helen Eadie, who talked about how New Zealand has handled that issue. Of course we will consider the New Zealand experience and other international experience.

We recognise the need to ensure that directly elected members are properly equipped to undertake the job when they work with other board members who have expert knowledge. Richard Simpson made an important point about how we can ensure that there are a range of voices around the table, representing all backgrounds. The weaker voices need to be heard, not just those of the strong and those who have a firm view. That will be a difficult balance to achieve—it is difficult to achieve it in local government—but it is something that we will need to work at. We must encourage people to come forward and we must support them in having their voices heard, so that they see themselves as having something to offer in this context. These are serious issues and the Government will give them serious consideration.

I am heartened by the number of positive and constructive views that have been expressed today on the merits of direct elections and the positive impact that colleagues feel they would have on community involvement with NHS boards. The debate has focused on a subject that we all agree is crucial to the NHS and the communities it

serves. I thank all members for their contributions and look forward to further debate on the issue.

17:00

On resuming—

16:58

Meeting suspended.

Decision Time

The Presiding Officer (Alex Fergusson):

There are potentially seven questions to be put as a result of today's business. I remind members that, in relation to the debate on the future of Scottish Water, if the amendment in the name of Des McNulty is agreed to, the amendment in the name of Liam McArthur falls.

The first question is, that amendment S3M-1386.1, in the name of Des McNulty, which seeks to amend motion S3M-1386, in the name of Derek Brownlee, on the future of Scottish Water, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)

Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)

Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 87, Against 32, Abstentions 0.

Amendment agreed to.

The Presiding Officer: As I indicated at the start of decision time, amendment S3M-1386.2 is therefore pre-empted and falls.

The next question is, that motion S3M-1386, in the name of Derek Brownlee, as amended, on the future of Scottish Water, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)

Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 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)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)

Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 86, Against 33, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament supports the retention of Scottish Water under public ownership and in that context calls on the Scottish Government to keep under review the structure and operations of Scottish Water, the regulatory arrangements for the water industry to ensure that the interests of domestic and business customers are properly protected and alternative public sector models, including mutualisation, and to report back to the Parliament in due course.

The Presiding Officer: The next question is, that amendment S3M-1385.2.1, in the name of Margaret Smith, which seeks to amend amendment S3M-1385.2, in the name of Kenny MacAskill, on prisons policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 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)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)

McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 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)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 55, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-1385.2, in the name of Kenny MacAskill, as amended, which seeks to amend motion S3M-1385, in the name of Bill Aitken, on prisons policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 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)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 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)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 55, Abstentions 0.

Amendment, as amended, agreed to.

The Presiding Officer: The next question is, that amendment S3M-1385.1, in the name of Pauline McNeill, which seeks to amend motion S3M-1385, in the name of Bill Aitken, on prisons policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (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)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

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)
 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)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 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)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 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)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 41, Against 76, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The final question is, that motion S3M-1385, in the name of Bill Aitken, on prisons policy, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 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)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 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)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 65, Abstentions 0.

Members: Oh!

The Presiding Officer: Fifty-five members voted against. What did I say?

Members: Sixty-five.

The Presiding Officer: Oh well, you know what I am like with numbers by now. [*Laughter.*]

For the avoidance of doubt, the result of the division was: For 64, Against 55, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament acknowledges the importance of a criminal justice system in which the public has confidence and which upholds the fundamental right of the public to a secure and safe society; notes that, while the offending rate has been falling, the number of people in prison currently stands at record levels and that Scotland has one of the highest imprisonment rates in the world; welcomes the McLeish Commission into Penal Policy and recognises that, in the case of serious and dangerous individuals, custody is the only appropriate punishment; notes that the Scottish Government is committed to three new prisons and has increased investment in the prisons estate to an average of £120 million a year; recognises the need to reduce the number of low-level receptions into custody for short-term sentences by focusing on tough community sentences that pay back into the community for the harm caused; further notes the need to improve treatment for those with mental health problems and drug and alcohol addictions, thus addressing the underlying causes of offending, and calls on the Scottish Government to build on schemes which provide offenders with education and skills training for work, not crime.

