

MEETING OF THE PARLIAMENT

Thursday 17 April 2008

Session 3

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Scottish Parliament

Thursday 17 April 2008

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

Local Income Tax

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a Labour Party debate on motion S3M-1715, in the name of Andy Kerr, on local income tax. I invite all members who wish to speak in the debate to press their request-to-speak buttons now. I advise all members that time is extremely tight and I will have to be pretty ruthless.

09:15

Andy Kerr (East Kilbride) (Lab): As we are learning, the nats' tax proposals can now be added to the list of broken promises and ill-thought-through manifesto commitments that they made. We have a long list of ditched promises to students, primary school pupils, and first-time buyers. We have the mess that is the Scottish futures trust. We have cut-back and cut-down promises on nursery provision, renewable energy, free school meals and the rest. We have cuts all over Scotland's local authorities to bus services, education maintenance allowances, enterprise, energy and tourism, and the rest.

We have waited for a long time for the nationalists' tax proposals to be presented to Parliament and the people. We know that the consultation document lacks the most basic figures. It is getting a worse reception than Thatcher's poll tax did when it was first published. Just yesterday, the *Edinburgh Evening News* said that the local income tax

"is just as big a political time bomb as poll tax".

It will be Mr Salmond's poll tax.

Many commentators and others have spoken on this matter. Iain McMillan of the Confederation of British Industry Scotland said:

"replacing the council tax with a local income tax is the wrong policy response"

and

"If Alex Salmond and his colleagues have any sense they will dump this policy forthwith".

In 2006, Mr Swinney said:

"Our conclusion is that there is no point in replacing one bad system with another".—[*Official Report*, 1 February 2006; c 22902.]

He is absolutely right, so I expect him to dump his nat tax proposals.

The great contradiction at the heart of the proposal is that it is not a local income tax. There is nothing local about it. Overnight, it would remove one of the key principles of local government: its right to determine how much revenue it raises locally. How would that show the new respect and understanding that we hear so much about?

The Scottish National Party proposals fail the test of accountability. A nationally set tax would mean that the Scottish Government would determine how much councils can spend, thereby removing fiscal autonomy and responsibility from local government. It is, as we know, centralisation by stealth. Autonomy is crucial because without it councils could not have resisted the tax-cutting agenda of the Thatcher years. Now we have a tartan Tory budget in Scotland. A minority Administration with a tax-cutting agenda is squeezing council budgets and causing cuts in services across Scotland. The nat tax will allow the SNP to continue that agenda, preventing councils from responding to local needs and priorities.

The Liberal Democrats should be extremely wary of any suggestion that the SNP would revert to a local tax in future years, given the broken promises in its manifesto.

Another myth around the so-called local income tax—which it is not—is that the rate would be 3 pence in the pound. We all know that it would be 5 pence at least. The Cabinet Secretary for Finance and Sustainable Growth is plain wrong to assert that a 3p rate of local income tax would provide the resources to replace the council tax. We cannot find one independent commentator who thinks that a 3p rate would be sufficient to raise the same amount of funds as the council tax raises. A 3p rate would provide only 60 per cent of those resources, leaving an £800 million black hole. Whichever way we look at it, the rate would be 5p not 3p, and that puts a totally different complexion on the SNP proposals. That would mean a 25 per cent increase in the standard rate of tax. Modelling by PricewaterhouseCoopers shows that a 5p rate would mean that a single person living in an average house and earning £22,375 would be a loser, as would a couple on a joint income of £33,450.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Before Mr Kerr leaves the point about the financing of local authority services, will he confirm whether the Labour Party in Scotland believes that the Parliament is able to change the system of local taxation and include in that calculation the

resources that we currently receive in council tax benefit?

Andy Kerr: I will come to council tax benefit in a minute.

Three-fifths of Scottish households have more than one earning adult, and they will be very badly off under the nat tax. Far from being better off—the myth peddled by the SNP—many hard-working Scottish families would be worse off. The proposal is nothing less than a tax on jobs in Scotland. Unless local income tax bills are around 40 per cent higher than forecast, they will not close the shortfall in local government funding.

The local income tax will not be a fair tax. It can safely be concluded that the proportion of households that will be better off under the nat tax will be significantly lower than the 90 per cent figure that has been conjured up by the SNP. Bills will have to be higher because 25 per cent of households currently receive full council tax benefit and they will be no better off under the nat tax proposals. Almost half of Scotland's pensioners already pay income tax and they would still be liable for that under the SNP's local income tax plans. There is no recognition of the impact that the plans will have on pensioners, on young workers living at home with their parents, or on single adults living together, such as nurses who are in training or students who are working their way through college. They will be badly hurt by the nat tax.

I will address Mr Swinney's point about council tax benefit. The SNP was warned before, during and after the election that the council tax benefit that is currently provided by Westminster would cease on the introduction of a local income tax. That is not bullying by Westminster; it is the view of respected academics and commentators alike. It is wrong to assume that the £381 million provided through council tax benefit to low-income households would be transferred to Scotland. That assumption reveals a limited understanding of the Treasury. The Burt report—not Westminster, the Labour Party, or anyone else—says that "Council Tax Benefit would cease" if a local income tax was introduced in Scotland. I suggest that Mr Swinney read the Burt report more closely.

As we know, this is not a local income tax; it is a national tax. Families cannot afford it, businesses do not want it, local government does not like it, and, of course, the rich, who have accountants, will not pay it.

I move,

That the Parliament rejects the SNP proposals for a local income tax, noting that these proposals are neither local nor fair, that property has a role to play in our taxation system, that they would remove from local government any autonomy over raising resources locally and that they

would fail to raise the resources required to fund much valued local services.

09:22

Patrick Harvie (Glasgow) (Green): There are two approaches that we could have taken to the debate and that we could take to future debates on this subject. We could have taken the easy way and each party, once again, could have done nothing more than lay out its stall on local government taxation and knock down its opponents' arguments. The advocates of local income tax could have made the case for fairness and listened to nothing else. The SNP could have stuck to its 3p rate and the Liberal Democrats could have defended local variability to the hilt.

The opponents of the local income tax—more accurately called the salary tax—in its various guises could have listed all the shortcomings as we see them. The Conservatives could have restated the case for cutting the rate for pensioners. The Labour Party could have continued its attack on the administration or competence of the salary tax, or it could have raised more questions about the impact on average earners or the amount of revenue that it would generate.

The Greens could have made another speech about the merits of the land value tax, which the Burt review—that review somehow started gathering dust before it was even shelved—recognised. Every time we make a speech about the LVT, a majority seems to come together somehow and the chamber agrees that the idea shows promise and that we should fully investigate it. It never happens. The previous Government never made good on that promise, and the current one manages a less than impressive eight lines on the issue in its consultation.

So, we could have had that easy debate. Each of us could have set out our policy and defended our positions. The Greens could have taken the easiest possible approach and simply voted for the Labour motion, which rejects a local income tax but says nothing—not one word—about what should be done instead. How much further would that have taken us? Not a single step. Why? It is simply because the Parliament remains deeply and almost precisely evenly divided on the issue. There is no majority for a local income tax in the chamber, but there is no majority for the status quo either. Each party's colours are nailed firmly to its own particular mast and little room is left for dialogue. We appear to be at an impasse.

That is why we chose a different approach to this debate. If we were to agree a motion today that closed the door either to reform or to any element of property tax, Parliament would still be facing the same impasse. We would not have

moved forward in any way. It is far better to recognise our differences and agree some basis on which to resolve them. That is what my amendment does—it specifies the criteria that we should establish for a local taxation system. If it is agreed, all of us—regardless of which system we support—will need to answer for ourselves against the criteria.

That is not the easy debate; it is the harder debate. It will be hard for the advocates of the salary tax to demonstrate how they can reduce tax avoidance, especially given that people at the wealthiest end of the spectrum would get away with paying nothing under the proposals. They will also find it hard to explain the economic advantages of the abolition of any element of property tax. It is a measure that, all things being equal, would be inflationary and would further distort the housing market and make it even harder for people to buy their first property. They will find it hard to point to any environmental benefits of such a tax, as it gives local authorities no facility to incentivise the efficient use of land. In case that seems to imply that LVT would get an easy ride, I am prepared to admit that we also have a hard job to persuade others that land value tax or site value rating can be made to ensure fairness for everybody. I know that there are questions about the detail that we have not yet answered and that we will need to work hard to answer them.

Margo MacDonald (Lothians) (Ind): Some of us believe that local income tax as proposed by the Scottish Government is impossible to bolt on to a comprehensive, cohesive system of taxation set in Westminster. Will the same apply to land value tax, or is there a way round the problem?

Patrick Harvie: If land value tax is introduced gradually it can be compatible with existing taxation systems, even in a devolved settlement, but we will need to put flesh on the bones of that proposal. I accept that that is a hard thing for us to do. My point is that we should all be prepared to have the harder debate on our own policy rather than just battle against each other.

The other parties that oppose the salary tax will also have difficult questions to answer. Those who have until now opposed fundamental reform will need to answer the fairness question. How can we address the strong, perhaps even overwhelming, public feeling against council tax and build greater fairness into the system? In Andy Kerr's words, it would be wrong to replace one bad tax with another. If we accept that council tax is a bad system, we need to accept the need for reform. How can we achieve improvements in social and environmental impacts if we retain the existing system? Those are all questions to which we do not yet have the answers, but it is only by asking

them and by taking part in that difficult debate that we can move beyond the impasse and respond to the public clamour for change.

The most important lesson that should be learned from today's debate is that those, like me, who believe in the principle of retaining a property element in local taxation but understand the need for change, must have something more constructive to offer than the status quo. The status quo is unfair, unpopular and, after today, if my amendment is agreed to, it cannot be regarded as sustainable. After agreeing that, we can only move forward, rather than endlessly lock horns in a familiar, easy and futile confrontation.

I move amendment S3M-1715.1, to leave out from "rejects" to end and insert:

"notes the Scottish Government's consultation on the future of local taxation; recognises that this consultation is not due to close until 18 July 2008; notes the wider range of possible options, including local income tax, land value tax, property tax and reform of the council tax; recognises that the existing system of local government taxation is discredited, bureaucratic and unpopular; agrees on the urgent need for substantial changes to the system of local taxation, and agrees that, in developing this future system, due consideration should be given to fairness, local accountability, the need to reduce tax avoidance and the wider social, economic and environmental impact of any proposed system of local tax reform on communities across Scotland."

09:28

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): This Government is committed to abolishing the unfair council tax and introducing a fairer local tax, based on the ability to pay, as part of our agenda to create a more successful country, with opportunities for all of Scotland to flourish.

Council tax is unfair and regressive. It hits people on low incomes, particularly pensioners, who can least afford to pay it. Our proposals for local income tax will make most single pensioners, most pensioner couples, most couples—with or without children—most one parent families, most single people and most households with multiple taxpayers better off. Only the top income decile will pay more under our proposals.

Last June, this Parliament agreed

"that local income tax, which is based on ability to pay, is a fairer system of local taxation than the discredited and unfair council tax".

Parliament went on to note

"the position of the Green Party in regard to land value taxation."

Just over a month ago, the Government published a consultation paper that sets out our proposals for change. The consultation period runs until 18 July. Now, just over a month into that

consultation, we are debating a motion that seeks to bring the debate to an end and keep the hated council tax in this country. Given that this Parliament gave us the authority to develop our proposals, it would be an insult to the people of Scotland not to give this Government the opportunity to discuss its proposals with those people.

Gavin Brown (Lothians) (Con): On the subject of authority, the Scotland Act 1998 refers to

"Local taxes to fund local authority expenditure."

I accept that the local income tax would fund local authority expenditure, but, on the first part of the phrase, in what way is it a local tax?

John Swinney: The proposals that the Government brings forward will be for local taxation to support local public services, which is exactly what the Government is entitled and able to bring forward. I will address the point in more detail. In our proposals—

Charlie Gordon (Glasgow Cathcart) (Lab): Will Mr Swinney take an intervention?

John Swinney: Let me address Mr Brown's point. In our consultation document, we make it clear that our proposals are to support local taxation and local services. The simple contrast must be with United Kingdom income tax. No matter how much they pay, if an individual lives in the UK that money flows into the coffers of the Treasury. Let us face it, many people who earn under £17,000 will now pay much more in tax thanks to that crowd in the Labour Party and their mates in the Treasury. The money that every individual pays in local income tax will go directly to the local authority area in which they live to pay for services for people living in that area.

Charlie Gordon: There has not been an above-inflation increase in Glasgow's council tax for 10 years. For three of those years, it has been frozen. That is mainly down to councillors. Why is the Government proposing to abolish local democracy as well as to attack wage earners?

John Swinney: This Government has given local authorities more ability and discretion to decide their own priorities, in stark contrast to the way in which the previous Government strangled local authorities for the best part of eight years.

I am delighted to debate the issues on local taxation. Our proposals are designed to tackle the fact that low-income households pay 5 per cent of their income on average in council tax, but higher earners pay only 2.5 per cent. That is unfair and it is no wonder that Labour and the Conservatives want to keep the council tax. We are determined to press on with the debate to give people in Scotland a choice, because for eight years we had an Administration that put off the reform of local

taxation and was put out of office as a result. We will reform local taxation and we will take the debate forward with the people of Scotland.

09:32

Derek Brownlee (South of Scotland) (Con): We could criticise the Labour party for giving only half its debating time this morning to the local income tax debate, but even if we had all week to debate local income tax there would not be enough time to cover all the flaws in the Government's proposals.

In the five weeks since the Government published its consultation, every week has brought fresh problems to the fore. With 13 more weeks to go, we can only conclude that it will be unlucky for some. I do not know whether Mr Swinney is a superstitious man, but the omens are not good for local income tax.

If the problems were not previously obvious to the Government, surely they must have become so on the day that Nicol Stephen and Tavish Scott pitched up at St Andrew's house and offered to help. Mr Swinney need only look to his left, to the Labour party, to see where help from the Liberal Democrats gets someone.

The Government should cut its losses, abandon its hare-brained schemes and focus instead on reforming the council tax. Ministers will not have to do that today, thanks to Patrick Harvie's amendment. Today is unlikely to be the day of reckoning for local income tax, although it will come soon enough. There may be some quiet satisfaction on the Government benches if the Labour motion is rejected at decision time, but a defeat for the Labour motion this evening will not be a win for the Government. In fact, it might prove to be the reverse as it will allow the local income tax plans to limp on and continue to drag down and damage the Government. Today there is an opportunity to save the Government from itself. Local income tax is supposed to be its flagship policy, but it is a flagship that is not merely holed below the water line; it has sunk so far that it should be based at Faslane.

The local income tax plans are based on many dubious assumptions and assertions. It is claimed to be a local tax, but it is a national one. It is claimed to be a tax on income, but it is a tax on earnings. Of all the dubious assumptions, surely the most dubious are about the arithmetic—even the parliamentary arithmetic.

The Government has sensibly rejected the notion that every council in Scotland could set a different rate of local income tax. That would be a costly bureaucratic nightmare. It used to be SNP policy until Mr Mather had one prawn cocktail too many with those who would have had to

administer it. Clearly, there were no prawn cocktails for Mr Scott because that is still Lib Dem policy. The Lib Dems have made their position clear—not a phrase I have ever had occasion to utter before. If local councils cannot set their own rate of local income tax, the Lib Dems will not support the policy. If the Conservatives and the Labour Party are opposed to the Government's proposals, the SNP's hopes lie with that most unlikely of outcomes: that the Lib Dems abandon their principles, go back on their word and do one thing, having said another. Who would have thought that the cabinet secretary would be so reckless as to gamble the Government on such a remote possibility?

Margo MacDonald: Much as I am thoroughly enjoying an excellent speech, I wonder whether the member agrees that outside these hallowed walls, people are much more concerned about whether they can pay their mortgage and the collapse of the international monetary system than fancy dancing on something that will never happen.

Derek Brownlee: I certainly hope that it never happens.

There is some other arithmetic that has exercised the cabinet secretary. The Conservatives have published more figures on local income tax than the Government has. When the Government tried to rebut our figures, it said that the local income tax would lead to a £281 million tax cut. However, that is nothing to do with local income tax and everything to do with a decision by the Government to subsidise local income tax to a greater degree than it subsidises the council tax. If the money could be found to subsidise local income tax, why can it not be found to reduce the council tax? How much could council tax bills be cut if that additional funding was used to reduce them?

If we reject the motion, we can go on to consider council tax reform, but as long as local income tax is on the table that will not happen. We will happily work with the Government to reform and improve the council tax. That is an open and constructive offer, which will remain on the table and which I hope the Government takes up. In the meantime, for the first time in almost a year, I urge members to support the Labour motion.

09:37

Tavish Scott (Shetland) (LD): Mr Brownlee was keen to talk about arithmetic. I recall that when the Conservatives were in Government, they recalculated unemployment at least 19 times. When it comes to arithmetic, Mr Brownlee's party certainly knows how to cook the books—it did it for 18 years and people were out of work because of

the way in which it behaved. We will take few lectures from the sanctimonious Mr Brownlee on such matters.

Labour and the Tories are competing to be the voices of conservatism. Both are arch advocates of the council tax, despite their open acknowledgement that it gravely penalises Scottish pensioners. There is a consultation, which parties can use. We can let Parliament debate the issue when the Government introduces legislation. Through our Steel commission, the Liberal Democrats will work on a wider package of fiscal reforms. We take the point about the importance of local income tax fitting into a general basket of taxation, in terms of both the objective of growing the economy and the pressure on the incomes of Scotland's hard-pressed households.

The council tax is the ultimate in discredited and unfair blunt instruments. Labour and the Conservatives—because they introduced it—argue for its retention.

Gavin Brown: In the previous debate on local income tax, Mr Scott said:

"I give clear notice that the Scottish Liberal Democrats will work with the SNP Government on the issue."—[*Official Report*, 21 June 2007; c 971.]

How is that work going, Mr Scott?

Tavish Scott: It is interesting that Mr Brown disapproves of those who want to work to change the council tax. I want to work to get rid of the council tax and he does not, which is where he and I disagree.

Despite the rises in the cost of living in this country, Labour and the Conservatives argue for the retention of the council tax. The people in the lowest income tax bracket are being hit by changes in the budget, such as the withdrawal of the 10p minimum tax rate that was introduced by the Labour Government. Margo MacDonald referred to the international monetary system. Today, we hear that the Labour Government is to bail out the banks and expose taxpayers throughout the country to unprecedented levels of risk. That follows the utter shambles of Northern Rock. Labour cannot come here and lecture us and, more to the point, the country on taxation and on management of the economy. In China yesterday, our esteemed Chancellor of the Exchequer said that Labour needed to sharpen up. At least Mr Darling is more in touch than the boss. There can be no greater indication of how much Labour in London is out of touch than its withholding what most Scots see as their money—that has given the SNP the easiest campaigning, anti-Labour argument. It is clear from last night's "Newsnight" that Labour needs rather more of Paul Murphy and a lot less of Des Browne and Yvette Cooper.

As Patrick Harvie pointed out, the Labour/Tory motion contains no proposals. There is nothing about the new council tax bands proposed by Labour during last year's election and nothing about revaluation, which also came up at the election. In Wales, where revaluation happened, millions face rises in local taxes that are not linked to the ability to pay. The Tories never seem to have any proposals, but what we remember of the most recent election is that they proposed cutting tax and rewarding the better off. That is not quite the on-message position of Mr George Osborne, who has had his Gordon Brown "Today" programme moment and committed the Tories to Labour spending levels and no tax cuts. Mr Brownlee's position is therefore even more right wing than that of George Osborne, which takes some doing.

Labour and the Tories are tied to what a recent survey of 30,000 internet financial users found to be the most hated tax—above inheritance tax, VAT and even fuel duty. The Scottish Government's proposals for a local income tax address some of the inequalities inherent in the current system. If the detail can be got right, 60 to 70 per cent of local tax payers throughout Scotland could be better off. However, the SNP's plans for a national tax undermine the autonomy of local councils. Our plans avoid the legal issues that appear to beset the SNP's position. There are differences between the Liberal Democrats and the SNP on local accountability—which we believe in—but we absolutely agree that no matter how the council tax is adjusted, it will always be unfair and it will always fail to reflect ability to pay. We will work constructively with the Government on the case for change and the detail of that change.

09:41

Mr Frank McAveety (Glasgow Shettleston) (Lab): I am grateful for the opportunity to debate the local income tax. A few of us served in local government through some fairly turbulent periods—periods in which Derek Brownlee was probably in nursery school, if his counting is anything to go by.

There are various issues that I would like to discuss. First, in the debate about local government, a key point on which I think all members agree is the right of local councillors to determine their budgets in the light of local circumstances and to have responsibility for how they raise revenue. One of the central problems with the local income tax is that it is not local and it removes that accountability. When I read about the council tax freeze and investment in council services, I recall the issue of parity of esteem, which was prevalent in debates prior to the election. Since the election, a coach and horses

have been driven right through the principle of accountability, which many of us who have served in local government defended with great vigour, particularly during the Conservatives' centralising agenda in the 1980s and early 1990s.

Mr Swinney may dispute the point but, unfortunately, the Scottish Government is by stealth endangering the very autonomy of local government. That autonomy is meant to be one of the pillars of the new relationship and concordat—not to mention the parity of esteem—between the Scottish Government and local government. Those of us who have a background in local government and who have had discussions with our colleagues in local government should be wary of the commitment that the Government has made so far in the local income tax debate.

The second issue is much more fundamental. In the 1980s and 1990s, there was a debate not only about ensuring that we had enough resources to meet our statutory needs but about how we should address the new concerns emerging in communities throughout Scotland about issues such as pressure from population growth. In the case of Glasgow, an issue that Charlie Gordon and I had to confront was a diminishing income base and working population because of developments outside the city. Glasgow has an agenda for regeneration and the generation of income inside the city. The local income tax is a policy that could jeopardise much of the hard work that has been undertaken in Scotland's largest city.

There are major problems of accountability and fiscal prudence. I was a councillor and a council leader for a number of years, and I respect the fact that we expect councillors to make decisions locally. It is important that Mr Swinney gives them the opportunity to do that. The local income tax proposal, as it is currently constituted, does not present that opportunity.

My colleague Andy Kerr identified many other issues. My third point is that the Layfield committee, the Burt commission and—in relation to England and Wales—the Lyons report identified that if we are to have an effective local government system, we have to have the consent of local taxpayers to changes in taxation. The vast majority of those who will be making the most substantial contribution are working families. If there is a policy that penetrates their personal incomes to such a level that the noble aspiration to meet the needs of pensioners and the poor—

Patrick Harvie: Will the member take an intervention?

Mr McAveety: I am sorry, but I am in my final minute.

If you undermine that commitment, which was one of the clear problems with the poll tax, you imperil not only the accountability of local government but the effectiveness of the revenue-raising capacity.

Local income tax is an SNP manifesto commitment. You have had the bravery to ditch manifesto commitments when they have been inconvenient, but here is one that you may get consent to ditch because it imperils the legitimacy of local government and those who raise taxes locally. I urge members to recognise that that is part of the debate. There are broader debates on other issues, and I hope that the ministers will listen carefully to all the speeches.

The Presiding Officer: I remind all members that the only “you” they should refer to in this chamber is me.

09:46

Joe FitzPatrick (Dundee West) (SNP): I thank the Labour Party for its choice of debate. I would have thought that, in a month when 500,000 Scottish households have become worse off as a result of the scrapping of the 10p tax rate, Labour would be wary of debating taxation. However, rather than talking about how Labour’s policies affect people throughout Scotland, we once again have a Labour debate on one of the SNP’s flagship policies—a policy that is popular throughout the country, in stark contrast to Labour’s hated council tax.

The idea of a local income tax is highly popular. In fact, the most recent academic research found that almost nine out of 10 Scots are in favour of replacing the council tax with a local income tax.

Mr McAveety: Does Joe FitzPatrick concede that Malcolm Rifkind also claimed that the poll tax was popular when he first introduced it in Scotland?

Joe FitzPatrick: My claims are based on the most recent academic research by the University of Strathclyde; Mr Brownlee can defend Malcolm Rifkind’s past actions. We all remember that the council tax was introduced by the same people who introduced the poll tax.

I am not sure how many of the 88 per cent of Scots who are in favour of scrapping council tax and moving to a fairer, income-based tax are in the Labour Party but, given that Jack McConnell and Gordon Brown have previously called for the introduction of such a tax, there may be more than we think. It is a shame that party politics prevents the progressive elements in the Labour Party from speaking out in favour of progressive taxation.

The reason why the local income tax is so popular is that, as well as being fundamentally

fairer, it will leave the majority of Scottish households better off, as we heard from the cabinet secretary. We have heard Labour’s made-up costs for LIT, which fail to take into account the SNP Government’s commitment to deliver the biggest tax cut in a generation, and have read about the Tories’ fantasy families. I will talk about some real-life scenarios in my constituency.

A single mother who lives in a band C rented house and works full time as a cleaner will be £35 a month better off when the council tax is replaced with a local income tax set at 3 per cent. That £35 assumes that she claims all the benefits to which she is entitled under the current system, even though we know that many people who are entitled to council tax benefit do not receive it in spite of campaigns by local authorities and anti-poverty groups.

We could also consider the police officer whose partner works for the council. They have a joint income of £40,000, live in a band D property and would pocket an LIT saving of £337 a year on what they pay under Dundee’s council tax. That is after we have frozen the council tax—we can only speculate what the difference would be if we did not have an SNP Government.

Margo MacDonald: Does Joe FitzPatrick have any case studies of a family of two adults with two grown-up children who cannot afford to pay mortgages living at home? Will they look forward to paying four times what they pay now?

Joe FitzPatrick: I thank Margo MacDonald for that point, because I came across such a family in Dundee. During the election campaign, I was quite surprised to come across one family who lived in a former council house and would pay more. They showed me that they would pay more, but they said that that was okay because their grannie and mother would pay less. The most vulnerable people in society will pay less, so they were happy to pay a tiny bit more. Other people in Dundee would pay a little bit more, myself included. However, that is the result of a fairer system. For example, I would pay an extra £55 a month as a result of a local income tax, but that is less than 1.5 per cent of my salary as an MSP, which is a small price to pay to remove the crippling chains of the council tax.

09:49

Peter Peacock (Highlands and Islands) (Lab): Before I came to this place, I spent 17 happy years as a councillor, many of them as chair of the finance committee of a big regional council. If I learned anything doing that job, I learned something about the essence of local government and local democracy. As Frank McAveety described, right at the heart of local democracy

are local councillors assessing local needs, deciding on priorities and exercising discretion on how they meet those needs. That is principally enabled by their ability to levy a local tax and stand accountable at the ballot box for their decisions on that local tax, as I did when I was in that role for many years.

Scotland is littered with evidence of local discretion, local diversity and local choice in services and facilities. That is the essence of local government and local democracy but, at a stroke, the minority Government would eliminate all the local discretion that we have enjoyed for many decades. Not even Mrs Thatcher was prepared to contemplate that when she introduced the poll tax. At a stroke, a century or more of local discretion would be swept away. All local discretion would be removed and the often-articulated long-term ambition of local government in Scotland to raise a greater proportion of its income locally would be thwarted. In future, local government would not raise a greater proportion locally; it would not raise any local tax at all.

Ian McKee (Lothians) (SNP): Will Peter Peacock give way?

Peter Peacock: With respect, I will not, because I want to get on; I have only four minutes.

The irony is that the Government that is proposing to do that is also arguing for more tax powers for the Scottish Parliament. It is doing that at the same time as it removes all local taxation powers and leaves Scottish local government with fewer tax powers than English parish councils enjoyed. What a joke it is for the Government to dress those proposals up as a local tax. There is nothing local about it. It is a new, extra Scottish national tax—a nat tax—and it will leave many worse off, unlike what Joe FitzPatrick said. That will be the case particularly in the region that I represent—the Highlands and Islands—and more widely throughout rural Scotland. Many households in Orkney, Shetland, the Western Isles, Moray, the Highlands and Argyll and Bute, where council tax levels have traditionally been lower than the Scottish average, will be worse off not only by a few pounds but by hundreds of pounds. Rural Scotland will be hit disproportionately, just as it was under the poll tax.

The proposed tax has many of the same features as the poll tax. It is ill considered and ill judged. It is costly to administer. It creates disincentives to pay and incentives to evade it, which is a huge issue for any taxation system. It adversely affects rural areas in particular and leaves the laird paying less than his keeper will pay. However, it adds problems that even the poll tax did not have. It removes all the local discretion that I have talked about. Its yield is inevitably unstable and unpredictable, unlike any form of

property tax, and it raises big questions about redistribution between local government areas in Scotland. In the process, it reduces local government to agents of central Government.

It is also a deception to suggest that it is a 3p national income tax. An independent commission—it was set up by the previous Administration, but it was independent—said that it would be at least 5p. If the Government disagrees with Sir Peter Burt's conclusions and with all his expert advisers, it has an obligation to publish in detail the precise reasons why it believes that he got that calculation wrong. It will not, because he did not get it wrong.

The proposal is ill considered, expensive and ill judged. The Scottish National Party will rue the day that it introduces the Scottish national tax.

09:54

Jamie Hepburn (Central Scotland) (SNP): In the recent parliamentary recess, we learned that change is apparently what the Labour Party does. Nothing signifies the Labour Party's change as a force for social justice to its modern form more than its desire to defend the Tory-introduced council tax.

I will dwell briefly on the council tax that Labour wishes to defend, even if it cannot quite bring itself to mention it by name in the motion. That unfair tax hits people on low incomes the hardest, as it bears no relation to their ability to pay. We have heard much wailing and gnashing of teeth about vulnerable groups from the Labour members, but their continued support for the council tax betrays their shallow position. The council tax rose by 60 per cent under Labour's leadership during its time in government, and the most vulnerable and poorest people were the hardest hit.

The motion asks us to consider the merits of a local income tax, but the Parliament has already done so, on 21 June last year. Contrary to Patrick Harvie's assertion that there is not majority support in the Parliament for a local income tax, we agreed at that time that a local income tax that is based on the ability to pay is a fairer system of local taxation than the discredited and unfair council tax.

Patrick Harvie: I politely remind the member that the motion for the debate to which he refers did not get an absolute majority and was passed only because a number of members abstained on the basis that, without knowing the detail, we have no way of judging whether the SNP's proposal would be fairer. I also remind the member that fairness is only one of many criteria.

Jamie Hepburn: Members can, of course, choose to abstain from any vote. On that day, we

secured a majority, which I take to be our agreeing on a starting point, at least.

We know that, out in the country, the people of Scotland are considering the merits of a local income tax. The survey for the University of Strathclyde that my colleague Joe FitzPatrick mentioned showed that 88 per cent of people in Scotland believe that local services should be funded through a tax that is based on income rather than one that is based on property values. The reason is simple—people will be better off. The tax will be a particular help and relief to Scotland's poorest and most vulnerable households and it will make Scotland a fairer place in which to live.

We hear an alternative view from the Labour Party, but it is hard to take Labour seriously when it so recently increased the tax burden on hundreds of thousands of low-income citizens in Scotland. Gordon Brown should be ashamed of himself. The perverse tax hike for our poorest citizens—the very vulnerable groups that Labour members go on about—stands in stark contrast to the SNP Government's intention to make local taxation fairer.

If the Parliament unites around the proposal and a local income tax is introduced, it will be the single biggest social democratic, progressive change that can be made in Scotland under the powers that are available to us under the devolution settlement. Perhaps that is what the Labour Party fears the most about a local income tax—it represents the radical, progressive social change for which people thought they were voting in 1997, only to be sorely disappointed.

Margo MacDonald: Will the member give way?

Jamie Hepburn: No, I am afraid I will not.

The SNP seeks to maximise the Parliament's powers because we believe that that is the way in which to improve people's lives throughout Scotland. We can radically change them for the better.

No form of taxation will ever be universally approved of, but we can make tax fairer. To me, doing so necessarily means having taxes that bear some relation to people's ability to pay. That means a local income tax and not the unfair council tax.

09:58

David McLetchie (Edinburgh Pentlands) (Con): The SNP's plan to introduce an unfair and wholly bogus so-called local income tax is coming apart at the seams. Its many faults and failings have been well exemplified in the speeches that we have heard so far. In my remarks, I will focus on the fundamental issue of legal competence and

whether the SNP's proposal could be translated into law with regard to the terms of the Scotland Act 1998.

Schedule 5 to the 1998 act reserves to Westminster the levying of taxes and excise duties. However, there is an exception, which is described as

"Local taxes to fund local authority expenditure (for example, council tax and non-domestic rates)."

It is self-evident that, for the purposes of interpreting the 1998 act, a tax is not a local tax just because it is called a local tax. It must, in substance, be a local tax by reference to its characteristics. Moreover, the fact that the proceeds of a tax are used to fund local authority expenditure does not make it a local tax. If that were the case, the phrase "local taxes" would have no meaning, nor would there be a need in the legislation for the descriptive examples of council tax and non-domestic rates.

If the SNP's view were correct, the Scottish Parliament could legislate for any tax as a so-called local tax just because it was used to fund local authority expenditure. On that flawed line of reasoning, the Parliament would have the power to introduce a Scottish national sales tax, excise duty, capital gains tax, inheritance tax and corporation tax. When one bears it in mind that the total expenditure of local authorities in Scotland is more than £11 billion, on the SNP's Government's flawed analysis there is ample scope for a range of national taxes to fund that expenditure. Patently, that cannot be right. It was most certainly not the Westminster Parliament's intention when it passed the 1998 act.

To be within the competence of the Scottish Parliament, a local tax has to have local characteristics. Such characteristics are wholly absent from the SNP's proposal. The rate of tax is to be set nationally, and the tax is to be assessed, collected and distributed nationally. By contrast, if we consider the council tax and non-domestic rates, although one is set locally and the other nationally, they both have strongly localised characteristics because they are based on the capital and rental values of properties, which are assessed locally, held on local valuation lists and collected locally by our councils.

The SNP Government takes umbrage when anyone has the temerity to suggest that its plans are fatally flawed. It should address the serious issue, but all that we get is bluster about interference from London. Frankly, that is not good enough. The SNP Government and the Parliament have a responsibility to conduct themselves within the parameters that were set by the Scotland Act 1998 and to legislate only when it is competent to do so. As a party, the SNP might want to kick over

those traces, but as a Government it does not and cannot have that luxury if it is to act responsibly. The SNP's plan is not competent. It is not a local income tax but a Scottish national income tax. It is out of order.

10:02

Richard Baker (North East Scotland) (Lab): We have heard many criticisms of the Scottish Government's proposed local income tax, not least because, as Mr McLetchie said, it is not a local income tax at all. There is wide agreement that the term is a misnomer. The tax is indeed a nat tax—a national income tax. I will focus on two key areas of the debate: first, the impact of the tax on families, with particular reference to younger people; and, secondly, its impact on the provision of key local services, particularly those for the vulnerable.

Labour has pointed out repeatedly that the proposal will hit families with two or more incomes. That relates to the question that Margo MacDonald posed earlier. I am talking not about families where those in employment are on extravagant incomes but about people who have jobs with average salaries. Both we and the Scottish Conservatives have released estimates of how much extra such families would have to pay. In many cases, it is hundreds of pounds, and I made similar findings about the impact of the Government's proposal on families in the north-east. It is as much of a fantasy to say that four out of five families will be better or no worse off as it is to say that the proposal will be popular throughout Scotland.

A great many families in today's Scotland have two or more incomes coming in, not because they are wealthy but because many young people are staying in, or moving back to, the parental home. The Scottish household survey figures for 2006 show that almost half of 20 to 24-year-olds were living at home. A huge number of people are affected. Many such households will pay more because the young people are working. At present, students are exempt from the council tax, but they will be subject to local income tax if they are in employment while studying.

I am afraid that young people are staying on in their parental home not purely because of their affection for their parents but because of an issue about which every party in the Parliament has expressed concern: the affordability of housing.

Joe FitzPatrick: Will the member take an intervention?

Margo MacDonald: Will the member give way?

Richard Baker: I give way to Margo MacDonald.

Margo MacDonald: Does the member agree that that is why there is so much concern about the income tax that will be levied on the young people to whom he refers?

Richard Baker: The position of those young people is crucial. I take that point entirely.

Joe FitzPatrick: Will the member take an intervention?

Richard Baker: I am sorry. I must make progress.

Many young people are staying with their parents to save money so that they can get on to the housing ladder. They will find it more difficult to save under a local income tax because, although they are not required to pay council tax, they will be required to pay local income tax.

The second issue on which I want to focus is the huge, £800 million funding hole in the Scottish Government's proposals. The potential impact of that is of grave concern. Either the Scottish Government would have to admit that sufficient funds could not be raised on the basis of a 3p hike and that the rate would have to be much closer to the 5p that the Burt commission said would be necessary, or there would be even more swingeing cuts to local services of the kind that we have seen in Aberdeen, where the administration, which includes party colleagues of the cabinet secretary, has instigated £27 million of cuts that most affect people with disabilities and older people, as well as young people who have had their access to sporting facilities restricted. It has been suggested that the First Minister will intervene personally in the situation. I would be interested to hear the cabinet secretary enlighten us on that.

The reason why I found Jamie Hepburn's speech so perplexing is that I fear that the Scottish Government will not hesitate to axe vital local public services for its own political purposes in relation to this policy. It is clear that its sums do not add up and that the most vulnerable people in Scotland are likely to pay a high price for that.

The debate has shown that the nat tax proposals are neither progressive nor advantageous for hard-working Scottish families. The proposals are shambolic. On all counts, the proposals are not worthy of approval by the Parliament. That is the message that should come loud and clear from Parliament this morning.

10:06

Bob Doris (Glasgow) (SNP): On 21 June 2007, the Parliament stated its view that a local income tax based on the ability to pay was a much fairer system of local taxation than the discredited and unfair council tax. It is time to take the next step

and move to the delivery of that parliamentary position. That is what the parties that wish the council tax to be abolished are trying to do.

Derek Brownlee: Will the member take an intervention?

Bob Doris: No thank you. I have only four minutes and I want to make my points clearly.

What we have from the Labour Party this morning is an attempt to turn back the clock and defend the council tax. It is pretending that the Parliament has not already taken a view, that all is rosy with the council tax and that the Scottish public support the council tax. Such pretence and self-delusion will not help my constituents in Glasgow or the people of the rest of Scotland.

In Glasgow, the council tax has increased by almost 51 per cent—by £408—since new Labour swept to power in the UK. It is hardly any wonder that 88 per cent of Scottish people favour taxation based on income for local services over the council tax.

Citizens Advice Scotland is equally keen to see the end of the council tax. In 2005, it called on the previous Labour and Liberal Democrat Executive to

“examine fully alternative means of local government taxation, and introduce a fairer and more cost effective system as soon as possible.”

I am delighted that, free from the shackles of the partnership agreement with the backward-looking Labour Party, the Liberal Democrats can now play their part in answering the call of Citizens Advice Scotland, along with the SNP Government.

Labour is determined to persevere with the council tax. I will highlight three problems with the council tax that would be solved by the introduction of a local income tax based on the ability to pay.

The first problem is that we all know that the council tax discriminates against Scotland's pensioners and low-paid workers, because it takes no account of their ability to pay. A constituent of mine in Glasgow might have worked all their life to earn a modest salary and then find themselves retired and struggling on a fixed income. Labour does not seem to care about that. Is its advice to those pensioners that they should pay up or sell up? The SNP will treat our pensioners with a lot more respect than the Labour Party will. That is why, under a local income tax, the average pensioner couple will be £717 better off per year.

The second problem is that at some point Labour will have to face up to the desperate need for a revaluation of Scottish properties if it wants the council tax to have a future. Labour put off the pain of a property revaluation when it was in

power, but it cannot possibly believe that in 2008 a property-based council tax should be predicated on the house prices of 1991. A Labour revaluation would be bad news: it would force an estimated 750,000 Scottish households to pay more. With a local income tax, the need for such a revaluation would disappear completely.

The third problem is the potential unknown. Thousands of houses in Glasgow alone, and many more throughout Scotland, have been banded too high. I have discovered a number of such properties in Glasgow, and in conjunction with SNP councillors I have managed to get them brought down to the correct banding. That means that the householder, quite rightly, gets refunded previous overpayments, which often date back several years. It also means that there is a direct loss of revenue to local authorities, which, quite rightly, have to make good those overpayments from their funds. A local income tax will prevent future injustices to home owners on that front and prevent local authorities being exposed to such financial liabilities because of inaccurate bandings.

The Scottish Government wishes to take forward a scheme of progressive local taxation based on the ability to pay. The Labour Party has no answer and no way of reforming the council tax. I would like to hear in its spokesperson's summing up what its alternative is.

10:10

Patrick Harvie: Andy Kerr began the debate and appeared to endorse the concern that we should not replace one bad tax with another bad tax. That was an implicit acceptance that the council tax is a bad tax. The only question that we have to ask ourselves is, what are we going to do instead? I am sorry that no one from the Labour Party has answered that.

In responding to interventions, I suspect that John Swinney spent more time than he would have liked on answering the question whether the local income tax is local or national. The Scotland Act 1998 can clearly be read one way or another by people, depending on their agenda.

David McLetchie: Rubbish!

Patrick Harvie: I would like to continue, if I may. It is clear that a similar previous scheme was not considered incompetent by the previous Presiding Officer. I am sure that the current Presiding Officer is looking forward to making such a decision at some point.

Would the proposal reduce local democracy? That is the more important question. The attack on local income tax or salary tax should be that it is a bad policy. An attack that comes down to blocking tactics will be destined to fail, because it will

amount to the UK authorities being seen to look north and say, "No, you cannae."

Tavish Scott and I are rarely on the same side of a debate. However, we were on the same side at least with regard to the amendment, if not with regard to his policy. Like others, Tavish Scott is concerned to ensure that councils continue to have the freedom to raise some of their revenue. I agree, but he failed to address the complex consequences, with which we are all familiar, to which his plan would give rise. We can all imagine a scenario whereby two work colleagues in a shop, hospital or office do the same job, but one of them knows that month after month there is less in their pay packet than in their colleague's, not because they work less hard or achieve less, but because they live on the other side of a local authority boundary.

Tavish Scott: I accept Mr Harvie's contention that there will always be complexity in proposals for changes in taxation. However, he was not terribly clear about how complex his proposal would be. I would be grateful if he would tell us.

Patrick Harvie: The Green party has been clear for years that our policy is land value taxation—it was once the Liberal Democrats' policy, too.

However, my attack on Tavish Scott's proposal is that, although I support local flexibility, salaries are the wrong basis for local variability. A new Scottish salary tax would be in danger of becoming even more unpopular than the council tax—and quickly, too.

Derek Brownlee made the case that as long as local income tax remains on the Government agenda, reform will not happen. I say the opposite: reform must happen, and until those of us who accept the need for reform but want a property element to remain propose something clear and specific, it would be wrong to close down the argument.