Rail Improvements (Central Scotland)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-916, in the name of Jamie Hepburn, on central Scotland rail improvements. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the Scottish Government's plans to electrify the Glasgow to Edinburgh and Cumbernauld railway lines; believes that this will have a positive effect on the commuting experience for people across Scotland, particularly those in central Scotland; recognises the importance of providing alternatives to the private car to reduce congestion and pollution and of opening up social and economic opportunities to the 32 per cent of Scottish households that do not have access to a car; notes the campaigns by various rail user groups calling for the introduction of a national railcard scheme which would provide discounted travel to all regular train users, and believes that such a scheme should be considered for introduction in Scotland.

17:08

Jamie Hepburn (Central Scotland) (SNP): I thank those members who have supported my motion, enabling it to be debated tonight. I would also like to thank the various transport authorities and rail companies that have met me or written to me before the debate. I also thank TRANSform Scotland for its interest tonight and for preparing a briefing for members.

I put on record my thanks to the members who have stayed behind to contribute to the debate. In particular, I look forward to any contribution from my colleague Chris Harvie. I always feel as if I should be taking study notes whenever he speaks.

My motion has two purposes. They are clear from the text, but I am happy to be up front and clear about them. This is an opportunity to welcome and discuss the improvements to the central Scotland rail network that are being funded by the Government, but it is also an opportunity to open for discussion the idea of a national rail card for Scotland.

The rail network has played a significant role in Scotland's history and it has an even more important role to play in our country's future. Rail travel contributes positively to a range of economic, social and environmental ambitions that the Government and the Parliament have for Scotland. The Government's stated purpose of sustainable economic growth will absolutely depend on our having an efficient and environmentally friendly transport infrastructure for moving people and goods around the country. Above all, a modal shift from private car to public

transport is a necessity if targets in the economic strategy and in our efforts to tackle climate change are to be met. Accessible public transport is also important for improving social interaction, which links to the Government's targets on inequality. Indeed, the motion notes that 32 per cent of Scottish households do not have access to a car. For those people, travel of any kind means dependence on public transport.

Those challenges and targets help to explain why the Government's plans for improving rail services across central Scotland are vital. I was recently informed by a Scottish National Party councillor from Cumbernauld that the SNP was campaigning for the electrification of the Glasgow to Edinburgh main line in the 1930s. It appears that the SNP's persistence on the matter will finally pay off.

I welcome the Government's ambition to achieve a 35-minute journey time between Edinburgh and Glasgow. The electrification of the route will benefit the population in both cities and in the towns of central Scotland, many of which are in the area that I represent. The eventual electrification of lines to Cumbernauld will also be extremely welcome. Users of those services need and deserve a speedy, reliable service that links to other key routes. That our rail network is largely unelectrified—which is remarkable in the 21st century—works against any ambition for a speedy, reliable service.

I am sure that members agree that Scotland must not be left behind with regard to developments in the United Kingdom and the rest of Europe. Another motion that I recently lodged noted the launch of France's latest, all-new super-high-speed train, at a time when the UK has only just completed a small stretch of high speed 1 from St Pancras. Scotland lags even further behind the network serving much of the rest of the UK.

That is why I warmly welcome the Scottish Government's commitments to rail improvements in central Scotland. The Government recognises that that investment is a priority for the people of the region and knows the impact that it will have.

Once the infrastructure is in place, the challenge will be to ensure that it is well used. Many of the improvements will benefit and encourage the commuter market, which will help to attain the economic targets that I mentioned. I am keen, however, to find ways to ensure that Scotland's people get the most from investments in central Scotland's rail network. One major disincentive to rail travel is the fares that are charged—both the cost and the structure of the prices. There are savers, super-savers, apex, super-apex, cheap day returns, weekend upgrades—the list of options and alternatives seems to go on and on

and presents a cluttered and confusing landscape. At present, some groups benefit from the simplifying effect of a rail card discount. There is a young person's rail card, which I remember from my recent past, a senior rail card, which other members might be able to comment on, and a rail card for young family groups. However, people who do not fall into those groups are left out and might be put off making a train journey by the cost and by the complicated ticket restrictions.