Although we in the bad kids corner enjoyed the idea of a broad interpretation of Holyrood's tax-raising powers, David McLetchie's attack was on the competence of the proposal.

My greatest disappointment is that not one single Labour member had anything positive to say about what they would do instead of introducing a local income tax. If the council tax is a bad, unpopular tax, as Andy Kerr seems to accept, let us agree to my amendment, endorse the need for reform and spend the rest of our time debating the basis of that reform, subject to the criteria that my amendment lays out.

10:14

Liam McArthur (Orkney) (LD): It is not difficult to understand why we are having this brief debate

this morning. The leader of the Labour Party, after months of unrelenting bad publicity and personal attacks—some of them even coming from members of other parties—has had some joy of late in putting the First Minister on the spot over the detail of the Government's proposals for reforming the system of local taxation in this country.

As my colleague, Tavish Scott, made clear in his opening remarks, Liberal Democrats agree with some of the criticisms of the Government's approach. We have made it clear not only that any system of taxation should be based on the principle of fairness, and therefore the ability of an individual to pay, but that, in the case of local tax reform, the principle of local accountability is also essential. Frank McAveety and Peter Peacock made some valid points in that regard.

However, we entirely support the Government's initiation of a consultation on the future of local taxation. The consultation will conclude in July, and will enable the various parties' different approaches to be considered and tested before proposals are put to this Parliament for debate and, ultimately, a vote. That approach is sensible and constructive.

David McLetchie: Does the member think that the Government's consultation document is a more substantial piece of work than the report of the Burt committee, which was commissioned by his party when it was in Government?

Liam McArthur: The consultation is a sensible and constructive approach and I look forward to seeing the Tories' contribution to it.

So, why are we having this debate today? What this debate has exposed is that Labour and the Tories will say and do anything to prop up the discredited council tax, even though they concede that it unfairly penalises pensioners and others on low fixed incomes. Many members have highlighted the complete lack of detail in Labour's motion. In the past, Labour talked about introducing new council tax bands. However, Gordon Brown's abolition of the 10p income tax rate has not only clobbered lower income families but done serious damage to Labour's taxation credentials, particularly when it comes to bands.

Rebanding has other consequences. To split the top and bottom bands, a revaluation would be required. It would then be inconceivable that the other bands would not be revalued—after all, council tax cannot forever be based on 1991 house prices. There are lessons to be learned from what has happened in Wales. When revaluation goes ahead, millions face an unfair rise in local tax bills—rises that are not linked at all to the ability to pay.

Margo MacDonald: Will the member give way?

Liam McArthur: I am sorry, I do not have time.

The Tories, too, cling faithfully to the council tax. After their experiment with the hated poll tax, they believed that they had hit upon a vote winner, yet even the Tories have had to accept the serious flaws in the council tax. However, not surprisingly, their response to those flaws has been not progressive but opportunistic and inconsistent. First, we had promises of cuts in everyone's bills, with a larger rebate for pensioners, irrespective of their ability to pay. The Tories' next position was that only pensioners would benefit from their largesse. However, the Institute for Fiscal Studies exposed their plans as not benefiting the poorest pensioners at all, but instead targeting most resources on the richest 10 per cent of pensioners. The Tories' latest wheeze is to propose an across-the-board cut for all council tax payers, again despite the fact that that would target more resources on the more well off and would fail those who are least able to pay.

Labour is wedded to the council tax, despite Andy Kerr's suggestion that it is a bad tax, and the Tories refer to it as being "as fair a tax as you'll find". Richard Baker and Joe FitzPatrick raised the issue of tax and popularity, which are not natural bedfellows, but it is true to say that the council tax was recently voted the most hated tax. To do that, it had to fight off stiff opposition from fuel duty, which is no small feat in my part of the world.

The suggestion that the United Kingdom Labour Government would try to withhold £400 million that is currently paid to Scots through council tax benefit is nothing short of scandalous.

Liberal Democrats do not believe that the sticking-plaster solutions offered by Labour or the Tories are sufficient. Council tax cannot be fixed. It needs to be removed, and it should be replaced with a genuinely local income tax that is based on ability to pay.

10:19

Gavin Brown (Lothians) (Con): Five weeks ago, the local income tax was a flagship policy of the SNP Government. However, after relentless attacks, lots of scrutiny and tough questions, it remains a dog with fleas that, I hope, we can get rid of as soon as possible.

The SNP is so desperate today that it has not gone for the usual last-ditch tactic of bringing in Mike Russell to give the closing speech in the hope that he will have some kind of defence.

Serious issues have been raised in relation to this national income tax, on the grounds of both its legality and substance.

David McLetchie succinctly outlined the arguments around the legality of the tax, but it is

worth reading again the relevant line in schedule 5 to the Scotland Act 1998:

"Local taxes to fund local authority expenditure".

The word "Local" is critical.

Margo MacDonald: On the matter of legality, do we not also have to consider the legitimacy that is conferred on elected representatives by voters? Voters voted against having a council tax.

Gavin Brown: The Scotland Act 1998 is particularly clear on the matter. Margo MacDonald might not like it, but that act was clearly passed, and it is the legislation that we have to work under.

Until today, the Government's only response to the question about the legality of the tax was from Mr MacAskill, who said in the press, "That's nonsense". Today, Mr Swinney has merely used a tautological argument, saying that the tax will be used to fund local services. We have heard no arguments whatsoever about how the word "local" fits in to the Government's analysis. The tax will not be set locally, the values will not be assessed locally and it will not be collected locally.

I issue a challenge to the Government. I am fairly sure that it will have taken legal advice in advance of its consultation. What did that legal advice say? The Government's enthusiasm for the tax has certainly gone down since the consultation started. Will the Government publish the legal advice that it was given on the national income tax? Let us see what its legal advisers said about the legality of the tax.

On the substance of the tax, we have heard a number of powerful arguments against the proposal. We have heard that it will penalise hard-working families, especially those with two earners in a household. We have published information over the past week or so that shows that the average two-income household that is currently paying the average council tax will be £289 a year worse off under the local income tax.

We have heard about the shortfall, which even the Government concedes will be at least £281 million. If it can find that money through savings—or cuts or whatever it wants to call them—it could equally use that money to fund a council tax discount, as outlined by Derek Brownlee.

We have heard powerful arguments about the loss of local authority autonomy. Currently, local authorities raise 20 per cent of their income. Under the Government's proposal, that would go down to zero. Do we want local government or do we simply want local administration? The national income tax will lead to local administration.

We have heard about the additional costs. The new tax would cost £30 million to collect and,

according to the Burt report, would place a burden of an extra £28 million on businesses.

The Government's flagship policy has become a mess. It is unworkable, unfair and, most probably, unconstitutional. We do not need another tax on the Scotland that gets up in the morning. It is time to ditch the idea.

10:23

John Swinney: Margo MacDonald made a number of points. One that merits particular attention is her point about the impact of the current economic circumstances on the household budgets of families in Scotland. She is quite right to highlight the significant unease that exists in households about mortgage costs and other increased costs—Mr McArthur mentioned fuel and there has been clear information about rising food prices. That makes the Government's determination to freeze the council tax and give some respite to families facing financial difficulties all the more justifiable.

In the course of this debate, which has been interesting—I am sure we will have many more such debates—Tavish Scott has been criticised, particularly by the Conservatives, for engaging with this Government in discussions about the formulation of our local income tax policies.

Tavish Scott: Which is rich, coming from Derek Brownlee.

John Swinney: Mr Scott's comment from a sedentary position makes my point. As the Conservatives know full well, their party engaged in constructive discussions with the Government that were influential in changing our priorities in relation to other areas of our budget, and we secured from Parliament support for that budget. *[Interruption.]*

I hear Johann Lamont muttering, as usual, from the Labour benches. Perhaps if she had learned something from the approach of Mr Scott and Mr Brownlee, she might be in a slightly more influential position rather than someone who simply mutters from the left-hand side of the chamber.

This is a minority Government. We have to work with other people and engage in discussion and dialogue. That is why we have launched a consultation paper on local income tax to engage with others and seek their contributions. Patrick Harvie's amendment encourages the process of debate within Scotland. It is a welcome debate, if we bear in mind the fact that one of the critical issues in the election campaign was the level of dissatisfaction with the council tax. That was not a peripheral issue—it dominated a number of debates during the campaign.

Patrick Harvie and other members, including Tavish Scott, were right to say that the Labour Party, after eight years in government, during which it could have reformed the council tax, offered proposals in the election campaign that hardly lasted a moment after their launch. The proposals were not mainstays of Labour's arguments—it could not substantiate the changes. It is a bit rich for Labour members to come to Parliament and lecture me about bringing forward reform proposals when the Labour Party singularly failed to do so.

Margo MacDonald: In interpreting what voters thought of what the Labour Party said, will the cabinet secretary accept that voters thought that the SNP's proposed local income tax would mean not that everybody in a family would pay but that only the person who paid the hated council tax would pay?

John Swinney: That requires a degree of psychological analysis that I do not have at my disposal today, but I will find out if there is any research.

On the subject of research, the Labour Party commissioned the Burt report, which has been much cited in this debate. The independent Burt committee came up with a proposition. I remember it vividly, because it was rubbished by the Administration before it was even published, and yet Labour cites it here.

Frank McAveety—who made, to be fair, a thoughtful speech in today's debate—made a point about the importance and sanctity of local accountability. The Burt committee said:

"The Committee have been unable to find any evidence in any of our research as to why accountability is enhanced by local government having its own tax-raising powers."

I do not agree with that point of view, but it was expressed by the Burt committee and cited by the Labour Party. Labour did not bring a roof tax forward, because it is bereft of ideas in this debate—that is why it is no longer in office.

One of the fundamental revelations in the debate was that Andy Kerr made it absolutely clear that the Labour Party in Scotland supports Her Majesty's Treasury's argument that council tax benefit should not be part of funding for local authority services in Scotland. There we have it: a £400 million cut in Scottish public services and finances initiated by the United Kingdom Government and enthusiastically supported by the Labour Party in Scotland. If that is what Labour members mean by standing up for Scotland, it is no wonder that they are sitting on the Opposition benches.

10:28

Andy Kerr: Mr Swinney's financial incompetence comes to the fore. I was not quoting the Treasury when I said that that money was not due to Scotland; I was quoting Sir Peter Burt and many other learned professors and commentators who all agreed at the outset of the debate—as the SNP knew fine well when it drafted its manifesto—that council tax benefit money was not going to come to Scotland. That money is paid to individual families, not to individual Governments—local authorities get that resource because of the profile of the communities within their areas.

I remind members of some of the comments that have been made about local taxation. First, I remind Patrick Harvie that it was John Swinney who said:

“Our conclusion is that there is no point in replacing one bad system with another”.—[*Official Report*, 1 February 2006; c 22902.]

I contest that the local income tax system—which is not local; we all know that it is national—is a bad system.

The debate has been about many key issues. First, no-one—not one commentator, professor or journalist—will stand up the SNP's contention that the rate is somehow going to be 3p in the pound. As a result, we have the misleading myth from the SNP that, somehow, 90 per cent of Scots will benefit from the proposal. That is based on a flawed figure of 3p in the pound, which we know will not be the rate.

Many members spoke eloquently about local accountability. It is interesting that Mr Swinney said in 2006:

“Local communities would be in control of how much they wished to contribute to pay for local services.”—[*Official Report*, 11 May 2006; c 25491.]

That will not be true under the SNP Administration's proposals.

Christine Grahame has said:

“We cannot expect people in the Borders to pay the same local income tax as people in Glasgow because they have different needs and requirements.”—[*Official Report*, 11 May 2006; c 25515.]

However, under the nat tax people would pay the same. With regard to local accountability—I disagree with Sir Peter Burt's point—the SNP in opposition made the point that every member in the chamber bar SNP members is now making: the national income tax would remove one of the key primary responsibilities and accountabilities of our local authorities.

Other members, such as Margo MacDonald and Richard Baker, made interesting points. It is indeed working families in Scotland who will pay. When the SNP was trumpeting its alternative to

the council tax, it did not point out with absolute clarity the following points: that more than three fifths of Scottish households have more than one earner; and that, as Richard Baker pointed out with regard to the household survey, in many homes there are young earners, all of whom will be individually liable for the nat tax. Nurses in training and students will be liable for the nat tax. That is not fair on them or on Scotland's hard-working families.

John Swinney talked about launching manifestos and documents—those did not last long. I squirmed when I saw him on “Newsnight” on the very day the local income tax proposals were launched. He could not answer any basic questions about the so-called flagship policy. He should not lecture me or anyone else about the issues.

With regard to David McLetchie's speech, the reason why Scotland should not have the tax is that it is a bad tax and a bad way to raise money for our local services. It would be interesting, as Gavin Brown said, to see the legal advice. I am happy to hear the cabinet secretary's view on that point. Will he publish the legal advice that he was given, so that we can understand where the Government is coming from and put the issue to bed? That would help us all to progress the debate.

Some members made points about pensioners. Those pensioners who pay income tax will continue to pay the nat tax; they will not get away with it. The SNP should not lecture the Labour Party about pensioners. We introduced the free national travel scheme and the free central heating scheme, and did much other work for pensioners. In 2007, we would have immediately halved pensioners' water charges, which would have had a real benefit straight away, and we would have subsequently removed the water charges in their entirety. That would have been real action to help pensioners, unlike the SNP bringing forward its flawed proposal. Our response is clear on the key issues that have been raised about pensioners.

Mr Swinney should make clear the proposal's legality by publishing the legal advice. With regard to local democracy, why does the SNP not live up to some of the words that it used when it was in opposition, instead of selling out today with a national income tax that will be levied from the centre? Other members have raised points about the administration of the system. Not only will the Treasury—presumably—raise the so-called local income tax, but other issues will be involved, such as taxes on second homes. What will we do about that? Who will collect the water rates? What is the burden on business for collecting the national income tax?

I return to the comments that I made in my opening speech. The proposal is ill-thought through, ill-judged and ill-measured. There has been no consideration of impact, and the consultation document is frankly embarrassing in its lack of detail. Publishing such a Government document is an abject response to a key debate in Scotland.

I will finish by considering some of the economic impacts. Jim Mather said in the debate about a Scottish service tax—which the SNP's proposal is essentially a version of—that it would cause a flight of the best brains out of Scotland. That is what the SNP's proposal will do. The economic impact will be high, given the adverse impact of the marginal rate of tax, and it will be bad for business and bad for the Scottish economy. The Confederation of British Industry says that it is misguided, and the Institute of Directors and the Federation of Small Businesses say that it is anti-business. With regard to the SNP's economic strategy, those organisations completely condemn the proposal. Business does not like it, the unions do not like it, local government does not like it and we do not like it. The Government should drop it.

Voluntary Sector

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-1706, in the name of Elaine Murray, on support for the voluntary sector. Time is short, so members' speaking limits will have to be strictly adhered to.

10:35

Elaine Murray (Dumfries) (Lab): According to Scottish Council for Voluntary Organisations statistics, there are 45,000 voluntary organisations in Scotland, 1.2 million people are involved in volunteering, and the sector employs 130,000 paid staff, three quarters of whom are women. The sector's annual income amounted to £3.87 billion in 2007. Its value to Scottish society and the economy cannot be denied.

The third sector relies significantly on the public sector for income. In a report that was published in February last year for the previous Executive, half the organisations that were surveyed stated that they relied on public sector contracts for over 80 per cent of their income. Of those contracts, 53 per cent were with local authorities and 23 per cent were with central Government.

The historic concordat that the Government is so proud of has changed the mechanism by which funding is allocated to the voluntary sector. In the main, ministers have relinquished responsibility to local authorities and, in doing so, have passed to them the blame for cuts. Labour members warned that there was a danger that if councils were under financial pressures, funding to external organisations would be hit first as local authorities protected their statutory obligations. Funding streams that provide services to vulnerable or disadvantaged individuals may therefore be at risk. The Government said that we are scaremongering, but let us consider some of the evidence so far.

In Aberdeen, there has been a £900,000 cut in funding to the Cyrenians, which provides services to the homeless; £650,000 of revenue support has been withdrawn from the Glencraft workshop; and £120,000 a year has been withdrawn from the Richmond Fellowship, which is a mental health charity. However, voluntary sector cuts have not been confined to Aberdeen. In Edinburgh, the withdrawal of financial support from the Workers Educational Association may result in the loss of premises and staff, and consequently of adult education in the city. In the Highlands, Age Concern has lost £86,000 of council funding. In my area—Dumfries and Galloway—£90,000 of the funding of Independent Living Support, which helps people with drug and alcohol dependencies

to sustain tenancies, has been cut, and almost £400,000 has been cut from the Loch Arthur project, which supports people with learning disabilities and runs a successful social enterprise. I understand that, across Scotland, Quarriers is facing cuts this year that total £1.1 million.

On 10 January, the First Minister claimed that there were

“attempts to scaremonger to vulnerable groups throughout Scotland”—[*Official Report*, 10 January 2008; c 4930.]

I am not making such attempts; I am talking about cuts in funding to real organisations that provide real services to real people.

On top of such cuts, uncertainty exists about eligibility for new funding streams, such as the fairer Scotland fund, which will flatline at £145 million over the spending review period. That represents a real-terms cut of 8 per cent by 2010-11. Major national charities, such as the Prince's Trust, have expressed concerns about the demands that will be placed on them if they are required to apply to 32 different local authorities instead of to one national fund.

There could be worse to come. In the face of the uncertainties that exist about future funding, many councils have, for the time being, rolled forward existing spending commitments, but that approach may be impossible to maintain if funding pressures build further. That is why we will support the Liberal Democrat amendment in the name of Robert Brown, which calls for a review of the operation of the concordat after its first year.

The truth is that one year of Scottish National Party Government has, despite that Government's warm words, reduced the voluntary sector's funding and influence. I want to expand on the latter.

The previous Scottish Executive worked with the SCVO and the Convention of Scottish Local Authorities on a strategic funding review for the third sector, which examined, for example, the implementation of full cost recovery. That principle, whereby third sector organisations are fully reimbursed for provision of services, including overheads, was endorsed by Her Majesty's Treasury in 2002. I ask the ministers what the current status of that review is and what is happening with respect to the previous Executive's commitment to three-year funding for voluntary sector organisations. Voluntary sector organisations cannot survive being put on hold while details of single outcome agreements, the Scottish investment fund and the fairer Scotland fund are being worked out. The consequences of delay for them are redundancies, demoralisation of staff and, ultimately, reduction of services. Will the Government provide transitional funding for

organisations that are affected to enable them to survive until the new funding streams are in place?

The Scottish Trades Union Congress has highlighted concerns about the insecurity of third sector employment contracts, lower wages and poorer conditions of employment as organisations compete to secure contracts. The practice of reverse auctions, for example, whereby authorities advertise care package requirements to attract the lowest bidder, encourages undercutting not only of the public sector, but of other third sector organisations. The third sector's voice needs to be heard, and voluntary sector interests must be represented in the single outcome agreement negotiations. How do ministers intend to ensure that voluntary sector organisations have a seat at the community planning table?

Our motion urges that the funding that has been removed from Project Scotland be reinstated. Independent assessment found that that funding was worth at least £21.4 million to the Scottish economy, that it was 10 times more effective than the jobseekers scheme in getting young people into sustainable employment, and that it delivered £9 million-worth of benefits to partner organisations. If the Government's amendment indicates a rethink on its position, I welcome that, but I question whether the Government appreciates that the third sector is not only about social enterprise. Social enterprises are valuable and important, but aspects of the voluntary sector are about support and sustaining very vulnerable people—they are not really about enterprise. I am not convinced that the ministers appreciate that.

Finally, the previous Executive further extended the exemption from paying water rates for the vast majority of church and village halls from 2006 to 2010. Scottish Labour's response to the Government's consultation on water charges for the next period, from 2010 to 2014, argued for a further extension. I have read the Government's amendment and am absolutely delighted that it has accepted our position.

I move,

That the Parliament applauds the vital contribution made to society and the economy by the voluntary sector; is concerned that pressures on local authority budgets over the period of the spending review will lead to cuts in support to voluntary sector organisations and inadequate payment for the services that they provide; recognises the role that volunteering can play in personal development and urges ministers to restore funding to Project Scotland, and believes that the exemption from payment of water rates extended by the previous administration to 2010 should be further extended.

10:42

The Minister for Enterprise, Energy and Tourism (Jim Mather): I am pleased that the third sector is the focus of today's debate and that the

motion acknowledges its vital contribution to delivering a stronger, better and more cohesive Scotland. My colleagues and I have made it clear on many occasions that the Scottish Government strongly supports that sector's work and that it wants to see the sector thrive and grow. That is why the Government is making £93 million available to it over the next three years, which represents a massive 37 per cent funding increase. Consequently, I believe that the Government amendment better reflects the support that exists for the sector. I will say why.

George Foulkes (Lothians) (Lab): If the minister is right and the SNP is so enthusiastic about the third sector, why are so few back-bench SNP members in the chamber?

Jim Mather: They are out engaging with their constituents and with people in the third sector. That is in the nature of the job we do.

There is a new relationship between the Government and the third sector and between the third sector and local government. That is a key by-product of the concordat. The aims are to help the public sector to access the vital transformational potential of the third sector at local level, and to harness the innovation and quality that it offers in delivering real improvements to people's lives and in stimulating growth. We are convinced that the third sector has that potential.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister take an intervention?

Jim Mather: No, I will not. I will crack on and ensure that the groundless fears, uncertainties and doubts that are being inculcated by the Labour Party are expunged. We are going to get on the record what we are actually doing, as opposed to the nonsense that Labour members are breeding.

We want local authorities, community planning partnerships and the third sector to work together increasingly closely and collaboratively to deliver better services to their communities. The sector's ability to reach people who are currently not economically active, but who are desperate to reconnect with the world of work and to gain increased economic wellbeing and a renewed sense of purpose, should be used. That is what we are about. We are also about ensuring that the third sector helps to design public services that more closely meet the individual needs of real people and their communities, and that that sector can be the catalyst that pulls together and fills the gaps in other public services. It is no surprise that, for local authorities, the third sector can be an essential element in service delivery and in keeping in close touch with communities.

New opportunities exist for councils, which are now free to decide what their priorities are and are free to choose how to secure those priorities. Our approach also creates the opportunity and the motivation for councils to scope and assess both the needs in their areas and the capability of the communities to be involved in meeting those needs. That demands a new and positive approach from councils and communities. Consequently, we are focusing strongly on how the third sector plays into this burgeoning sense of localism. The new arrangements bring a strong focus on the community planning partnerships, offering them a heightened sense of purpose and the means to increase community spirit.

Rhona Brankin (Midlothian) (Lab): On localism, two days ago I met representatives of Quarriers who told me that, as a whole, Quarriers has suffered cuts of £1.1 million in this year alone. That is adding up what has happened in many local authorities throughout Scotland. Is the Government interested in what is happening as a whole? Is it monitoring what is happening to charities such as Quarriers?

Jim Mather: We are monitoring and listening. I regret to say that Quarriers has not approached me or my officials directly, which is a problem.

The community planning partnerships are the key element in our trying to effect change and create a new landscape with a much better sense of cohesion out there in the sector. We have categorical proof that the micromanagement style of the Labour Party is essentially a harking back to stasis, and we know that stasis is a recipe for extinction. We must move on.

Of course, we need stability, especially in financial matters, and we are committed to delivering the long-term funding that will make that possible. We are committed to developing local compacts and to moving them forward in a concentrated way. We are also reinforcing local decision making by ensuring that councils for voluntary service and volunteer centres are well funded in 2008-11. They are working closely with us on a strategy that they wish to see, in which they will thrive and connect better with local authorities and in which they will increase local authorities' awareness of the value that can be delivered by the sector. We are working to ensure that that is an absolute success.

We have discussed Project Scotland in some depth in the chamber. We are continuing to fund Project Scotland with a grant of £1.4 million to continue its work in encouraging people of all ages to take part in volunteering. We are also investing a substantial amount of money in the volunteer centres to ensure that, across the board, more people are entering the world of volunteering. Our support for volunteering is clear and unambiguous.

A strong case for retaining the water charges exemption has been made by the voluntary sector through the consultation process that we have initiated. We agree that the principle should be supported and, in due course, we will set out in full our response to the consultation to ensure that people understand our position.

We are driving forward to connect better with local communities and to ensure that the third sector flourishes and grows. Consequently, I trust that members will support the Government's amendment.

I move amendment S3M-1706.2, to leave out from the first "voluntary" to end and insert:

"third sector; believes that co-operation between the third sector, local authorities and the Scottish Government is vital in ensuring a strong role for the third sector; recognises that the Scottish Government is funding Project Scotland and has made clear to Project Scotland that further resources may be available for projects it runs in terms of the Scottish Government's employability agenda, and believes that the exemption from payment of water rates extended by the previous administration to 2010 should be further extended."

10:48

Derek Brownlee (South of Scotland) (Con):

This has the potential to be a constructive and useful debate, but that is not a preordained outcome, of course. Elaine Murray's speech was very thoughtful and she raised some valid points. I agree that we should applaud the vital contribution that is made by the voluntary sector. Throughout Scotland and in all walks of life, volunteers make massive contributions to their communities. Throughout the United Kingdom, including Scotland, their contribution has perhaps not been valued as strongly as it should have been, and they have perhaps not received the support—under all parties—that they deserve. It will be useful if we can focus on what the voluntary sector can achieve.

I welcome the fairly strong hint from the minister that the lobbying on the water rates exemption has been successful. If the exemption is extended—as the minister seems to have all but conceded—that will make a major contribution to many organisations throughout the country. All MSPs have been lobbied furiously by organisations in their constituencies and regions. It is an important issue to the voluntary sector, and it is very good news if the exemption is to continue.

I will focus on the role of the sector, not just in terms of what it does but in terms of what it could do and how we can help it to achieve more. My amendment focuses on the need to reduce the burden of red tape. We all agree that red tape is a problem not just for business—although it is often cited in the context of business—but for voluntary

organisations, which it affects as much if not more. With the financial pressures that always exist in the voluntary sector, it is difficult for it to comply with the red tape that business inevitably recruits people to deal with. It is important that the Government work closely with the sector to tackle the problems of red tape and to come up with innovative solutions that will allow the sector to deliver what it is best at delivering—front-line services—instead of spending time on administration.

A good example of that was cited in the briefing that was circulated to MSPs yesterday, relating to the cost of administering the existing water charges exemption. If it is costing the sector around £300,000 to administer an exemption that is worth £2.3 million, the balance is wrong. It should not cost the sector so much to administer a relatively small exemption. If we can get action on deregulation of the sector, that will be a positive move.

The sector brings most to delivery of services in Scotland where it is able to deliver different services in different areas, to be flexible and to be much more fleet of foot than many public sector organisations can be. We must be careful not to be overly prescriptive about how the sector should operate; it works best when it is given targets to achieve but is left to decide for itself how best it can deliver the services.

I have some sympathy with aspects of the Liberal Democrat amendment. It is essential that greater certainty be given over funding. We all know that the constant rounds of bidding and re-tendering are a drain on resources in the voluntary sector. We need to get better at allowing greater security and more time for the sector to deliver services. That relates to the important point about the need to reduce the burden of red tape. I therefore have sympathy with much that is in the Liberal Democrat amendment.

Today, Parliament has the opportunity to endorse what the voluntary sector is doing and to offer constructive suggestions about how it can be supported. The danger, I suspect, is that we will descend a little too much into day-to-day politics, although that is what we are here to do. It will be much better for the sector if we can rise above that and focus on how we can act constructively to help the sector to succeed.

I move amendment S3M-1706.2.1, to insert at end:

"and calls on the Scottish Government to work with the third sector to reduce the burden of regulation affecting the sector."

10:52

Robert Brown (Glasgow) (LD): Elaine Murray has chosen a highly topical and vital debate on the voluntary sector. We have had many debates on the voluntary sector in its many aspects. Most of those have been fairly consensual but have raised a number of long-term challenges—short-term, time-limited or matched funding; the divide in staff conditions between the voluntary sector and the public sector; how to entrench the sector's independence—all against the background of a recognition throughout Parliament of the huge value of the input that the sector provides.

Great strides were made by the previous Government in funding the national umbrella groups, enhancing their independence and introducing the voluntary sector compact and the compact with local government. I am proud of the work that we did in that context. However, apart from the welcome Government concession on extending the water rates exemption—an important concession—the debate is no longer consensual. Day by day, the SNP's actions, its unravelling "historic concordat" and its desire for quick fixes are causing more and more grief in the voluntary sector and are undoing much of the good work of the past eight years. Despite the evasions of the SNP amendment, the SNP Government cannot indefinitely avoid responsibility for the extra burdens that it is placing on the voluntary sector and the damaging service cuts for voluntary organisations that are flowing from its funding settlement.

It is manifest from the gobbledegook that we heard from the minister this morning that he is not comfortable with this area of policy. The central problem is that the SNP does not understand the sector in its various forms and has not taken the time to analyse the complex and myriad ways in which the sector engages with funders and with local authorities, in particular.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will Mr Brown acknowledge the comment that was made to me at a meeting last night by a representative of the voluntary sector, that it feels as though we have gone back to 1996? Does he agree that the minister has singularly failed to address the uncertainty among voluntary sector workers, many of whom have received redundancy notices and have only temporary funding?

Robert Brown: Yes, I acknowledge that. A notable casualty was Project Scotland, which has been mentioned on previous occasions. Its funding was slashed with no evidence to justify the cut. That has damaged opportunities for 16 to 25-year-olds and has made a mockery of the Government's pretensions to a proper skills strategy. The modest changes that were agreed

by the cabinet secretary—after huge cross-party protests—are welcome, but they do not detract from the short-sighted nature of the original decision.

However, let me concentrate on the things that the SNP Government could do, even within its present policy envelope, to improve the lot of the voluntary sector. The Government could, as the sector has asked, consider a review of the system to guarantee more stable funding. It could build on the previous compacts and, in the light of the move to single outcome agreements, accept a thorough and independent review after a year of the concordat and its key outcomes. A national contract framework could provide a basis for parity with the wages and conditions of the public sector and for fair consideration for the sector in commissioning. The Government could also rein back on unnecessary and destabilising re-tendering procedures, which damage capacity and delivery and cost money for process rather than services.

Some 1,400 disadvantaged young people, for whom funding was previously provided centrally, will no longer have the support of the Prince's Trust because councils have failed to pick up the work. The Aberlour Child Care Trust and the Salvation Army are cutting services for drug addicts and the homeless. Addiction projects in Glasgow and Aberdeen are being rationalised. Day by day, challenges are developing in the sector.

The political argument will no doubt centre on the blame game as to where responsibility for those cuts lies. I suggest that it lies substantially at the door of the SNP Government, but a more important issue is whether the minister, in replying to the debate, will address the specific practical suggestions in the Liberal Democrat amendment for dramatically improving the framework. Those are particularly needed against the background of a tightened financial situation and a credit squeeze that is likely to hit charitable giving.

I move amendment S3M-1706.1, to insert at end:

"recognises the problems facing the voluntary sector caused by short-term funding and re-tendering; believes that there is a pressing need to review the system to provide more stable funding for the sector including longer-term contracts and a national contracts framework; notes the establishment of the voluntary sector compact under the last administration and calls for a revitalised compact between local government and the voluntary sector; believes that this compact must ensure greater dialogue between councils and voluntary groups as to the operation of the local government Concordat and the single outcome agreements, and calls for a review of the operation of the Concordat including its key outcomes and performance indicators following the first year of its implementation."

10:57

Rob Gibson (Highlands and Islands) (SNP): It is excellent to note that funding for the voluntary sector has been increased by 150 per cent by the SNP's budget. That provides the focus for this debate and is the reason why the SNP amendment talks about the reality in Scotland, while Labour is scaremongering by calling into question the competence of our councils and our Government, and their ability to co-operate with the voluntary sector. We argue that such co-operation is taking place and, for the first time, we are sitting down to consider the question of value. *[Interruption.]* If the Opposition would listen for a minute, we might be able to discuss how value should be looked at.

Robert Brown suggested that we need to value the voluntary sector. I suggest that we need to start to measure value a good deal more carefully. That is why the single outcome agreements that local authorities are currently drawing up are looking at the historical situation, given that many voluntary organisations have grown like Topsy. Someone needs to say, "We need to look at this to ensure that these organisations are doing a job for the community."

Margaret Curran (Glasgow Baillieston) (Lab): Will the member take an intervention?

Rob Gibson: No, I will not take an intervention. *[Interruption.]*

The Deputy Presiding Officer: Order.

Rob Gibson: In respect of the circumstances in the local government area in which I live, I value the way in which the voluntary sector has been helped by the Government in various fashions. For example, a precedent has been created that allows some end-year flexibility so that small amounts of money can be carried over. That will allow the continuation of the work of the Ross-shire Waste Action Network. I value the fact that Highland Council is organising a forum for the voluntary sector to ensure that the value of what the sector does for vulnerable and disadvantaged people is measured carefully. It is high time that was done.

The Labour press release talks about people who are vulnerable and disadvantaged, but we have heard nothing about remoteness or the environmental disadvantage that many people in my area suffer. Our local authority is working with the voluntary sector to tackle that. Those are the kinds of issues on which we need to hear a good deal more. I am sorry to say that, this morning, we have heard only the usual tear-jerking stuff about vulnerable and disadvantaged people. Let us broaden out the definition and start to look at these things seriously. *[Interruption.]* Listen to Labour members. They are the kind of people who

have presided over a poverty industry for the past eight years and long before that. What we are trying to do now, through our councils and so on, is ensure that we have an opportunity to take forward a rational debate about the issue. Take Highland Council's proposition. It says:

"We will develop a five year concordat with the voluntary sector in the Highlands governing the Council's £14 million investment."

That is the kind of work that is being taken forward under the SNP Government.

Dr Simpson: Will the member take an intervention?

The Deputy Presiding Officer: No, the member is winding up.

Rob Gibson: I am in my last minute.

In this debate, we need to recognise that, at long last, we have lifted the lid on how things were done in the past and we are seeing where the valuable parts are and where the dross is. We have to support the value.

11:00

Des McNulty (Clydebank and Milngavie) (Lab): How can I follow that?

I draw members' attention to my declaration of interests. I am a board member of the Wise Group, which is a major voluntary organisation in Scotland.

First, I seek clarification from the minister. In 2001, the then Transport and the Environment Committee recommended in a report that there should be a targeted water rates relief scheme covering hospices, churches, scout troops and other small voluntary organisations that maintain premises. Today, the minister has announced—if I may put it that way—that the Government is sympathetic to the extension of that scheme. Does he mean that the existing scheme will be maintained or that it will be augmented to cover a wider range of voluntary organisations? What has the minister actually decided? At that time, there was a considerable debate and the SNP had a position. What is the minister's position now? We are not clear about what the Government has decided. Voluntary sector organisations will want to know precisely what relief will be given, to whom it will be given and on what basis it will be available. The current situation is thoroughly unsatisfactory.

Of the two SNP speeches that we have heard, Jim Mather's can be summarised as being the emperor's new clothes. It is hard to summarise Rob Gibson's speech other than by commenting that hard-faced men are beginning to emerge in the SNP who believe that

"voluntary organisations have grown like Topsy"

and are far too generous in dealing with social need. That is absolutely not what the SNP said in Opposition. I think that there will be a lot of embarrassment among SNP people in Scotland when they listen to that.

Some important issues need to be addressed in the crisis in which the voluntary sector finds itself. As Richard Simpson rightly said, the crisis is exactly similar to the position during local government reorganisation in 1995-96, when voluntary sector organisations were left in a huge amount of financial uncertainty. At that time, I was involved in a group that was headed by Arnold Kemp and had been set up by the SCVO. In looking at the future of the voluntary sector, we argued strongly for three-year funding. Over the past seven or eight years, voluntary sector organisations have benefited from that continuity of funding and from the realistic expectation that resources would be rolled over. That predictability has allowed voluntary sector organisations to plan, to strategise and to provide greater continuity. They do not have that in the present situation.

In the concordat, there is a read-across from local government corporate plans into outcome agreements but there is not one word about voluntary sector organisations. Local government seems to be accepting its resources but not handing them on to the voluntary sector. That is the emperor's new clothes. That is what is happening in Aberdeen, West Dunbartonshire, Glasgow and throughout Scotland.

Voluntary sector organisations do not know what money they will get so they are issuing redundancy notices. The people who will use their services do not know where those services will come from. That is a product of the Government's policy—a consistent, logical consequence of what the Government has chosen to do. We need transitional funding for such organisations so that they can deal with that uncertainty—an uncertainty that is the Government's fault and a consequence of its actions. I hope to hear from the minister what he will do about it.

11:05

Gil Paterson (West of Scotland) (SNP): The Labour motion starts by stating

"That the Parliament applauds the vital contribution made to society and the economy by the voluntary sector".

I support that statement unreservedly and would go even further. As a board member of Central Scotland Rape Crisis and Sexual Abuse Centre, I can tell members that the volunteers' work cannot be matched pound for pound by public or private sector organisations.

Robert Brown: Will the member give way?

Gil Paterson: I am sorry. I do not intend to do so because I want to get a lot into my speech.

Give a voluntary organisation a pound and it can turn it into £10, but give a quango £10 and it will turn it into a pound.

It is clear that the Scottish Government recognises the contribution of the voluntary sector. At the concordat conference on Monday 14 April, John Swinney highlighted the key role for the third sector in effective community planning. The single outcome agreement structure will strengthen the role of the sector by recording officially its contribution as a key strategic delivery partner in each local authority area in Scotland and will give it valuable recognition for the first time in many areas. That recognition will open up a range of possibilities for the sector and statutory partners to look more creatively at resourcing themselves individually and collectively. Partnership bids that will maximise use of resources and move full-cost recovery from theory to tangible fact can be better pursued.

Support to voluntary organisations has been strengthened by the new funding round for councils for voluntary service, which exist to support and develop the third sector in each local authority area, of £11.85 million for 2008-11.

Active community engagement and volunteering are valuable personal development tools that are best delivered at a local level where the value of community activism can best be seen. The Scottish Government acknowledged that by supporting the volunteering partnership in Scotland, which consists of Volunteer Development Scotland—the national centre for excellence—and the network of 32 volunteer centres, one in each local authority area, which exist to grow and develop engagement and volunteering at local authority level. The partnership has just received a three-year funding package of £11.5 million for 2008-11.

Youth volunteering is a vital personal development tool that the Scottish Government has committed to supporting through the millennium volunteer certificate scheme which is run through volunteer centres and funding for YouthLink Scotland. However, with an ageing population, the contribution of volunteering schemes, such as those that are run by community service volunteers, is also important. Support has also been given through the voluntary action fund's volunteering grant schemes.

I turn to the scaremongering that is implicit in the Labour motion. It is clear that Labour hopes and prays that the third sector will run into trouble. The continual and perpetual false claims that councillors will withdraw funding are shameful.

Let me just conclude, Deputy Presiding Officer.

The Deputy Presiding Officer: You must conclude now, Mr Paterson.

Gil Paterson: I trust implicitly the SNP councillors. I even trust the Labour councillors. It is just a pity that their leadership does not.

11:09

George Foulkes (Lothians) (Lab): SNP spokesmen ought to stop pretending. We have had a tartan Tory budget, supported by the real Tories, with real tax cuts; the SNP has to accept the consequences.

Some of my colleagues might be wondering why, given all the statements about the voluntary sector that we had from the SNP in opposition, it is putting itself through this. I will let members into a secret. In a rare moment of candour, Sir George Mathewson said to me that he, Souter and Farmer had given up on the discredited Scottish Tories ever getting Labour out of power in Scotland so they all put their money, resources and support into the SNP. Of course, that succeeded. Now, however, it is payback time. There will be no re-regulation of the buses, because Mr Souter would not like that, and we have had the tartan Tory budget.

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

George Foulkes: No.

The SNP has to accept the consequences, which are job losses and service cuts, and it must stop pretending that they are not happening.

Such losses and cuts might be acceptable for right wingers such as Jim Mather and Rob Gibson, but what about those with left-wing credentials? Where are Alex Neil and republican Rose today? Their seats are empty—they are skulking away in some corner because they realise what is going on.

Labour introduced ring fencing because real Tory councils—we had them in Scotland at one time—would not spend money on the vulnerable and the old. Colleagues will remember that Tory councils cut rates all the time. We brought in ring fencing to protect the vulnerable, old and disabled, but that protection has been lifted by the concordat. Pat Watters ought to be ashamed of himself for agreeing to that concordat, as any Labour spokesman ought to be.

Now councils have tight budgets and chief officials are asked to find savings, but they are not going to say, "Okay, I'll retire," or, "My deputy and top officials will go." No—it is the home helps and nursery nurses in council services who will go. Above all, it is the voluntary organisations—the outside bodies that councils do not worry about—

that will go. That is happening now. Somewhat belatedly, Martin Sime of the Scottish Council for Voluntary Organisations has begun to realise that lifting that protection has consequences for voluntary organisations.

The SNP still says that we are scaremongering, but cuts and losses are happening on the ground. Why are thousands of people marching in Aberdeen? I offer a few examples from Edinburgh. The Edinburgh Cyrenians, which supports the homeless, has suffered a £30,000 cut, and the Gorgie Dalry Partnership, which does innovative work in one of the poorest areas of the city, is closing down because of the cuts. We keep hearing from the SNP about asylum seekers, but the Scottish Refugee Council is closing down some of its services because of the SNP cuts. Across Edinburgh, 30 organisations have suffered a 75 per cent loss in funding. That is not scaremongering; that is really happening. That is the reality of the SNP in power, and the party ought to be thoroughly ashamed of itself.

11:13

Brian Adam (Aberdeen North) (SNP): George Foulkes has given us a very interesting speech and an interesting insight into what is really happening in the Labour Party. He has long experience as a councillor, a member of the House of Commons and now as a member here, so I am surprised that he ignores the fact that there are changes in council budgets every year and that, every year, those changes affect the voluntary sector.

Rhona Brankin: Will the member give way?

Brian Adam: I ask the member to let me develop my point.

I do not believe that George Foulkes's description of what is happening this year, in comparison with what happened in previous years, was as full as it might have been. The reality is that there are changes every year. Substantial amounts of money go to the voluntary sector through arrangements such as lottery funding, and projects have to move on when that funding ends. Lots of funding streams end.

One of the interesting things that has happened with the lottery funding stream for the voluntary sector is that Mr Foulkes and his colleagues in the House of Commons agreed to take £184 million of funding that would have come to Scotland. As a direct result, there will be cuts in the voluntary sector here. Those cuts will be much more substantial than those that result from some of the natural changes that happen year in, year out throughout Scotland, no matter which parties are in power in either central or local government.

Des McNulty: Will the member give way?

Brian Adam: No.

The fact is that judgments are always made on the value that is given.