Only three respondents to the previous Scottish Executive's 2006 consultation on the rail strategy believed that the fare structure should not be changed. Research on behalf of the Strategic Rail Authority into a national rail card proposal found that, for seven in 10 potential rail trips—that is, those journeys that a person considers making by rail—the main barrier to choosing rail as the mode of transport was price. That is why the motion suggests that we should consider making a discount rail card more widely available in Scotland. If we make train travel more affordable, more people will be encouraged to take advantage of the rail improvements that the Government is bringing about. In turn, that would help to meet the various goals that a modern, efficient rail network can contribute to. It would be a social leveller and an environmentally friendly way of improving rail travel across the country.

Research that was carried out in 2003 and 2004 for Railfuture and the Strategic Rail Authority showed that a number of different combinations of up-front price and percentage discounts could be profitable. It is important to state that that proposal could be profitable for rail companies. Railfuture found that a UK-wide scheme could attract 2.7 million users of such a card and achieve an 11 per cent increase in passenger miles, with industry profits of £50 million.

Another possible model, featuring a card that would be priced at £30 and offer a 50 per cent discount, forecast a 25 per cent increase in passenger miles. We need look no further than the south-east of England to see a positive example of a rail card in action. The network rail card that is in use there turns a profit for the rail industry while encouraging greater use of the network that connects with central London.

In the course of preparing for the debate, I met various transport operators and rail companies. They indicated a certain amount of interest in the scheme and there was certainly no outright opposition. They all agree that we need to simplify fare structures and encourage more use of the rail network. I have talked about a rail card scheme in the context of possible profitability for the rail operators but, to be clear, I do not believe that that is in itself an argument for introducing such a scheme. The social and environmental purposes

of a railway are the most important factors for us to consider in encouraging greater use of the network. Indeed, the treatment of the railway as a profit-oriented business rather than a national public service has in many ways led to years of underinvestment and decline. That decline is only now beginning to be addressed by the kind of improvements to which the title of the motion refers.

I have run out of time, so I conclude by saying that we should aspire to excellence for our rail network. The improvements that the Government is making play a huge part in realising that aspiration to excellence and a national rail card has a huge role to play in that regard.

17:16

Alex Johnstone (North East Scotland) (Con):

I apologise for the fact that, due to another appointment, I will be unable to stay for the end of the debate, but I will read with interest the other speeches in the *Official Report*.

I thank Jamie Hepburn for bringing forward the debate. It gives me the opportunity to highlight some of the areas in which the Conservative group supports very strongly what the SNP minority Government is doing, but also to cast doubt on some of the things that he said and to indicate for future reference where we can offer support to the position that he set out, and where we can offer less support.

The member clearly set out that he believes that the function of the railways in general is to provide economic, social and environmental benefits. I accept that our railways provide social and environmental benefits but—as members would expect—as a Tory, I am concerned about the economic benefits. There have been, some might observe, one or two occasions on which the Conservative party has chosen to support the SNP minority Government on key issues. One of those very few occasions was when we were dealing with the proposal for the Edinburgh airport rail link. The Conservatives supported the SNP proposal that we downscale that quite significantly, in order to free up resources for other important projects supporting railway development—particularly in central Scotland—and, ultimately, for the electrification of the railway line between Edinburgh and Glasgow.

We are proud that we made that decision, because it was an important step forward, but we did so because we believe that the railways are of significant economic importance. They underpin our economy and our economic growth. Ultimately, good-quality economic growth is essential to everything that we wish to achieve, including the provision of good-quality public

services. It is for that reason that I am keen to ensure that how we choose to price rail services in the future does not simply rely on some people being able to travel more cheaply than others and some people having to pay more.

I would like a system to be developed that is rather more complex than that and which mirrors, in some ways, the pricing policy that is adopted by the low-cost airlines. For economic reasons, I want to ensure that a high-quality, 35-minute service between Edinburgh and Glasgow is available at times of peak demand to serve the economies of those two great cities, by moving as many people as possible to and from their work so that they can productively generate resource within the Scottish economy. I would like the trains that currently run empty or half empty to be filled with all the people who can take the social benefits of a cheaper rail service.

For that reason, I am not inclined at this stage to support the concept of extending the availability of discount cards. I would rather that a policy was put in place that allowed very cheap fares to be provided at certain times of the day, which would let those who could benefit most take advantage, while ensuring that our economic well-being is the highest priority at the times when the trains are likely to be busiest.