I welcome the fact that, despite the real difficulties faced in Aberdeen as a result of the mismanagement of council budgets, the aye can facility has this week been saved through the efforts of the council, the Government's social enterprise policies and Sir Ian Wood's family trust. I hope that such a model will be rolled out across Scotland—

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

Brian Adam: No.

I hope that that model, which encourages the widest possible participation in delivering services, will be rolled out.

Robert Brown: Will the member give way?

Brian Adam: I want to develop this point a little more.

I have to say that I do not recall the Labour members who have told us this morning how bad the current changes are thinking that the closure of the Airborne Initiative was such a bad idea.

Rhona Brankin: Will the member take an intervention?

Brian Adam: I will take no interventions from the Labour Party.

Robert Brown was absolutely right to say that too much of the voluntary sector's effort is focused on process. Many groups have to devote a substantial amount of time and energy to applying for and raising funds and having that activity monitored. It is a good idea to reduce such red tape and increase security, but it is patently absurd to suggest that the removal of ring fencing will sound the death knell of the voluntary sector in Scotland. There will be changes, some of which might well be painful, but that is what happens, no matter whether we are talking about the voluntary sector, the public sector or the private sector.

I am delighted to support the Government's amendment.

11:17

David Stewart (Highlands and Islands) (Lab): I refer members to my entry in the register of members' interests.

A century and more before the national health service was a mere twinkle in Nye Bevan's eye, hospital almoners cared for the sick, comforted the bereaved and counselled the dispossessed. That

work was not done out of a sense of paternalism or pity; instead, it was a matter of professionalism and commitment, and the ethos followed by those early almoners remains apt for the dynamic and diverse third sector, which in my area covers a range of organisations from the Highland Hospice to the Highland Community Care Forum.

Like many members, I have worked in the voluntary sector. I have been a volunteer with the Samaritans and Citizens Advice Scotland; I have been an unpaid director with Highland Homeless Trust; and I have been employed by the umbrella organisation of the sector, the SCVO. I have campaigned and organised on the front line of the sector and have seen at first hand the quality of work being carried out in various areas, from rural development to the provision of autism services.

The sector's very scale should act as a wake-up call to commentators who accuse Scots of being a nation of couch potatoes. Scotland has 1.2 million volunteers, 45,000 organisations with a formal set of rules and 18,000 regulated charities, and the sector has nearly 130,000 paid staff—or about 5 per cent of the Scottish workforce. The sector's income represents 4 per cent of the country's gross domestic product.

As we all know, the third sector is part of civic society and encompasses churches, faith groups, trade unions and professional associations. Indeed, it played a key role in the constitutional convention, which framed the ideas and principles behind the Parliament.

I give credit to the previous Administration for recognising the sector's contribution and value. As members have already pointed out, it introduced a number of initiatives such as the Scottish voluntary sector compact, the review of direct funding, the strategic funding review and Social Investment Scotland, which was set up in 2001 to build capacity through loan finance. Full cost recovery and three-year funding contracts are also very important for the sector.

To be fair—as I always am, Presiding Officer—the current Administration seemed to be very positive about the sector when it took office almost a year ago. However, the reality is different on the ground. For example, as we have already heard, the SNP-controlled Highland Council has cut £86,000 from Age Concern Scotland, which now has to find the money from its own resources. The funding for Aberdeen Cyrenians has been cut by £900,000 and, in Edinburgh, the Ark's funding has been cut by £74,000.

In Highland, we will soon see a huge cut in funding for those who look after our elderly people's needs. These organisations are not, as Rob Gibson has suggested, growing like Topsy; they exist to meet the needs of the vulnerable in

our communities. Although the excellent and well-respected Highland Community Care Forum might have had a stay of execution, many are worried about its future. Moreover, every voluntary and youth sports organisation in Highland faces a real-terms cut as a result of the £50,000 saving that the education department is seeking to make in its budget.

On top of all that, the Highland Council is about to embark on a major revision of charges for accessing the school buildings that are used extensively by the voluntary sector. Organisations face being squeezed not only by cuts and savings but by increased charges. Is the third sector being squeezed out by the concordat? Moreover, what will be the effect on users of mental health, disability and vulnerable elderly people's services? We must stand up for the voluntary sector, and I urge members to support my friend Elaine Murray's motion.

11:21

Iain Smith (North East Fife) (LD): Derek Brownlee was wrong to say that this debate would be constructive. Instead, we have seen speaker after speaker for the SNP squirming around, trying to change their party's position. A year ago, they called every cut in funding to local voluntary services an absolute disgrace and blamed the Government for letting them happen; now they are saying that such cuts are natural and that they are simply what happens. Frankly, Rob Gibson should be ashamed of his speech, as should those who applauded it.

The minister and SNP members need a reality check. Real cuts are being made to the voluntary sector in our communities, and they are the direct result of the Government's decision to freeze the council tax and limit the money available to local government. That is the reality; if no one believes me, perhaps they will believe the SCVO briefing, which states that

"Current problems with Third Sector Funding"

relate to the local government funding settlement and

"Specific funding decisions taken by Local Authorities".

Members have highlighted the voluntary sector's major contribution to our economy, but we should also remember that we rely on it to provide key drug and alcohol services; services to offenders to prevent reoffending; pre-school and child care services in many of our deprived communities; and welfare advice and debt counselling services to help the poorest in our society deal with their many problems, particularly in the current economic situation. People with mental health problems rely on the voluntary sector to provide counselling and advocacy services, and the sector

also provides support to the deaf and blind communities and many other people with disabilities. Moreover, those with long-term illnesses rely on the sector for specialist services to support them in their daily lives. The sector provides vital services to some of the neediest in our community, and this Government is simply not respecting it.

The sector faces serious problems, some of which are long term. I do not claim that the previous Administration got everything right, and changes need to be made. We need, for example, to deal with the problem of short-term funding and constantly changing funding streams. The nature of project-based funding means that the sector has to change its approach every so often to meet different funding needs; and fulfilling the audit and performance management requirements of different funders requires a huge amount of form filling. Indeed, two different council departments that fund the same organisation might have completely different audit and performance management trails. That situation is simply unnecessary, and I agree to an extent with Derek Brownlee that we need to deal with such bureaucracy.

As we have seen in local government, when savings are required, the voluntary sector is always the first to be hit. That is why so many senior staff in the voluntary sector spend so much time filling in forms and chasing funding instead of supporting and developing the services that their organisations provide. We need to change that situation and provide proper security and support for long-term core funding, not just project-based funding, for those organisations. I am not saying that every voluntary organisation deserves to be funded ad infinitum; they have to show that they are providing a necessary service. However, they need security to develop their services and provide them in the long term.

I am pleased that the Government has hinted that it will continue to extend the water rates relief scheme. However, the treasurers in the village halls and church halls in our communities want the minister to do more to address the uncertainties and worries. They want a clear commitment from him that the exemption will continue; they do not want hints. I hope that he can give such a commitment in his closing speech.

I hope that members will support the Liberal Democrat amendment. SCVO said in its briefing, which arrived late this morning:

"The Lib-Dem amendment focuses on the need for more stable funding for voluntary organisations and a clearer relationship between Scotland's 32 local authorities and the voluntary sector. The problems of short-term and unstable funding mean that some of the most vulnerable people in society who rely on the voluntary sector do not always get

the services they deserve due to high staff turn-over and inability on the part of charities to forward plan effectively."

I could not agree more. The briefing continues:

"SCVO strongly supports this amendment."

The Parliament should do so too.

11:25

Gavin Brown (Lothians) (Con): Overall, the debate has felt a little rushed. The voluntary sector, which makes a massive contribution to society in Scotland, would probably benefit from a longer, deeper, more informed debate. All parties probably agree on that.

Margaret Curran: Will the member give way?

Gavin Brown: Not just now.

It is easy to say that the sector makes a vital contribution, but it is worth reiterating the sheer size of the sector and the figures that Elaine Murray used at the start of her thoughtful speech. The voluntary sector in Scotland is worth well over £2 billion and comprises more than 50,000 organisations, which employ more than 130,000 people and have well over a million volunteers. To say that the sector makes a vital contribution is almost to do it a disservice; it is critical to the future of service delivery in Scotland.

I will pick up on a couple of important points that have been made. Derek Brownlee talked about the burden of red tape that the third sector bears, which is the subject of the amendment in his name. It is important that we invest time and energy in resolving the problem. He said, quite correctly, that the third sector should focus heavily on the delivery of front-line services and should not have to spend time in the back room worrying about administration. It is important that we secure a commitment on that. I have no simple solution, but I think that all voluntary organisations and their workers would appreciate it if something akin to the regulatory review group, which considers business regulation, could consider the third sector.

We strongly welcome the commitment on water service charges that is in the amendment in Jim Mather's name and was reiterated by Mr Mather in his speech. A number of parties and organisations have campaigned on the issue for a long time and the Scottish Conservatives have been heavily involved in the campaign. We have lodged motions and tried to bring communities together. It is good news for everybody that the exemption will be taken forward. It is right that the exemption for churches, village halls and smaller voluntary organisations should continue beyond 2010.

We probably differ slightly from the Labour Party in our thinking on where the blame lies for

shortfalls that might be experienced. In broad terms, we welcome the reduction in ring fencing. It is right that local councils should make decisions about what happens locally. It is worth pointing out that, as Brian Adam said, considerably more than £100 million that could have come to Scotland via the lottery has ended up being directed to the London Olympics. Surely even the Labour Party must accept that that is a factor in the reduction in funding to certain voluntary organisations.

Elaine Murray: Will the member give way?

Robert Brown: Will the member give way?

Gavin Brown: I will take an intervention from Elaine Murray, because she stood up first.

Elaine Murray: The draft Payments into the Olympic Lottery Distribution Fund etc Order 2007 was approved on 15 January by 357 votes to 9, so the vast majority of Conservative members of Parliament voted for it.

Gavin Brown: As well as the vast majority of Labour MPs.

I point out to Elaine Murray and the rest of the Labour Party, who blame the local government settlement, that there were two occasions on which they could have opposed the settlement, but every Labour MSP in the chamber voted in favour on both occasions. I point out to George Foulkes, who had a go at the budget, that only one Labour MSP had the courage to vote against the budget, so it is trite—

Rhona Brankin: Will the member give way?

The Deputy Presiding Officer: The member is in his final minute.

Gavin Brown: I am in my final 20 seconds.

As Derek Brownlee said, we want greater independence and autonomy for the third sector. It is critical that there should be a debate about longer-term funding, particularly for proven models of success.

11:29

The Minister for Communities and Sport (Stewart Maxwell): I am pleased by the strong support for and commitment to the third sector that has been expressed by members of all parties. At least we can agree on that—[*Interruption.*] Sorry, I was wrong—the Labour Party disagrees.

My colleague, the Minister for Enterprise, Energy and Tourism, strongly expressed the Scottish Government's belief in the transformational potential of the sector. Perhaps more important, he set out our approach to ensure that that potential is realised. There is no doubt that the sector faces challenges—this is a new environment for the sector, too. However, the key

is for people to recognise the opportunities that our focus on localism is providing and for the Government to support the sector to take those opportunities.

We have increased our investment in the national network of councils for voluntary service and the volunteer centres. That funding is specifically intended to support the sector to have access to the new opportunities and to enable it to support the people and organisations that rely on it.

We also made clear that we will work to support a new and stronger framework to enable the third sector to engage with local structures, including councils and community planning partnerships. Of course, that works both ways: we will also support local authorities and others to connect with the sector, to work smarter with it and to enable greater access to procurement processes in relation to service delivery and design.

Margaret Curran: I am not sure whether I followed the minister correctly. He will be aware that the voluntary sector has made strong representation about its exclusion from negotiations about the single outcome agreements. Is he now saying that the sector should be part of those negotiations?

Stewart Maxwell: I am saying that we will work with all sectors to ensure that work is taken forward. Of course, there is a working group, which includes the voluntary sector as well as officials, the Convention of Scottish Local Authorities, the Society of Local Authority Chief Executives and Senior Managers, as well as SCVO—

Johann Lamont: The voluntary sector is not included—

Stewart Maxwell: SCVO is part of the sector. That monitoring group is considering single outcome agreements and is contributing to the progress that we are making in that regard. It is part of the process.

We have discussed the record funding and financial support that we are providing. The water charge exemption is part of that. We know how vital it is to small third-sector organisations to be able to support their communities and causes. We have also made clear our intention to introduce a Scottish investment fund, which will build the capacity and sustainability of individual third-sector organisations, thereby contributing to a more successful Scotland.

However, the issue is more than just money; there are real opportunities to grow the sector, which will bring benefits to the sector, its clients, local authorities and Scotland's economy. Volunteering has a role to play and we have

outlined our support for volunteering and the funding that backs that up. We acknowledge the wide benefits of volunteering, which builds skills and confidence and provides volunteers with the satisfaction of knowing that they are making a contribution for the individual that has knock-on benefits for us all. Our support to our national networks, in particular the £11.5 million for the volunteer centres, will help to ensure that there are opportunities to volunteer for as many people as possible, across all age ranges.

Elaine Murray and other members talked about the necessity for three-year funding. A three-year settlement is provided to local authorities, so it is perfectly reasonable for local authorities to negotiate with local voluntary organisations in the same manner. It is open to local authorities to do that and nothing prevents them from doing so. It is a bit rich of Labour members to talk about delays in funding. The reason why the process this year has been so delayed is the Treasury's delay in allocating the block grant to the Scottish Government. The delay was caused by the Labour Party in London and Labour members cannot escape from that and the problem that it caused this Government.

Derek Brownlee made good points about the need to strike the right balance on regulation. I absolutely agree that there must be proper regulation but not overregulation.

The Deputy Presiding Officer: You have one minute left.

Stewart Maxwell: I fear that the call to rise above day-to-day matters and consider strategic issues has failed. Robert Brown's speech seemed to be fundamentally about scaremongering. He cried wolf again and again, as did many members on the Labour benches. It is nonsense to talk in the way that many members have done—Rob Gibson made an excellent speech, slaying some of the issues that were raised.

For the record and in case members missed it, George Foulkes said—I think I quote him correctly—that Pat Watters

"ought to be ashamed of himself".

I think that that comment will come back to bite not only George Foulkes but the Labour Party.

George Foulkes also mentioned Martin Sime, who said this week—

The Deputy Presiding Officer: I am afraid that you must finish now, minister.

Stewart Maxwell: Martin Sime said that the removal of ring fencing, which controlled how money was spent, is a development that he can support, is a good idea and is good for local democracy—

The Deputy Presiding Officer: I am sorry. I must call Margaret Curran.

11:34

Margaret Curran (Glasgow Baillieston) (Lab): It has been some debate—I have written in my notes that it has been interesting and challenging. We heard what I consider to be an excellent speech from Robert Brown, who gave a tight analysis of developments in the voluntary sector, as did Elaine Murray. I also pay tribute to Rob Gibson, who did the Parliament a service by letting the cat out of the bag and telling us exactly what the SNP is about. I am sure that the minister will come to regret his endorsement of that speech. Rob Gibson told us exactly what the SNP agenda is on the voluntary sector—it is about tackling the “poverty industry”. Perhaps he could define that and say which bits of the sector he wants to get rid of. He said that the sector has been growing like Topsy, that that needs to be addressed and that elements of the voluntary sector are “dross”. Now we know exactly what the SNP thinks.

Rob Gibson *rose—*

Stewart Maxwell *rose—*

Margaret Curran: Sit down.

The central charge is that Stewart Maxwell, a minister of the Government, dismissed as scaremongering the litany of cuts that we have brought to the Parliament today. On one level, I am flattered by that. He clearly must think that the Labour Party is extraordinarily powerful if he thinks that we could organise all the organisations in Scotland that have concerns to operate at our behest. I did not expect SNP ministers to get so stuck in their cars and offices that they have become disconnected from the real experience of what is happening in Scotland—shame on you, as the voluntary sector minister.

Rhona Brankin: Does the member agree that the cuts of more than £1.1 million in funding to Quarriers will affect children with disabilities, vulnerable families and adults with learning disabilities? Does she agree that it is an absolute disgrace that those cuts have come in the past year alone?

Margaret Curran: Absolutely—and who knows what the future will bring? That is the hallmark of the SNP Administration, now that we are approaching one year into its time in office. Funding is under threat, services are being lost and there are cuts and uncertainty. That sorry situation is undermining the good work of previous Administrations on the voluntary sector—work that you supported when you were in opposition. As has been said, that work delivered a step change in Government support to the voluntary sector,

with a strategic review of funding and three-year funding cycles. I challenge you, minister—I will give way to you on this—to say whether you expect local authorities to give three-year funding to the voluntary sector.

Stewart Maxwell: I said clearly that we provide a three-year funding proposal.

Dr Simpson: They cannot.

Stewart Maxwell: They can. We believe in local authorities and their right to determine what is important locally—that is the difference between Margaret Curran and me.

The Deputy Presiding Officer: Minister, that is long enough.

Margaret Curran, can we avoid the second person, please?

Margaret Curran: I apologise, Presiding Officer—I will do my very best not to use it again.

The previous Administration delivered the historic compact, sustained investment and a framework for volunteering. That work enabled the voluntary sector to innovate and create and to change and deliver, but there is now a real danger that that work is being undermined. Despite the denials that we hear from the SNP, there is a litany of concerns throughout Scotland about cuts and uncertainty. Despite the minister's words, the volunteering sector would tell him that there is a lack of any strategic investment policy. The sector is getting much less funding than it anticipated.

I could spend the rest of my speech talking about voluntary organisation after voluntary organisation that has had funding cuts and is deeply worried. Worst of all in what we have heard today is the Government's refusal to take responsibility for its actions. What is happening in Scotland—ministers can hide in their offices, but it is happening—is not an act of God, but a direct result of ministers' budget decisions. Labour's charge against the SNP is serious and profound. The SNP provided a reduced settlement for local government. Christine Grahame, who is normally around for such debates, has said:

“When local authorities have to find savings, the first thing that they cut is their voluntary sector contributions.”—*[Official Report, 3 May 2006; c 25204.]*

Is that still the SNP's view?

Another issue that is just as important and which the minister did not clarify is that there is now no place at the table for the voluntary sector. We empowered the voluntary sector, but the SNP is reducing its influence. After the SNP's first year in office, we are beginning to see the reality rather than the rhetoric. There is a lack of vital services, from child care to support for homeless people, and from services for people with learning

disabilities to health charities and mental health organisations—and we are told that we are scaremongering. The SNP has upset the balance between government and the voluntary sector, with the sector losing resource and influence.

The SNP has addressed the water rates issue and has partially addressed the issues to do with ProjectScotland. However, I hope that the SNP will provide transitional funding to support our vital services and organisations. I am disappointed that the SNP has not done that already. Just for once, can we have grown-up politics from the SNP? The SNP should face the consequences of its actions, take responsibility for its decisions and recognise the scale and depth of what it has done.

I say to Jim Mather that the concern about those in need that drives Labour members is not about micromanaging; it is about standing up for Scotland. Economic growth and social justice must go hand in hand—that will make Scotland grow. The SNP's cuts illustrate its betrayal of that profound aspiration. It is time to take action now. We have seen a shameful display from the SNP today.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:41

Teaching Jobs

1. Hugh Henry (Paisley South) (Lab): To ask the Scottish Executive how many of the teachers who finished their probationary year in June 2007 have failed to find a job in teaching during the current academic year. (S3O-2933)

The Minister for Schools and Skills (Maureen Watt): The General Teaching Council for Scotland's survey of post-probation teachers in October 2007 showed that 87.8 per cent of respondents had gained employment as a teacher. The GTC will carry out a further survey next month, which will show the position closer to the end of the school year.

Hugh Henry: It is profoundly worrying that you seem to take comfort from the figure of 87.8 per cent, because it includes those who are on temporary or short-term contracts and who have failed to get a permanent job, which means that 20 per cent of those teachers have still to get a job. Renfrewshire Council is cutting at least 55 to 60 secondary teaching jobs, which will make it more difficult for new teachers to obtain employment. Minister, do you have any concerns about what Renfrewshire Council is doing?

The Presiding Officer (Alex Fergusson): Before the minister speaks, I remind members that the word "you" should be applied only to me. I really have to say that too often.

Maureen Watt: I will answer the second part of the member's question first. Renfrewshire Council has allocated £1 million for class-size reduction in early years and £0.5 million to increase the hours of nursery education for every three to four-year-old. That is not counting the efficiency savings that the council can recoup and reinvest, which it could not do in the past.

We knew that there would be a problem—inherited from the previous Executive—with the employment rate among post-probation teachers this year, which is why we took early action to provide an additional £9 million to local authorities so that they could employ the equivalent of 245 full-time teachers. The situation would have been much worse if the Government had not acted.

Elizabeth Smith (Mid Scotland and Fife) (Con): Does the Scottish Executive agree that one way in which to avoid the problem arising in the

future would be to set up a formal forum in which all the local authority education departments can meet the GTC for Scotland on a regular basis? That would bring together the two bodies that know best what teachers are required and what skills are available.

Maureen Watt: That is precisely what we believe and know that we will be able to achieve with the concordat and the single outcome agreements that we have with local authorities. It will now be much easier to have a better knowledge of local authorities' requirements for teacher employment.

Joint Ministerial Committee

2. Sandra White (Glasgow) (SNP): To ask the Scottish Government what issues will be discussed at the next joint ministerial committee. (S3O-2883)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): The First Minister is currently in discussion with the United Kingdom Government and the other devolved Administrations about what issues should be discussed at the joint ministerial committee. Of course, at this stage the main priority for us is to ensure its successful reinstatement, so that we can build on the good work that the Government has carried out in the joint ministerial committee on Europe.

Sandra White: The minister will be aware that the Glasgow passport office—Scotland's only passport office—is to be run down, which will lead to the loss of more than 100 jobs. The same fate may befall the offices in Northern Ireland and Wales, leaving all the devolved Administrations without full passport services. Does the minister agree that that would be totally unacceptable? Will she consider raising the matter at the next JMC meeting?

Linda Fabiani: There is great concern throughout Scotland about what is happening at the passport office, and I am glad that our colleagues at Westminster are raising the issue directly.

At the JMC, there are many issues that can be discussed to the benefit of Scotland, which is what this Government is always most concerned about. The First Minister will give consideration to which items he will request should be examined at the first plenary session of the JMC.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Alongside the JMC, in the relationship between the devolved Administrations and the United Kingdom Government, are the concordats. Before last summer, the Scottish Government announced its review of the

concordats. Has that review been concluded, and will it be published?

Linda Fabiani: Discussions with the UK Government are, of course, on-going. However, the most important thing just now is to get the JMC set up properly. After all, it will be the first JMC plenary meeting since 2002. Our desire to get the JMC set up shows the importance that this Government places on looking after the interests of Scotland.

Alternative and Augmentative Communication Aids

3. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Executive whether it has any plans to monitor the provision of alternative and augmentative communication aids by individual health authorities. (S3O-2859)

The Minister for Public Health (Shona Robison): It is for national health service boards to provide alternative and augmentative communication aids that best meet the needs of their local populations, in partnership with education services, social services and other service providers, as necessary.

Brian Adam: Does the minister agree that the current provision is rather patchy, and that the significant improvements in those aids have meant that their provision to stroke victims, for example, can result in much better outcomes?

Will the minister consider monitoring the issue to ensure that we do not have a postcode lottery as far as this matter is concerned?

Shona Robison: I am aware of the concerns that Brian Adam raises. I have agreed to meet the alternative and augmentative communication services campaign group on 12 May to discuss its concerns, including those raised by the member, and to examine what steps can be taken to improve the services.

Fairer Scotland Fund

4. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive what savings have been accrued from the merger of the seven previously available funds into the fairer Scotland fund. (S3O-2926)

The Minister for Communities and Sport (Stewart Maxwell): The fairer Scotland fund is allocated to and managed by community planning partnerships. By replacing seven individual funding streams, each with its own separate administrative arrangements, the introduction of the fairer Scotland fund should generate real benefits for local authorities and their partners through reduced bureaucracy and more streamlined monitoring and reporting

requirements. However, it is for each individual partnership to estimate and manage any resultant savings.

Patricia Ferguson: The minister has said that efficiency savings will accrue as a result of the change. Is he concerned, as I am, that uncertainty is arising as a result of the merger? People are on redundancy notice; they may or may not be made redundant. Funding streams have not yet flowed through to the very organisations that need them most. Will the minister consider the merger carefully and review it? Will he also consider the request that I made to him previously—to give regard to the special circumstances of Glasgow, in the same way as the Executive has hinted that it will give regard to Edinburgh? Will he consider setting up a separate fund to address Glasgow's particular needs?

Stewart Maxwell: The only uncertainty in this area is caused by the continual scaremongering of Labour members. We have had a whole morning of it, and now we are having it yet again during question time. It is reprehensible and irresponsible to continue this kind of scaremongering, with its tactic of crying wolf. The fairer Scotland fund was called for by the Finance Committee. At the time, that committee was convened by Des McNulty, and I am sure that other Labour members on the committee supported the establishment of a single deprivation fund. We have brought it about and that has been very much welcomed.

Glasgow City Council receives a substantial share of the money and, because of particular problems in the Glasgow area, Glasgow will receive £154.5 million from the fairer Scotland fund over the next three years to tackle poverty and deprivation and to help more people to access sustainable employment opportunities.

Dave Thompson (Highlands and Islands) (SNP): Does the minister agree that the fairer Scotland fund provides a simpler and more effective method of distributing funds to local communities? What has been done to improve public awareness of the fairer Scotland fund and access to it?

Stewart Maxwell: The fairer Scotland fund is intended to be a streamlined and simplified system for allocating funds. It was called for by a committee in the previous session of Parliament, and it was called for by this Parliament. Now that we have implemented the fund, it is a bit rich of members of Opposition parties suddenly to condemn the very thing that they called for when they were members of particular committees.

Individual community planning partnerships are responsible for administering the fairer Scotland fund. They should ensure that all the organisations in their area are aware of the fund and of the

application process. Applying to a single funding stream is a big improvement on the previous system, under which people had to apply to up to seven different funding streams.

Border Television Area (News)

5. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Government what discussions it has had with Her Majesty's Government regarding ITV's proposals for news broadcasting in the Border Television area. (S3O-2858)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): The Scottish Government has not raised the matter with the United Kingdom Government, because it is primarily a matter for the Office of Communications, the communications regulator. My officials are in regular discussion with Ofcom on this and many other matters.

Alasdair Morgan: Does the minister agree that ITV's proposals represent a huge diminution in the amount of local news and current affairs coverage available in the south of Scotland?

Does the minister also agree that given that new technology allows news coverage to be much more flexible, responsive and local, the public will be astonished and angry that news coverage for the south of Scotland will, in effect, be centralised in Newcastle? Would it not be much better if broadcasting was controlled by the Scottish Government?

Linda Fabiani: I understand that for some, in particular those who live closer to Edinburgh than Carlisle, the service of Border Television is distant. It may be that Border Television can develop services that meet needs across its region. I am happy to await the report of the Scottish Broadcasting Commission for advice on this issue. Likewise, we will consider how to respond to Ofcom's consultation review as and when appropriate and taking into consideration the work of the Broadcasting Commission.

Historic Scotland

6. Alex Neil (Central Scotland) (SNP): To ask the Scottish Executive whether it is satisfied with the performance of Historic Scotland. (S3O-2878)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): I understand that Historic Scotland expects to meet all 10 of the key performance targets set for it by the Government for 2007-08.

Alex Neil: I draw the minister's attention to the Rowallan development in an unemployment blackspot in East Ayrshire, where Historic Scotland has done severe damage to the fabric of

the old castle but is still holding up £60 million of development. It has employed what can only be called heavy-boot tactics in dealing with the developer. Will the minister try to resolve the situation, and will she introduce a policy for the disposal of properties in care?

Linda Fabiani: As Mr Neil knows, the case is currently the subject of a public inquiry. Therefore, I am constrained in responding to the particular issues. However, I will make a general point. In the period from 2005 to 2008, Historic Scotland received 798 applications for scheduled monument consent and approved all but one of those applications. Therefore, it approved almost 100 per cent of such applications.

Ted Brocklebank (Mid Scotland and Fife) (Con): Is the minister aware of the ludicrous situation at Crail airfield in Fife? The airfield was scheduled as a national monument by Historic Scotland more than a decade ago. Is she aware that, because of its listing, this ramshackle collection of huts, which never saw a shot fired in anger, has continued to disintegrate while the local farmer has, in effect, been prevented from developing or farming his land? Will the minister undertake to meet Historic Scotland to bring about an early resolution, so that the farmer can take control of his land while preserving the most significant parts of the airfield?

Linda Fabiani: One thing that I learned very quickly as a minister was that I can always rely on Mr Ted Brocklebank to come up with something that is not in my briefing notes. I am more than happy to admit to having no idea about the particulars of that case, and I will ensure that it is discussed in detail at my next scheduled meeting with the chief executive of Historic Scotland.

Cash and Valuables in Transit Industry

7. Pauline McNeill (Glasgow Kelvin) (Lab): I declare an interest as a member of GMB.

To ask the Scottish Executive whether it will consider compiling annual statistics on the incidence of offences committed against workers in the cash and valuables in transit industry. (S3O-2945)

The Cabinet Secretary for Justice (Kenny MacAskill): Offences of that nature are very serious, often involving organised criminals who have no hesitation about using violence. Although the matter is one of operational policing, the Government has a part to play. That is why we recently announced a three-year funding package of £778,000 for the Scottish Business Crime Centre.

The centre provides practical advice to the business and commercial sectors on how to prevent and deter business crime, and it is

responsible for the Scottish financial crime group, which monitors offences against cash and valuables in transit workers through the British Security Industry Association. It therefore seems to be neither efficient nor sensible for the Scottish Government to gather the same information.

Pauline McNeill: I welcome the fact that the cabinet secretary recognises that Scottish cash in transit workers are vulnerable to violent attacks on the job. Does the minister agree that the threat of violence should never be seen as an occupational hazard? Will he note that workers in the industry are reporting a rise in incidents? Given that, and the fact that the Home Office has already taken steps to reduce this type of crime by getting the parties together to discuss what can be done, will the cabinet secretary consider having a meeting with interested parties, including GMB, which will represent the workers, to discuss our concerns?

Kenny MacAskill: Absolutely. No one in any occupation should have to view violence against them as part of their job. That applies to those who work in the transit of cash industry and equally to police officers, who should not be viewed as punch-bags for whoever seeks to take out their ill humour on them.

I am more than happy to consider any meetings, but I confirm that the Government is acting, and we believe that the best way of doing that is to deliver a visible police presence in our communities to deter criminals and to reassure good citizens. That is why we are delivering our commitment to 1,000 additional officers in our communities. Equally, we acknowledge the problem of serious organised crime that this country faces, which is why we have set up a serious organised crime task force to tackle those who are involved in the peddling of drugs and in other matters such as armed robbery.

Housing Strategy

8. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive when the Minister for Communities and Sport will produce his strategy for housing. (S3O-2957)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government's discussion document "Firm Foundations: The Future of Housing in Scotland", which was published in October 2007, sets out our vision for the strategic future of housing in Scotland. Earlier this month, we published an analysis of the consultation responses and we will be involved in discussions with the Convention of Scottish Local Authorities and other stakeholders during the coming weeks, with the aim of making a policy statement before the summer recess.

David Whitton: I thank the minister for his answer, although I am not sure that all those who are connected with housing will.

The analysis to which the minister refers was sneaked out during the recent recess. In it, there was no target for affordable housing and little support for the Scottish National Party plans to force housing associations to compete for subsidies. Will the minister give a commitment today that his housing strategy will be subject to scrutiny by a committee and a full parliamentary debate?

Stewart Maxwell: The report to which the member refers was an analysis of consultation responses so of course it will not talk about all the things that he claims are missing from it. I reiterate that there will be a debate in Parliament and an opportunity for committees to consider the housing strategy, and all stakeholder organisations, including COSLA and all the housing associations, will have the opportunity to take part in further consultation once the statement has been made.

Kinship Care

9. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive whether guidance has been issued to local authorities regarding the payment of kinship care allowances. (S3O-2948)

The Minister for Children and Early Years (Adam Ingram): Yes. The Scottish Government and the Convention of Scottish Local Authorities have issued a joint information note to local authorities regarding the payment of kinship care allowances.

Elaine Murray: Does the guidance state that kinship carers who previously applied for residency orders on the advice of social services, as was the case for Dumfries and Galloway kinship carers, are to be excluded from kinship care payments?

Adam Ingram: As the member will be aware, she is referring to section 11 orders, which define kinship care for non-looked-after children. Local authorities have discretion to provide payments to children and families in need, so the premise of her question is factually inaccurate.

First Minister's Question Time

12:00

Engagements

1. Ms Wendy Alexander (Paisley North) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-670)

The First Minister (Alex Salmond): Later today I will have meetings to take forward the Government's programme for Scotland, which is enjoying substantial support among the Scottish population.

Ms Alexander: This week, I will ask the First Minister about obesity. It is a challenge that America and Scotland share: the United States is top of the global league of fat nations and we in Scotland are second. Why did the SNP Government brief at the weekend that it had agreed to break its manifesto promise to deliver two hours of quality physical education for every pupil in Scotland?

The First Minister: Wendy Alexander should not believe everything that she reads in the papers. Reports that we intend to scrap that target are completely unfounded, which should make her next question rather interesting.

Ms Alexander: It is interesting that the Government's official spin doctor announced on Sunday that

"it has now been agreed that the new curriculum framework"

should have

"no input requirements in terms of subject or time allocations."

On Sunday, the two hours of PE was gone. Now it seems that the First Minister has changed his mind. It is good to see that Labour has delivered a second U-turn in two days from the First Minister. This morning, under pressure from Labour, there was a U-turn on water rates and we have just had a U-turn on PE. If the pledge is staying, how long will it take to deliver and how much will it cost?

The First Minister: I am delighted that Wendy Alexander wants to claim the credit for Scottish National Party initiatives. She will certainly have more success in doing that than in claiming credit for the Labour Party's policies, which nobody supports.

Over the next three years, we are putting additional investment of more than £40 million into tackling childhood obesity. That is action from the SNP Government. There was no such quotation from a Government spin doctor—spin doctors are the people that Wendy Alexander keeps sacking.

Ms Alexander: It was not just the Government's official spokesperson. Let us try the Convention of Scottish Local Authorities education spokesperson, who is a member of the SNP. She said:

"We are moving away from narrow targets such as two hours of PE".

The First Minister said that the commitment will be delivered, but as usual he dodges the question when it comes to the detail. With the two-hour target, every parent in Scotland knows where they stand with their local schools, so that is the promise that we look for. If the Government is tempted to negotiate away the target again in its discussions with local authorities, will the First Minister guarantee to come back to the chamber and explain any changes to that promise?

The First Minister: The difficulty with Wendy Alexander reading out her third question is that she cannot take into account the answer to her first question. I repeat it again for her benefit. Reports over the weekend that we intend to scrap the existing target are completely unfounded. For her benefit and for the benefit of Labour members, I point out once again that investment in this area is increasing by an extra £40 million over three years. Will Wendy Alexander also want to claim the credit for that?

Ms Alexander: I thank the First Minister for his answer. I have no further questions, because he has changed his mind and he has made a promise. My job for today was to secure the U-turn. We have secured the U-turn and his promise is now to stick to that position.

The First Minister *rose*—

The Presiding Officer (Alex Fergusson): There was no question, First Minister.

The First Minister: Presiding Officer—*[Interruption.]*

The Presiding Officer: Order. There was no question, and therefore there is no need for an answer.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): I shall not ask the First Minister about obesity—no doubt to our respective mutual relief.

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-671)

The First Minister (Alex Salmond): I hope to see the Secretary of State for Scotland on 24 April at the reception that we are jointly hosting for the Forward Edge of the Battle Area veterans charity at Edinburgh Castle.

Annabel Goldie: This weekend, the First Minister will be at Heriot-Watt University, for less of a spring conference than an SNP love fest. Spring used to be just for the birds; now it is birds, bees, nats and all other forms of winged life. I am sure that when he is there, the First Minister will meet some of the 200,000 higher education students who are currently domiciled in Scotland. How many of them currently pay council tax?

The First Minister: As Annabel Goldie well knows, it depends where they are staying. Among those who will benefit most from a move from the council tax to a local income tax are those on low earnings. It may come as news to Annabel Goldie that students tend to be on low earnings—if, indeed, they are earning anything at all. Further, given Annabel Goldie's new-found concern for the welfare of Scottish students, perhaps she will realise that she should have backed the Scottish National Party and its allies in re-establishing the principle of free education in Scotland. That was welcomed by every student at Heriot-Watt and elsewhere.

Annabel Goldie: Let me make clear what the First Minister desperately wants to keep hidden. In government, the Conservatives ensured that students were exempt from council tax. Last year, the First Minister spoke of the financial barriers facing students, many of whom have to work their way through their studies and many of whom pay income tax. When the First Minister is at Heriot-Watt University, what excuse will he give students for landing them with a new financial barrier—the SNP's nationalist tax on learning? How is that fair?

The First Minister: People should pay based on their ability to pay. People with earnings should pay taxation; people with no earnings or low earnings should pay either no taxation or extremely low taxation. Every student from Scotland will benefit from the abolition of the graduate endowment. Annabel Goldie and her party once opposed but now support the Government's moves to abolish the graduate endowment. Its abolition is welcomed by every student in Scotland. That—and fair taxation—is what the students of Scotland, and indeed the people of Scotland, widely support.

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-672)

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

Nicol Stephen: How does the First Minister know that his list of efficiency savings of £3 billion

over the next three years will not lead to cuts in public services?

The First Minister: The estimate of efficiency savings is based on an analysis of what it is reasonable to expect from the public sector. Some people—for example Wendy Alexander, in her “hungry caterpillar” speech—felt that the efficiency target was inadequate, modest and unambitious.

We think that the target is set in exactly the right way to ensure the efficient delivery of public services, allowing the money to be reinvested throughout Scotland in key services for the people. Given Nicol Stephen’s great interest in local autonomy and local democracy, I am sure that he welcomes the fact that the concordat with local government, among other excellent features, enables local government to keep its efficiency savings for the first time. Every political party across local government in Scotland has welcomed that.

Nicol Stephen: The truth is that most of the First Minister’s efficiency savings document is simply blank space. Has he seen what is missing? For the £1 billion of savings in health boards, his document says that decisions on efficiencies and cuts are best taken locally; that is it. Another £1 billion is unexplained in local government and universities and colleges; there is no information. The Scottish Prison Service said that it was too busy even to fill in the form. It said that it was

“unable to specify a description of the planned efficiency savings”

because

“The immediate priority for SPS is dealing with the record prisoner population”.

So £2 billion of the £3 billion in cuts and efficiencies is completely unexplained.

Does the First Minister think that it is right that we have to rely on the shallow reassurance of his back bencher Alex Neil? Mr Neil told Radio Scotland yesterday morning that we should not be worried because the efficiencies are not cuts in the Thatcherite tradition. Are cuts in the Salmondite tradition okay?

The First Minister: A 2 per cent target for efficiency savings across the public sector is perfectly reasonable and achievable. Many local authorities and, indeed, health boards have more than achieved that over the past few years. If we are to build the framework of a public sector that is efficient in delivering services for the people of Scotland—I am sure that Nicol Stephen supports that—it must be done efficiently. Local authorities in Scotland understand that, as do organisations throughout the public sector; most people throughout the western world understand it. I do not quite know whether the Liberal Democrats

understand it yet, but it is perfectly achievable and a perfectly understandable perspective.

One thing indicates the difference between our approach to public services and the approach that Margaret Thatcher’s Government pursued and Gordon Brown’s Government is pursuing: we believe—and we will hold to this—that we can make those efficiency savings across the public sector with no compulsory redundancies. The trade unions appreciate that deeply, just as they deprecate the policy that has been introduced from Westminster.

Roseanna Cunningham (Perth) (SNP): Is the First Minister as surprised as I am that the Foreign Office apparently expects that Scottish taxpayers should pick up the policing costs for the 2005 G8 summit, which was held in my constituency? The bill is for £600,000. Does the First Minister agree that the outgoing Executive should have made a far better job of protecting Scotland’s interests, and can he now do anything to ensure that, whatever happens, policing in Tayside is not adversely affected as a result of that bill?

The First Minister: I have a disagreement with Roseanna Cunningham: I know that the previous Administration, under Cathy Jamieson and Tom McCabe, resisted those unjust demands from the Foreign Office and the Ministry of Defence. Although the previous Administration and the Labour Party were not often prepared to stand up for Scotland, Roseanna Cunningham should, like me, applaud and congratulate them on the one, isolated example that we have found in which Labour ministers were not willing to shut up for London but were prepared to try to speak up for the people. It seems passing strange that that was found out only in the examination of the documents and that there was no public discussion of the unfair charges that London attempted to impose in the run-up to the last election. Roseanna Cunningham can be absolutely sure that this Government will stand up for Scotland at every available opportunity.

Johann Lamont (Glasgow Pollok) (Lab): On the point about standing up for the people of Scotland, during this morning’s debate on support for the voluntary sector, your favourite minister, Mr Maxwell, supported by Rob Gibson, expressed the view that your strategy was addressing the problem that the voluntary sector was “growing like Topsy” and a lot of it was “dross”. Do you agree? How do you intend to pursue the policy?

The Presiding Officer: I do not have favourite ministers, Ms Lamont.

The First Minister: The voluntary sector does a wonderful job in applying services throughout Scotland. That is exactly why we have

substantially increased funding to the voluntary sector. We believe that its work is invaluable.

Sometime soon, the Labour Party will have to acknowledge the 39 per cent increase in funding across the areas that we are supporting the voluntary sector with, as a testimony to the voluntary sector's key role in partnership with the Scottish Government and local authorities—the true concordat that is revolutionising Scotland.

Kenneth Gibson (Cunninghame North) (SNP):

The First Minister is aware of the shameful decision by Labour and Lib Dem councillors in North Ayrshire to remove wardens from sheltered housing—a decision that impacts directly on 573 elderly and often frail and vulnerable people. No consultation was carried out of the residents concerned before the decision was imposed. That contravenes North Ayrshire Council's tenant participation strategy.

The Presiding Officer: Ask a question, please.

Kenneth Gibson: Does the First Minister agree with the Minister for Communities and Sport that North Ayrshire Council has thereby breached section 54(2) of the Housing (Scotland) Act 2001? Does he concur that wardens should not be removed from sheltered housing without full consultation of residents?

The First Minister: I am sure that all local authorities in Scotland will want to think carefully about how they apply their services. I am sure that the enthusiasm of the leadership of the Convention of Scottish Local Authorities and many of our local authorities for the new concordat and shared outcome agreements will bring about a step change in relationships and the delivery of services.