17:20

Hugh O'Donnell (Central Scotland) (LD): Like Alex Johnstone, I congratulate Jamie Hepburn on securing this members' business debate on the very important issue of our public transport service in Scotland.

As TRANSform Scotland said in its briefing for the debate, there are huge advantages to the expansion of the rail network, particularly in relation to the environment. That is especially true of rail freight. The reduction in emissions of carbon monoxide, nitrogen oxides and various volatile chemicals that comes from using rail compared with even the most environmentally friendly heavy goods vehicles is to be hugely encouraged. It is vital to the economy that we move as much freight by rail as possible.

To be fair to the current Government, it is to be congratulated on continuing, or at least promising to continue, the work of the previous Administration in taking forward commitments to the rail network in central Scotland. There will be improvements in economic and social terms. The projected overall economic benefit of the Airdrie to Bathgate line will be about £700 million in that catchment area. What Jamie Hepburn said regarding the general value of increasing the quality of the service is perfectly correct.

Jamie Hepburn was also right to point out that there have been campaigns for many years—but not conducted exclusively by the SNP—on electrification. Electrification will speed up services and improve the range of travel options, particularly in central Scotland. If the scheme goes ahead, there could, according to my understanding, be as many as four different travel options through central Scotland. That is to be encouraged.

I am concerned about a couple of things, on which I hope the minister will be able to reassure me. There are some unforeseen consequences of speeding up the commuter element of the Glasgow to Edinburgh line. Improvements are now, finally, taking place. Jamie Hepburn and I were involved long and weary trying to get park-and-ride facilities put to ground at Croy. There are similar problems at Polmont, Falkirk High and Linlithgow stations, all of which are on the same line. There are major issues around attracting people to use the service. I use Falkirk High station regularly. Parking a car there after 7.30 in the morning is impossible.

I am given to understand that electrifying the Glasgow to Edinburgh line, shortening journey times and increasing the frequency of the service could have a detrimental effect on access for rail freight that uses the spur out of the port of Grangemouth, as there would be less time for rail freight to use the line. That could have a knock-on effect on the use of heavy goods vehicles. I ask the minister to give me some clarification or reassurance on that. Once again, I thank Jamie Hepburn for securing the debate.

17:24

Christopher Harvie (Mid Scotland and Fife) (SNP): Jamie Hepburn's two elements—of modernisation and cost—are closely linked, as I know from my experience in Germany. That is not just an academic experience, as Deutsche Bahn, the state-owned German railways authority, has run most of our rail freight in Britain since the end of June. Deutsche Bahn has also just taken over Chiltern Railways, which was, in some respects, the best-run privatised rail project. I have the feeling that we will have to get into close negotiations with Deutsche Bahn—and we may learn something from that.

We may learn that if a railway is operating efficiently, it is an extremely good means of paying for the rail vehicles. A stopped train, like a stopped bus or tram, is doing nothing and losing money. If the ways are made clear and the speeds are as rapid as possible, fewer vehicles are required to run the system.

The Deputy Presiding Officer: Mr Harvie, could you move your microphone up?

Christopher Harvie: Yes, sorry.

Had we a magnetic levitation—maglev—link between Edinburgh and Glasgow, it could wheech us to Glasgow in eight minutes, so only a couple of coaches shuttling back and forward would be required for the service. On the other hand, our railways did not have the good fortune of being blown flat between 1939 and 1945. We still have a railway line between Edinburgh and Glasgow that was built in 1840 and, apart from the absence of a rope-worked incline to Glasgow Queen Street station, it has not changed since then.

As Hugh O'Donnell said, the railway is used by passengers and freight. These days, the sort of wear that comes from a freight train is often totally different from the wear that comes from a passenger train, as one notices every weekend when one tries to go down to England and discovers that the first 70 or 80 miles have to be done by bus because the track is being improved. I am afraid that, as a veteran in such matters, I do not altogether believe in that improvement. The workmen are simply putting the track back where it was at the beginning of the previous week. We must think about segregating high-speed passenger traffic from freight traffic, which will increase enormously if Deutsche Bahn does the same thing in this country as it has done in Germany, where rail freight is increasing by about 10 per cent per year.