This week, Pat Watters again drew attention to the fact that, for the first time in a generation, the funds that are available to local government in Scotland are increasing as a share of the Scottish budget—from 33.394 per cent this year to 33.624 per cent in 2010-11. Facts are chieftains that winna ding. No wonder the Labour Party is reduced to not even being able to ask a question.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): The First Minister should go and check the figures that he quoted.

On the efficiency savings that have been imposed and are supported by the SNP Government, is the First Minister aware that local government, in trying to achieve those savings, is cutting services to elderly people, as was highlighted by the previous question?

The Presiding Officer: Briefly, please.

Cathie Craigie: Local government is also cutting and closing residential care facilities for our

elderly people. Are those the efficiency savings that the SNP Government wants?

The First Minister: Cathie Craigie should reread the hungry caterpillar speech by her leader, which accused my colleague John Swinney of having too modest targets for efficiency savings across the public sector in Scotland. I am not sure whether the hungry caterpillar is part of the new socialist ideology that Wendy Alexander put forward at the Labour conference.

In response to Cathie Craigie's first remark, I have been able to check the figures immediately. They are 33.394 per cent in 2007-08, 33.565 per cent in 2008-09; 33.588 per cent in 2009-10, and 33.624 per cent in 2010-11. As Pat Watters said, funds are increasing year by year as a percentage of public spending in Scotland. Surely even Cathie Craigie will now accept the facts.

Elections 2007 (Value for Money)

4. Keith Brown (Ochil) (SNP): To ask the First Minister whether the Scottish Government considers it and local authorities received value for money in the running of the 2007 elections. (S3F-693)

The First Minister (Alex Salmond): There were some really good outcomes from the 2007 elections, but of course there are concerns. There were additional costs for the elections from the introduction of the single transferable vote system and electronic counting. The Scottish Government's element was £6 million, compared with about £400,000 in 2003.

I do not think that any reasonable person could describe the way in which the election was conducted as value for money. Ron Gould's report identified a number of important shortcomings in the conduct of the election. We have accepted his recommendations in full, which I believe every party and every person who is interested in the good governance of Scotland should do.

Keith Brown: Does the First Minister agree that the company DRS, which failed manifestly to provide the service that it was contracted to provide, should be obliged to rebate properly local authorities and the Scottish Government for its failure? Does he agree that, having failed to make timely, fair and effective arrangements for the people of Scotland to elect their councils and Government, the Scotland Office should agree to transfer responsibility for elections to this Parliament to the Scottish Government, preferably as a last act before dissolving itself entirely?

The First Minister: I understand that a number of local authorities have successfully pursued compensation claims by invoking penalty clauses in their individual contracts with DRS.

Everybody who is interested in good governance in Scotland will see the wisdom in Ron Gould's recommendation that this Parliament—a single area of authority in both legislative and administrative terms—would ensure better governance in Scotland.

The Labour Party is fast retreating from the debate and the joint declaration that it made in a parliamentary motion. In this, as in so many other areas, merely accepting that London knows best or that this Parliament is not in a relationship of equals with the Labour Party in London will do the Labour Party no good whatever, given its already deplorable position among the Scottish electorate.

First ScotRail Franchise

5. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the First Minister what discussions took place between Transport Scotland and key transport stakeholders prior to the decision to extend the First ScotRail franchise. (S3F-676)

The First Minister (Alex Salmond): The extension was the activation of a contractual provision in the existing franchise. That provision has existed since the franchise was let, following extensive consultation and competition in 2004. The extension will enable delivery of some of the key objectives of the national transport strategy and "Scotland's Railways", which were also subject to widespread consideration and consultation.

Karen Whitefield: Does the First Minister agree that the decision to extend the ScotRail franchise could be described as

"rather shambolic and totally lacking in transparency"?

Those were the words of Kenny MacAskill in 2004 when the franchise was agreed. However, they most certainly describe the actions of Stewart Stevenson.

Why has the SNP Government failed to consult key transport stakeholders, disregarded the views of the Scottish Trades Union Congress, and ignored the Auditor General for Scotland? Is that another example of how the SNP operates? In opposition it calls for transparency and openness on the franchise and makes promises about nationalising the railways, but in power it deals behind closed doors and sweeps another key policy under the carpet.

The First Minister: All processes on the announcement during the recess were observed, including informing Parliament. The extension of the franchise was both commercially sensitive and share sensitive, as Karen Whitefield should understand. I remind Karen Whitefield that her party was in power in 2004—it was not immediately obvious from her question that she

remembered or understood that. Perhaps I should have said that in the dark days of 2004, her party was in power.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Where were you?

The Presiding Officer: Order.

The First Minister: The benefits from the mechanism to deliver commitments and existing schemes out to 2014 in the extension of the franchise are clear. That will mean the extension of express services between Edinburgh and Glasgow; additional early-morning services to allow passengers from Dumfries, Gourock, Ayr, Kilmarnock, Dunblane, Perth and Kirkcaldy to connect to services arriving in London before noon; a community fund to encourage small businesses and communities to make the best use of train station buildings; and improved services from Inverness to Wick and Tain. It also means a profit cap in the franchise contracts, which will guard against windfall profits by the franchisee. If Karen Whitefield tells me that she would have allowed windfall profits, I will have to compare that against the socialist commitment of new Labour.

Alison McInnes (North East Scotland) (LD): The First Minister read out a string of improvements in the central belt, which are to be welcomed. However, has Scotland shrunk under the SNP? What improvements to rail services will be made in Gordon? For example, will there be a new railway station in Kintore?

The First Minister: The £70 million cashback will be reinvested by the Government in public services.

I point out, as gently as I can, that the last time I checked, Inverness, Wick and Tain ain't in the central belt.

George Foulkes (Lothians) (Lab): Is the First Minister aware that the Auditor General told the Audit Committee yesterday that he was not even informed of, let alone consulted on, the extension of the ScotRail franchise? Were the First Minister and the Minister for Transport, Infrastructure and Climate Change aware that Audit Scotland is conducting an inquiry into the allocation of rail franchises? Why was the Auditor General not consulted?

The First Minister: The processes around the announcement were fully observed. The commercially sensitive and share-sensitive nature of the contract extension was well understood. The provision to extend the contract was contained in the original franchise. I think that Lord George Foulkes should, like the rest of us, welcome the fact that we will avoid windfall profits for the franchisee and be able to reinvest £70 million across the rail network in Scotland.

Physical Education (Schools)

6. Murdo Fraser (Mid Scotland and Fife)
(Con): To ask the First Minister how physical education is being developed in Scottish schools. (S3F-697)

I ask that question with a certain sense of déjà vu.

The First Minister (Alex Salmond): I am delighted to be able to answer that question.

The Scottish Government is clear that physical education and physical activity make an important contribution to developing young people who are fit, healthy and active. New guidance for schools, covering health and wellbeing under the curriculum for excellence, will be released shortly by Learning and Teaching Scotland. That will include outcomes related to physical activity and regular high-quality physical education.

We expect schools to continue to work towards the provision of at least two hours of good-quality PE for each child every week. Reports over the weekend that we intend to scrap the existing target are completely unfounded.

Is that clearly understood?

Murdo Fraser: Wendy Alexander might have run out of questions, but I have not.

I welcome the First Minister's commitment, but I am somewhat confused. Perhaps I can seek some clarity. In last weekend's *Scotland on Sunday*, a Government spokesman is quoted as saying:

"it has now been agreed that the new curriculum framework should be outcome-based with no input requirements in terms of subject or time allocations."

Who was that Government spokesman? Was he real or was he a figment of someone's imagination? Is he still in a job today? Or is it the case that the Scottish Government is all over the place on this issue?

The First Minister: As I said, reports over the weekend that we intend to scrap the existing target are completely unfounded.

David McLetchie (Edinburgh Pentlands)
(Con): Who was it?

The First Minister: There will be £40 million extra to tackle obesity. That extra money, which I am sure that the Conservative party—in all its forms—is prepared to support, is applied to not only childhood obesity, but obesity in all of us.

Mr Frank McAveety (Glasgow Shettleston)
(Lab): Give us a name.

The Presiding Officer: Order.

Ian McKee (Lothians) (SNP) *rose—*

Mr McAveety: It was him!

Ian McKee: How many school playing fields have been sold off or otherwise disposed of in the past 20 years and are, therefore, unavailable for physical recreation purposes?

The First Minister: A substantial number of schools have been sold off. Like me, Ian McKee knows the relationship between the disposal of the playing fields and the private finance initiative/public-private partnership form of funding that is so beloved of the Labour Party. That is exactly why moving to the not-for-profit distribution model is an excellent advance on everything that has gone before.

Karen Gillon (Clydesdale) (Lab): How many new PE teachers will be required to deliver the target that the First Minister has committed himself to today? How many additional school facilities will be required? When will every child in Scotland receive a minimum of two hours of PE per week under this Government?

The First Minister: In eight years, the Labour Party did not meet that particular target. I refer Karen Gillon to the historic concordat with local authorities around Scotland. She will read exactly how the single outcome agreements will bring about improvement in public services that were undreamed of in the dark years of Labour-Liberal control.

The Presiding Officer: That concludes First Minister's question time.

Karen Gillon: On a point of order, Presiding Officer. When questions are asked in the chamber, it is very important that members receive an answer. The First Minister fails to answer specific questions. When will you hold the First Minister to account for the answers that he gives in the chamber?

The Presiding Officer: It is for the chamber to hold the First Minister to account, as I have said many times—it is not for me, as Presiding Officer.

12:31

Meeting suspended until 14:00.

14:00

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Sustainable Growth

First ScotRail Franchise

1. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive why, in advance of a study by Audit Scotland to establish whether the First ScotRail franchise is giving value for money, it announced the extension of that franchise for a further period of three years without prior reference to the Parliament. (S3O-2916)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): This was the best time to extend the franchise, allowing the Government to secure early service improvements and funding from the franchisee. The option to extend was part of the original franchise agreement, which was fully consulted on before it was let. The core franchise proposition has not changed as a result of our exercising the extension option.

Jackie Baillie: The minister will be aware of the anger and disappointment felt at the fact that he failed to consult stakeholders, failed to await the publication of the Audit Scotland report in the autumn and even failed to give Audit Scotland advance notice of what he planned to do. There is undoubtedly plenty of time for us to reflect on whether the franchise represents value for money to the public purse. I hope that he will agree that the best time for deciding whether to renew the franchise is when we have secured such value for money.

I ask the minister to indicate whether he agrees with the following comment:

"Whatever else we might disagree on, we should surely agree that, when we spend public money, we must seek value for money. That means not tying our hands."—*[Official Report, 5 March 2008; c 6581.]*

He may be interested to learn that the comment was made by himself—yes, by Stewart Stevenson—in the chamber on 5 March.

Stewart Stevenson: I am pleased to advise the member that the agreement that we have reached gives us a further 18 months in which to decide whether to rebrand in 2011. That will allow us to take account of any conclusions that Audit Scotland reaches that are material to the performance of the franchisee. I continue to agree with myself—I am not having a bout of schizophrenia. We shall, of course, engage with

stakeholders when deciding how to spend the extra £70 million that this excellent agreement will deliver for Scotland's railways.

Alex Johnstone (North East Scotland) (Con): I heard with interest the answer that the First Minister gave earlier today on this subject. I was delighted to hear that there will be additional developments in services between Edinburgh and Glasgow, south of Glasgow and north of Inverness. Will you give a commitment today to ensure that there is effort to improve services between Aberdeen and the cities of Edinburgh and Glasgow, so that your constituents and mine can enjoy some of the benefit of the agreement?

The Presiding Officer (Alex Fergusson): I will not answer the question, but the minister may.

Stewart Stevenson: Fortunately, we have already committed ourselves to improving services between Aberdeen and Edinburgh, Aberdeen and Glasgow and Aberdeen and Inverness, as well as between Inverness and the central belt. The announcement of improvements north of Inverness means that the whole of Scotland will benefit from the extra money that is being invested in railways, which will now be augmented by £70 million under the wonderful agreement that we have concluded.

Work Placements

2. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what support is to be provided to businesses to expand work placement opportunities. (S3O-2894)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government recognises the importance of work placement opportunities and the valuable role that they play in enabling Scotland's young people to develop their skills, knowledge and understanding in preparation for entering the world of work. Through determined to succeed, our strategy for enterprise in education, we will continue to assist local authorities throughout Scotland in providing help and support to employers in building effective relationships with schools. Indeed, a characteristic of our consultations with industry sectors has been that virtually every sector wants to have the opportunity to showcase the potential of its industry to pupils and schools. Consequently, we can be sure that work placements and other enterprising and entrepreneurial activities will take place in the context of the curriculum for excellence to help create a smarter Scotland.

Jeremy Purvis: Does the minister agree that the co-ordination of assistance is best done at the local level, as has always happened successfully in the Borders using connections between local careers advisers, companies and schools?

Indeed, the Borders has been highlighted as one of the success stories in Scotland.

I hope that the minister will share my surprise and considerable disappointment on receiving a letter recently in which I was told that, as a result of the Government's decision to establish a new centralised skills agency, work experience placements in the Borders will no longer be co-ordinated from the Borders. I was told that, from 1 July, all work experience programmes for the Borders will be co-ordinated through the continuing education gateway, Pollokshields, Glasgow. Will the Government reconsider the matter? It is a considerable mistake to move something that has always been in the Borders to somewhere that has no connection to the Borders.

Jim Mather: The member needs to look at the practicality of life on the ground. The determined to succeed funding is going to local authorities, who will be responsible for local economic development, control the business gateway and are already building strong links to the business community. I hope to help that myself in practical terms. The real test is how this shapes up on the ground: how we get local interests to merge to deliver everything we want, including determined to succeed, more work placements and a better economy.

The Presiding Officer: Question 3 is withdrawn for entirely understandable reasons. If he is quick about it, I will let Michael Matheson ask question 4. Your late arrival is a slight discourtesy to the chamber, Mr Matheson.

Scottish Water (Compensation Payments)

4. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Executive whether it is satisfied with the way in which Scottish Water is handling compensation claims from farmers. (S3O-2874)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The procedures for providing compensation for loss or damage that is sustained by any person by reason of the exercise by Scottish Water of its powers are clearly outlined in both the Sewerage (Scotland) Act 1968 and the Water (Scotland) Act 1980, and they have operated successfully for a number of years. The legislation also provides for arbitration in case of disputes.

Michael Matheson: I apologise to the chamber for my late arrival, which was due to the change in time of the business programme.

Is the minister aware that it can take almost three or four years for farmers to secure compensation from Scottish Water when it causes damage to their farmland as a result of its work programme? Will he ensure that Scottish Water looks at its compensation scheme so that it

provides compensation more timeously to farmers where it accepts liability for the damage that it has caused to farm land?

The Presiding Officer: Before I call the minister, I accept your apology, Mr Matheson, but I point out that Parliament agreed the change to the business programme yesterday.

Stewart Stevenson: A delay of three to four years is not the kind of performance that I expect to see. Scottish Water has improved its performance in many areas. Certainly, it is stepping up its game on customer service. If the member makes me aware of the specifics of the instances to which he referred, I will be happy to raise the matter with Scottish Water management to ensure that no one else experiences delays of that order.

Alasdair Allan (Western Isles) (SNP): A dh'fhaighneachd do Riaghaltas na h-Alba ciamar a nì e cinnteach gum bi Uisge na h-Alba ag obair nas fheàrr anns an àm ri teachd ann a bhith a' reic grunn croitearachd tro rop poblach.

To ask the Scottish Government how it will ensure that in future Scottish Water improves the way it deals with instances where it sells crofting land by public auction.

Stewart Stevenson: Tapadh leibh, Alasdair.

There was a recent sale of land that had once been crofting land but was no longer in crofting ownership or subject to the various crofting acts. I have discussed the issue with the Minister for the Environment, who has a particular interest in the subject. We are looking at what options we have to ensure that communities have the most effective opportunities to ensure that land that has been taken into the control of Scottish Water and other public bodies is returned to the communities that once owned it.

Bus Service Operators Grant

5. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive what response it has made to representations from the bus industry regarding the bus service operators grant. (S3O-2946)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Ministers are currently considering the future levels of bus service operators grant. Any changes to the increased level of funding that was set out in the Cabinet Secretary for Finance and Sustainable Growth's budget statement on 6 February 2008 will be announced in due course.

Des McNulty: The minister might remember that, during the budget debate, I raised the issue of the bus service operators grant, and specifically the fact that it would inevitably lead to fare

increases. Is the minister aware of the Competition Commission report that was released earlier this week, which removes the cap from fare levels in Edinburgh and Glasgow, and which directly blames the Scottish Government's BSOG policy for the fare increases? Is he aware of this week's announcement by Stagecoach of bus fare increases in Fife, which are also directly attributable to the incompetence of his Government?

Stewart Stevenson: I am afraid that the member must look closer to home for incompetence. He will be aware of the substantial increases in taxation that have led to the increases to which he refers—and there is the huge bonus that the Treasury is getting from the increase in the price of oil. If the member were to examine the construction of the bus companies' cost base, which is leading to the fare increases, he would find that the bus service operators grant is an extremely marginal part of it, and that the essence of the increase in the price of bus services is derived from the increase in the cost of fuel. The Competition Commission did not draw the conclusion to which the member refers.

Economic Growth (Small Business Bonus Scheme)

6. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive how the small business bonus scheme will aid economic growth. (S3O-2937)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The wider economic outlook suggests a challenging period ahead for the Scottish economy. Reducing business rates through our small business bonus scheme will be a key element in helping to sustain existing small businesses and in allowing more people to start up new businesses.

Johann Lamont: The minister has said in the past that the scheme will cost something like £165 million a year, which everyone would agree is a significant amount of money. However, there appears to be no evidence of the benefits that would establish the scheme as a worthwhile way of spending money. The comparison with the approach to the voluntary sector is remarkable—it is shocking, in fact. In that case, it seems that we have agreed to identify where the valuable parts are and where the dross is. Will the minister confirm that no conditions are attached to the money for small businesses? What systems has he put in place to measure the effectiveness of the scheme? How will he ensure that there is public scrutiny of the claimed benefits of the scheme, as members of our party certainly have no faith in trickle-down economics?

John Swinney: The Government is clear and firm in its support for the development of the voluntary sector, which is why in our budget statement we allocated an increase of 39 per cent in the funding for the third sector. Mr Mather and I have spend a formidable amount of our time as ministers engaging with the third sector and making it clear that we recognise the enormous contribution that it can make to the development of public policy.

On small businesses, the Government recognises the positive impact of reducing costs to businesses and allowing them to reinvest. Over the course of the recess, I visited a number of businesses in my constituency and other parts of the country. They very much welcome the opportunity to reinvest that the small business bonus scheme allows. As for establishing whether businesses are eligible to benefit from the scheme, the eligibility criteria could not be clearer.

Johann Lamont: That was not the question.

John Swinney: The eligibility criteria are what I was asked about. They cannot be clearer, given the arrangements that we have put in place, the work of the assessors in determining who is eligible and the application that individual businesses are required to make. I am delighted to say that businesses are applying for the support so that they can guarantee their further contributions to the growth and development of the Scottish economy. The small business community will clearly understand that the Government is on the side of small business, whereas the Labour Party simply moans about the support that we are giving to the Scottish economy.

Gavin Brown (Lothians) (Con): What steps will the Government take to ensure that every business that is entitled to a small business bonus receives it?

John Swinney: The Government has made of the order of 250,000—the exact number is not quite in my head just now—leaflets available to local authorities for dispatch to the businesses that they consider to be eligible. The eligibility criteria are very clear from rateable values. If Mr Brown has not seen that leaflet, I will be delighted to ensure that a copy of it is made available to him, which will give him a full explanation of the eligibility criteria for the small business bonus scheme. If there is any evidence that the leaflets that have been made available are not reaching businesses, I will be delighted to address the situation. I am aware that the City of Edinburgh Council, which covers part of the region that Mr Brown represents, has made the leaflets available to the eligible businesses in its area.

The Presiding Officer: Questions 7 and 8 have been withdrawn.

Business Improvement Districts

9. Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive how it intends to support business improvement districts. (S3O-2947)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): First, may I congratulate Bathgate town centre, Inverness city centre and the Clackmannanshire business parks on becoming Scotland's first business improvement districts, following their successful ballots. There is now a solid framework for business improvement districts in Scotland, which is backed by practical and financial support from the Government, and the availability of guidance.

Mary Mulligan: I thank the minister for his congratulations for Bathgate in my constituency, which became the first business improvement district in Scotland. I hope that, in offering his congratulations, Mr Swinney recognises that such districts aid economic growth. Does he also recognise, however, that even with the income that will be raised from the business levy, some problems will be beyond the business improvement district organisation? Will he agree to consider a fund that would assist BIDs with major infrastructure projects, such as the fund to deal with derelict buildings in our town centres, which Labour proposed in the lead-up to last May's election?

John Swinney: Over the summer, I visited Bathgate to hear about the proposed business improvement district. Mary Mulligan was in attendance that day, and I congratulate her on the success that has been delivered in Bathgate. What struck me about my visit to Bathgate was the fact that its highly motivated business community was determined to improve the locality and the local economy and was making a formidable practical and financial contribution towards making that happen.