There is one final thing to consider: the notion of making transportation by all modes available by one ticket with one validation. In most of Germany there is what is called a Verkehrsverbund: the passenger buys a ticket that is available for every means of transport and might not even have to show it—that is, if they try to be a Schwarzfahrer, plain-clothes men are liable to lay hands on them and fine them €40 on the spot. That system means that the speed with which people get on and off trains or buses is remarkably rapid. A halt will last only seconds, so there is again the notion of speed. Recently, I went from Fairmilehead to Princes Street by bus and calculated that one third of the time was spent taking fares as people came on. We must have a much more efficient method of dealing with that.

We should consider the Karlsruhe method of amalgamating the tram that is planned for Edinburgh with interurban running through to Glasgow by, say, the Airdrie to Bathgate line. It is now practically standard on the continent—it is standard in France—to have trams that go right out into the countryside and trains that come right into the town. Our future Waverley station should be Waterloo Place and the interurban trams should come along Princes Street from the airport.

17:28

Mary Mulligan (Linlithgow) (Lab): I join other members in congratulating Jamie Hepburn on securing the debate, which is on an issue of great importance to many people.

Since the Labour-Liberal Democrat Executive agreed to proceed with the Airdrie to Bathgate line, I have missed my regular discussions about trains. I do not have nearly as much experience of these matters as some speakers and my comments may therefore be fairly parochial, but I hope that they will be relevant to the debate.

As members have acknowledged, three rail lines join Edinburgh and Glasgow. All of them run through, and have stops in, my constituency—the Airdrie to Bathgate line will once it is complete.

I remember dreadful experiences of the service from Edinburgh to Glasgow via Falkirk High when I used to travel between Edinburgh and Glasgow. A service that ran every 30 minutes and did not operate at certain times on a Saturday was less than satisfactory. The line has improved much in recent years and now provides a service every 15 minutes for most of the day and has longer operating hours. I particularly welcome the late-night service that is provided during the Edinburgh festival. That kind of response to customer demand is important.

Today, most of the complaints that I receive about the service are about overcrowding. That suggests that the service has become a victim of its own success. Like others, I have pointed the problem out to First ScotRail on many occasions. I hope that the company is looking at how to increase carriage numbers at peak times. As Chris Harvie suggested, increasing the speed of trains might also help to address the problem.

Electrifying the line will improve the service, but I hope that such improvement will benefit everyone along the line, not just those who live in Glasgow and Edinburgh. Electrification must not speed up the journey time between those cities by reducing the service to those such as my constituents in Linlithgow—including the minister—who have made the line a success. The number and frequency of stops on the line must not be reduced. I hope that the minister can reassure me on that.

The minister would be surprised if I did not go into a little more detail on the Airdrie to Bathgate line. As he knows, some outstanding issues remain to be resolved, including the proposed stations at Blackridge and Plains. I understand that he has received a report from Transport Scotland on the Blackridge station. I need not remind the minister that the Scottish National Party promised—here in the Parliament and in the election campaign—to fund the station without any

ifs, buts or maybes. Perhaps he can tell me when I will be able to reassure my constituents that the station will be delivered.

Mr Hepburn's motion calls for the introduction of a national rail card scheme for regular train users. Although I support the idea and do not want to let the minister off the hook, I can see that such a proposal might cause problems, not least of which would be identifying who is a regular user. I suggest to the minister that the price of train tickets is the real issue. Prices are too high, as Mr Hepburn said. I am interested in making the train more affordable for more people so that we can protect our environment, which is also mentioned in the motion.

We all agree that we want more people to use train services—electrified or not—but they will do so only if services are reliable and affordable.

17:32

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I thank Jamie Hepburn for initiating the debate and for recognising the Scottish Government's commitment to improving the rail network. We certainly aim to make the network more attractive to more passengers by providing journeys of high quality and high reliability that offer a genuine alternative to the car.

Since coming into ministerial office, I have made more than 200 journeys by train and rather fewer than that number with the Government car service. I arrived at Parliament today on the 06:30 from Linlithgow. This particular minister is indeed a user of the rail network.

Let me address some points that members raised before I turn to my core statement. At heart, Jamie Hepburn's speech was a plea for a simplification of the fares structure. I must say that I have some sympathy with that, as the current structure can be quite difficult to navigate. For example, the over-55 discount that is currently available is an episodic promotion that continues until the end of March, but several of my friends who—like me—are over 55 were unaware of it despite the fact that they regularly use the train.

By contrast, Alex Johnstone wanted a more complex fares system. I was struck by a vision of what it might be like to arrive at Upper Tyndrum or Corroir station where one had to negotiate on an easyJet basis for the most discounted fare from that station on a particular day. I was less attracted to Alex Johnstone's proposal, but I think that the heart of his suggestion was the desire to drive up utilisation and we are all on track for that.

Hugh O'Donnell raised the issue of speeding up services for commuters. There will be additional

connections between Edinburgh and Glasgow when the Airdrie to Bathgate line opens. On the main Edinburgh to Glasgow via Falkirk line, we are looking at increasing the number of services to six per hour, two of which will be direct Edinburgh to Glasgow services, which are the ones that deliver the higher speed. We will also preserve, maintain and enhance the speed for the local connections at Polmont, Falkirk High and Linlithgow. I hope that taking direct, point-to-point traffic off those services will help to reduce overcrowding.

Christopher Harvie praised Deutsche Bahn. In my experience, it has the best database of timetable information, which covers the whole of Europe. I have used it on a number of occasions. I look forward to seeing how its ownership of EWS—English, Welsh & Scottish Railway Ltd—makes a contribution.

Mary Mulligan tells me that I have the Blackridge station report in my in-tray. I have not got to that part of my in-tray, but I will certainly give the report close attention because I share Mary Mulligan's interest in making the service the best that it can be.

We are improving the Edinburgh to Glasgow routes and making improvements throughout central Scotland. The electrification of the core route via Falkirk, the route to Stirling and Dunblane and the Cumbernauld line will have a positive impact on commuters throughout central Scotland. Services will be more reliable, they will be quieter, they will have more capacity, and they will be generally more attractive.

However, we are doing more than electrifying services. We are also committed to boosting the number of services. There will be new services from Glasgow Central to Edinburgh and we will improve connections from the south and west of Glasgow and from Prestwick and Glasgow airports to Edinburgh. There will be at least an extra 200 seats per hour with a journey time of a little more than an hour.

As Christopher Harvie said, our rail network opened in central Scotland in 1840. It took off the front of the garden of a house that I used to live in, much to the regret of the person who owned it then. Passenger numbers are at their highest since the 1960s and the number of passengers who choose to use ScotRail services has grown by 24 per cent since the start of the franchise. That is excellent news. In the financial year to April 2007, we had 77.3 million passengers, and the upward trend has continued since then, with a 4.7 per cent increase in passenger numbers compared with the same time last year.

Freight, too, has increased. In the financial year to April 2006, 14 million tonnes of freight was lifted by rail in Scotland, including cross-border freight.

That represents a 70 per cent increase in a three-year period. However, we can do better and we can do more. We have put in place gauge relief all the way up to Elgin, thereby connecting the central belt of Scotland, which is the subject of tonight's debate, to wider Scotland.

The performance of First ScotRail has also improved. In the past 12 months, delays have been 10 per cent lower than in the previous year. Performance for the industry as a whole has seen delays reduce by 6 per cent. The public performance measure is set to exceed 90 per cent for the moving target for the first time since October 2000.

People are making positive choices to use the train and we believe that they will continue to do so. I purchase my senior discount card for £20 each year and I get a third off fares. I am certainly prepared to discuss with the Department for Transport the idea of a card that is funded by use of the card. Of course, the idea may well have ramifications beyond the borders of Scotland.

We are funding station improvements, additional station stops, which benefit passengers, and increased opportunities for people to use the rail service. The additional evening service from Edinburgh to North Berwick is but one example.

Transport Scotland will continue its multimodal assessment of transport investment needs throughout Scotland. Longer-term options such as even faster routes will be considered in the strategic transport projects review alongside road and bus options, and the national planning framework gives our aspiration to electrify the whole network by 2030.

There is much to be proud of. I thank Jamie Hepburn for bringing the matter to the chamber for debate. I hope that members agree that rail in Scotland is delivering both for our people and for our economy.

Meeting closed at 17:40.

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