That is as it should be—we must acknowledge that the solution to many of the challenges that are faced in our small towns, of which there are many in the constituency that I represent, lies in the private initiative of individual businesses. That is why the Government has put in place support for the small business bonus scheme, which gives greater control to businesses so that they can contribute to some of the schemes to renew the infrastructure and the facilities of town centres that Mary Mulligan might be talking about, and why it is providing additional support to encourage the development of the BID programme in other parts of the country.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the cabinet secretary agree that BIDs will be successful only if they are part of a wider package for towns and local

communities? He will recall that local authorities, led by Scottish Borders Council, took forward the small-towns review, which was a process that the previous Government started in an effort to examine other ways of providing direct funding for whole-town reviews to co-ordinate not only BIDs but the planning process. That has stalled since the new Government took office—

The Presiding Officer: Briefly, please.

Jeremy Purvis: Will the cabinet secretary now breathe new life into that process to ensure that small towns that are outside the BIDs process can have a future?

John Swinney: In my answer to Mary Mulligan, I made it clear that the Government does not think that the answer lies solely in the BIDs process. Through the budget that Parliament approved in February, we have put in place practical support for the small business bonus scheme, which will resonate in every community, including those in the Borders that Mr Purvis represents.

I recall the small-towns review to which Mr Purvis refers, and I will certainly look at it again to identify whether any further material from that process can be added to the Government's already formidable armoury for supporting the development of small towns, which are fundamental to the Scottish economy.

Public Expenditure

10. Ross Finnie (West of Scotland) (LD): To ask the Scottish Executive how it proposes to increase the level of public expenditure in Scotland. (S3O-2887)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government's spending plans were published in "Scottish Budget Spending Review 2007" and made full and prudent use of all the resources available to us. Further expenditure can be authorised only if the Scottish Government is in receipt of additional funding.

Ross Finnie: We all understand that, but the cabinet secretary has made much of the fact that, in his opinion, the settlement was poor. In the ordinary use of the English language, the only reasonable inference to draw from that is that he would have wished to spend more. My question was therefore direct. How would he spend more, particularly given that he has made much of not wishing to penalise business by increasing taxation and that he is tied to a monetary policy in London that would not allow him to borrow more? I repeat my question: given that the cabinet secretary has made much of wishing to spend more, how would he raise that money?

John Swinney: Well—that question is fascinating. If the Presiding Officer will indulge me, I can address Parliament for the remainder of the afternoon on how we could change the fiscal settlement. Mr Finnie has experience as a minister of eight years and he knows as well as I do the financial rules in which this constrained Parliament must operate. If he wishes to join me in the endeavours to give the Parliament greater power and ability to increase public expenditure, reduce business taxation further and command the enormous resources that the Scottish economy contributes to the United Kingdom Treasury, I will be only too delighted to co-operate with him.

Alasdair Morgan (South of Scotland) (SNP): It is clear that the cabinet secretary shares my surprise that Ross Finnie did not follow the logic of his own argument and argue for Scottish independence. Is the cabinet secretary also surprised that the member ignored the Government's successful moves towards efficiency in government, which are delivering more public services for the small amount of money that we are receiving from Westminster?

John Swinney: As one would expect from Mr Morgan, that was a clear and eloquent explanation of the dynamic debate in which we are involved to move to Scottish independence. The Government is using all the powers and opportunities that are available to it to deliver an efficient public sector that maximises the impact of the public expenditure that is under its control. The Government will proceed in the next three years to use fully the public expenditure that is at its disposal.

Derek Brownlee (South of Scotland) (Con): I just want to check something with the cabinet secretary. Surely he is not suggesting that if he had access to greater tax powers, he would use them to increase tax in Scotland even further.

John Swinney: I ask the Presiding Officer to allow me to take up the remaining part of the afternoon session in answering Mr Brownlee, who has of course had formidable academic training in economics and accountancy. The opportunity would be available to reduce business taxation, which plenty of evidence shows would increase the tax take, thereby allowing Governments to make more public expenditure. The Government would be delighted to have the powers to embark on that. If, as a consequence of this afternoon's rather traditional question time format, Mr Finnie and Mr Brownlee enthusiastically join me in a campaign for Scottish independence—my goodness—we will have made progress.

Wind Turbines (Permitted Development Rights)

11. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive

whether it will reconsider the distance criteria that are proposed as a precondition of permitted development rights for wind turbines. (S3O-2922)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The Government is consulting on revised permitted development rights for microgeneration equipment on domestic dwellings. We shall consider the issue further when the consultation closes on 12 May.

Malcolm Chisholm: If permitted development rights for microturbines applied only to houses that were at least 100m from the next house, as proposed in the Scottish Government's consultation paper, how many households in Edinburgh does the minister think would benefit from such rights? Would it be better to have a minimum standard for noise emissions from microturbines and to grant permitted development rights wherever that standard was met?

Stewart Stevenson: The member makes a fair point. The 100m distance was based on concerns about noise. If we can establish a clear and obvious standard, there is no particular reason why we cannot reduce the distance. I look forward to seeing responses to the consultation on that point. I rather hope to put up a turbine myself.

Murdo Fraser (Mid Scotland and Fife) (Con): I wish the minister every success with his new wind turbine.

We currently have hundreds of speculative planning applications for wind farms all over Scotland, which puts huge strain on council planning departments and causes communities grave concern. Surely it is time to revisit national planning guidance on siting onshore wind farms to end that ludicrous free for all.

Stewart Stevenson: The member is talking about something other than microgeneration. *[Interruption.]* That noise was not from my phone—I have just checked. Murdo Fraser will be aware of our serious endeavours to improve the operation of the planning system with regard to wind farms and other matters. Having officials making more decisions and dealing with appeals locally will speed up the planning process, improve its efficiency and deliver answers, whether positive or negative, to applicants much sooner than happens at present.

Education Services (Highland Council)

12. Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive whether it will consider providing additional financial assistance to Highland Council to help in delivering education services. (S3O-2899)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Highland Council will receive £510.4 million in core revenue funding in 2008-09, which represents an increase of 4.82 per cent compared with a Scottish average of 4.55 per cent. Under the terms of the concordat with local government, it is for Highland Council to allocate the resources that are at its disposal in the light of local requirements.

Jamie Stone: It will come as no surprise to the cabinet secretary that uppermost in my mind is the state of Wick high school in my constituency, which is in a poor physical state. In view of the fact that Councillor Bill Fernie, the chairman of Highland Council's education, culture and sport committee, said that it will not be possible for the school to be done up under the present funding settlement, is it possible for the council to bid for central reserve funds, contingency funding or end-year savings, which the cabinet secretary could perhaps allocate to his education counterparts? If not, will the cabinet secretary consider establishing such funding in order that problems such as the state of Wick high school can be addressed?

John Swinney: I appreciate that Mr Stone has pursued the issue of the condition of Wick high school for some considerable time—it is not a new problem that has just arisen. The type of funding opportunities that he suggests are not available within the Government's financial settlement. Mr Stone will appreciate the limitations of the financial settlement that we had at our disposal.

Developing refurbishment or reconstruction proposals for Wick high school is a matter for Highland Council. The Government will continue its engagement with the council on all matters relating to capital investment in the schools of the Highlands.

Aberdeen City Council (Services)

13. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive what steps it can take to help Aberdeen City Council achieve long-term financial stability and avoid cuts to essential services. (S3O-2941)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): This Government believes in prudent financial management to safeguard the public purse and to ensure that public bodies, including local authorities, live within their means. We will continue to monitor the situation in Aberdeen to assess what support might be given locally.

Lewis Macdonald: I thank the cabinet secretary for that answer and for his offer to meet me and colleagues from other parties to discuss matters next week.

The cabinet secretary will have read the controller of audit's report to the Accounts Commission. Does he agree that part of the reason for the £27 million of public service cuts in Aberdeen this year is the imbalance between capital and revenue budgets over the past three years? Too much was set aside for capital projects and not enough was available to provide services. Will the cabinet secretary consider what he can do to assist and encourage the council to put that balance right?

John Swinney: There is a statutory requirement on all local authorities to manage their affairs and finances properly. The Government will support that process in Aberdeen City Council. The Accounts Commission has announced that it is to hold a hearing on the council's funding issues. Nicol Stephen wrote to me on that subject. In my letter to him, which I have made public, I said that the problems did not arise overnight but accumulated over a number of years. I hope that the discussions with the Accounts Commission will create a focus to ensure that the city's financial problems—Audit Scotland has described the situation as precarious—will be addressed properly and fully.

As Mr Macdonald has made clear, I will meet the council's leadership next week, along with members of all political parties who have made representations to me about the subject. I hope that we can have a constructive discussion about how to address the problems, because Aberdeen City Council must be able to live within its means and the people of Aberdeen must have quality public services.

Brian Adam (Aberdeen North) (SNP): Does the minister have a view about how the council arrived at the precarious financial position that it is reported to be in? Is the minister minded to support applications like the one for the aye can project, which has rescued that service as a social enterprise? Might other services follow that avenue?

John Swinney: As I have set out in my letter to Nicol Stephen and in my public comments on this subject, I am clear that the situation has come about purely and simply because Aberdeen City Council spent almost £50 million more than it budgeted for in the years between 2002 and 2007 and supported that by using reserves. We all understand that that cannot go on for ever, because reserves cannot support expenditure of that magnitude for a sustained period. That is why the situation has arisen, and the city council must face up to those issues. The Accounts Commission will assist it in that process, as will the Government.

I was pleased to see Mr Mather's announcement about the support that has been given by the

Scottish investment fund and about the participation of the Wood Family Trust, led by Sir Ian Wood, which has assisted the transition of one council service—aye can—into a social enterprise. That imaginative model has ensured continuity of access to support for people with disabilities. I hope that many people will learn lessons from that imaginative partnership between the city council, the Scottish Government and Sir Ian Wood.

Identity Cards (Access to Services)

14. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government what its current position is on the use of identity cards to access services for which it has responsibility. (S3O-2876)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government continues to maintain its position that the United Kingdom identity card will not be required to access devolved services. Scottish interests in relation to devolved services are protected by section 43 of the Identity Cards Act 2006, which specifies that the national identity register or an identity card issued under the act can be used only in relation to matters that are reserved to Westminster, or in accordance with an act of the Scottish Parliament.

Christina McKelvie: I am sure that, like me, the cabinet secretary does not agree that ID cards would do anything to stop crime or terrorism but would in fact aid some crimes, such as identity theft, especially if the database could be accessed remotely. Can he assure us that the Government will do all that it can to protect the Scottish public from the worst effects of ID cards if the Westminster Government is daft enough to try to impose them on us all?

John Swinney: That is a decision that the UK Government is perfectly entitled to make, but it is not one that would be supported by this Government. I assure the member that the Scottish National Party Administration intends to remain clear in its opposition to the introduction of ID cards and will certainly not permit any identity cards that are implemented in the UK to be required to access public services in Scotland.

European Funding

15. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what discussions it has had with Her Majesty's Government regarding maximising European funding opportunities for Scotland. (S3O-2949)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government receives several channels of European Union funding to complement domestic spending

priorities. In each case, the Scottish ministers have negotiated directly with United Kingdom ministers on allocations for Scotland to ensure that Scotland receives its fair share of European Union funding. The Scottish ministers are committed to ensuring that that funding is strategically matched to Scottish Government priorities.

Irene Oldfather: The minister will no doubt be aware that in March the European Parliament voted to grant the UK £115 million of EU solidarity funding to assist with flooding measures. Can the minister explain why the east midlands, the west midlands, Yorkshire, Humberside, Wales and Northern Ireland all applied for a share of that funding but Scotland did not? Is that consistent with the Government's policy of standing up for Scotland?

Jim Mather: I am unaware that we failed to apply for funds. I will make strenuous investigations to find out whether that is indeed the case.

Glasgow Subway

16. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive what discussions it has had with Strathclyde partnership for transport about the development of the Glasgow subway. (S3O-2903)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I have discussed various transport projects that have been proposed for Glasgow, including subway development, with SPT officials. My officials remain in regular contact with SPT and will be happy to discuss any formal subway development proposals if and when they are received.

Bill Aitken: The minister will be aware of SPT's enthusiasm for extending the Glasgow subway beyond its current very limited circular route. Does he agree that extending the subway into new parts of the city, and therefore opening it up to new customers, could be a crucial step in enhancing its financial viability? Will he pledge to consider seriously whether that project might be worthy of being taken forward?

Stewart Stevenson: I am certainly interested in improving transport in Glasgow. There are a number of opportunities: we will have a members' business debate tonight on Glasgow crossrail, there are the fastlink proposals for improved bus services, and the subway is an important part of the transport infrastructure in Glasgow. I am seriously engaged with all of those. At the end of the day, the cost benefit cases must stack up. We have to prioritise our expenditure. I expect that SPT will, in its typically professional way, conduct its investigations in a manner that enables it to put a case to ministers that we will understand and to which we will be able to respond.

School Estate

17. Stuart McMillan (West of Scotland) (SNP):

To ask the Scottish Government what discussions it has had with the Convention of Scottish Local Authorities regarding the recent Audit Scotland report, "Improving the school estate", and in particular the annual charges from private finance initiative contracts. (S3O-2877)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government will have discussions with COSLA on the recently published report from Audit Scotland, "Improving the school estate", most of whose recommendations are addressed to councils, or jointly to the Government and councils.

Stuart McMillan: The cabinet secretary will be aware that that excellent report highlights that by 2012, annual charges for PFI projects are likely to reach more than £500 million, with just over £200 million being funded by the Scottish Government. The report did not mention who will fund inflationary increases. Will the cabinet secretary agree to look into the matter? Does he agree that the PFI funding mechanism is not the best use of limited public funds?

John Swinney: This Administration has had to deal with the significantly rising cost of PFI and public-private partnership charges in the financial settlement that we inherited. A number of projects that the previous Administration commissioned did not consider effectively the long-term funding requirements that would arise given the nature of PPP contracts. This Government has had to consider those significant financial pressures.

On the wider debate, the Government has published its infrastructure investment plan, which sets out its vision for infrastructure investment and the various steps that have been taken by Government and councils to invest in the school estate. We will publish, in due course, our proposals on the Scottish futures trust, which will support our investment in Scotland's public estate.

Mary Mulligan (Linlithgow) (Lab): Is the minister aware that Audit Scotland told the Education, Lifelong Learning and Culture Committee yesterday that at the current rate of improvement and modernisation of schools, it will take approximately 20 years to replace or modernise them all? Is he aware that the local authorities told us that there is a vacuum in the Government's plans, that there has been nothing on the Scottish futures trust, and that if that vacuum continues, it could take 25 or 30 years to modernise our school estate?

John Swinney: The Government has just delivered a budget—of course, Mary Mulligan could not bring herself to vote for it—that

increased capital budgets in local authorities by 13 per cent in one year. That is a pretty formidable commitment to encourage our local authorities to be involved in the school building programme. Mary Mulligan should go away and read the school estate investment plans that a number of local authorities have produced, rather than come to Parliament and be so critical of our local authorities. They are working hard to improve the school estate, and the Government will support them in the process.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Is the cabinet secretary aware that Audit Scotland also said that there is no auditing mechanism for deciding how much capital investment will go into schools? It was clear about that yesterday. It was also clear in calling on the Scottish Government to produce a financial strategy that includes targets for the number of schools to be built and information on how they will be built. Will the Scottish Government provide that? If so, when?

John Swinney: Mr Purvis should be aware that the Government's infrastructure investment plan has been published, and we will publish very shortly our approach with respect to the Scottish futures trust. As I said in response to Mary Mulligan's question, we have set out a budget that significantly expands the investment that local authorities can make in capital projects and that aims to sustain that during the three years of the spending review period. It is clear that there can be an audit once local authorities have allocated resources. That is the proper way in which such matters should be examined, once local authorities have set priorities within the framework of the agreements and arrangements that we have arrived at with them.

First ScotRail Franchise

The Presiding Officer (Alex Fergusson): The next item of business is a 10-minute statement by Stewart Stevenson on the extension of the First ScotRail franchise. As the minister will take questions at the end of his statement, there should be no interventions.

14:41

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The ScotRail franchise is key to the delivery of rail services in Scotland. I am delighted to have the opportunity to make a statement to Parliament on it and to demonstrate the Government's commitment to further developing our railway, growing the number of services that are provided, improving the value for money that is delivered and reducing the financial risk to our budget while retaining the option to rebrand in 2011 if First ScotRail does not deliver on the tougher regime to which it has now signed up. The agreement that was signed on 2 April delivers on all of that.

In delivering the contract's 2,000-plus daily services, First ScotRail has been performing exceptionally above the targets that were set for it. Punctuality is up by more than 50 per cent against a 6 per cent target, and passenger numbers are up almost 30 per cent, to 82 million this year. That success extends to improvements in service quality, and since 2004, more than 760 jobs have been created in the company, which represents an increase of more than 22 per cent in the workforce. More jobs have been created, more services are running and there is more value still to come.

However, success has brought its own issues. First ScotRail has greatly exceeded the revenue targets in the contract's revenue share provision, which provides returns to the Government if revenue exceeds projections. Analysis shows that First ScotRail will return revenue to the state at 80p in the pound for the remaining life of the franchise. At first sight, that appears to be good news, but it means that there is a misalignment between First ScotRail's incentives and our own. In striving to improve the railways, we faced a franchisee that would be driven to focus on lowering costs, not on growing the business. The franchise needed to be developed for expansion. Allowing rail growth to tail off or operating a contract that struggled with large developments were not options.

We considered how we could change the contract to secure best value. The option to extend the contract has existed since the franchise was let in 2004, as colleagues may remember from

Nicol Stephen's press release of 20 August that year, in which the franchise competition results were announced. Its purpose was outlined even earlier, on 5 December 2002, when Iain Gray announced the contract duration.

We were not content to give an unconditional extension; rather, we developed an option whereby any failure to deliver on planned developments before autumn 2009 would leave ministers in a position to review the extension. I was content that the proposed terms meant that we had an opportunity to secure value in the transaction and to trigger early improvements in rail services. An agreement was signed on 2 April and, observing the process for announcements during recess, we made an announcement the following day.

I have heard concerns that there was no consultation on the extension. However, we need to bear in mind the fact that this was not a rebrand—on which we would, of course, consult widely—but an extension of the existing contract, which had been anticipated since 2002. We have simply implemented that option.

Revisiting the terms of the franchise has brought several benefits. Resetting the revenue share has brought longer-term benefits of around £50 million in reduced subsidy. Importantly, that is all predicated on removing barriers to growth. The Government worked to establish a proposition that gave value for money, deliverability and, critically, additionality in putting together a sound set of proposals. Our focus was to deliver Scotland's railways as part of the national transport strategy, which was itself the subject of extensive consultation.

Today, and as more material is made public, we will expand on the benefits that the extension delivers. Resetting revenue targets has secured a guaranteed return of £65 million. Capturing a share of additional value to FirstGroup in the extension, we have secured at least a further £6 million. We have created an entirely new profit share that kicks in when the franchisee's profit goes above £30 million, greatly limiting any prospect of contractor windfall. Benchmarks have been tightened to secure good performance for the life of the franchise, removing the franchisee's cushion and renewing its focus.

We have been able to secure fixed prices for an exciting range of new initiatives that will benefit passengers throughout Scotland. The element of the £70-plus million that has been secured that will be free for new services is dependent on the Office of Rail Regulation's final determination on Network Rail's business plan. However, we will work with stakeholders to identify which of those services can be implemented efficiently. I have already announced a number of new services,

including services for the Commonwealth games, the extension of the Edinburgh to Glasgow service, better connectivity to London and new services to Wick and Tain. Emphasising the need to focus on sustainability, we have also targeted £1 million to improve unused station buildings.

In all of this, there are two points to emphasise. First, these contractual improvements have been secured without any uplift in the subsidy level in return. Secondly, the extension remains conditional on performance: it is at the franchisee's risk. If the franchisee does not deliver, Government may terminate the franchise at the original 2011 expiry date. The 2009 deadline for this option allows more than sufficient time to consult on and let a new franchise in 2011.

Let us move away from detail and examine what the deal means in wider terms. It is the means of delivering one of the key commitments in our manifesto, in which we said:

"Our immediate priority ... is to improve services for Scotland's commuters ... to provide more space, more frequent services and faster journey times."

It also supports our wider transport strategy. It gives back to First ScotRail the incentive to grow the business. It provides stability to deliver the Government's vision for services and continuity to develop and implement our projects, culminating in the delivery of the service programme that will be a crucial support to the Commonwealth games in 2014.

Ensuring that business growth can continue promotes financial sustainability. In 2014, the franchise will be in even better shape to allow us to consider our options. The deal also promotes environmental sustainability through schemes that aim to reduce emissions and make best use of resources. Last, it works to promote social capital with investment in the regeneration fund.

We have taken the opportunity to build on success and to improve the quality, the affordability, the accessibility and, fundamentally, the attractiveness of the railways. The announcement is also good news for rail employees and their representatives. The deal secures the growth in the number and skills of the ScotRail workforce and looks forward to continued growth under our future plans.

The Government's purpose is to create a more successful country, with opportunities for all Scotland to flourish, through increasing economic growth. To deliver that, and to ensure that we continue to give Scotland a competitive edge, we need a modern, efficient rail service underpinning a thriving, prosperous economy. Ultimately, our actions show the Government's commitment to delivering a transport system that stimulates

economic growth and encourages greater use of public transport.

The Deputy Presiding Officer (Trish Godman): The minister will take questions on the issues raised in his statement. I will allow 20 minutes for questions.

Des McNulty (Clydebank and Milngavie) (Lab): Having been dragged to the chamber to make his statement, the minister does not seem to have shed much light on the issue. We have had no adequate explanation for the urgency with which the extension to the franchise was rushed through. The minister made much of service improvements and of the £70 million that will be geared towards new services, but a considerable percentage of those new services are for beyond 2011 and are not deliverable within the timescale of the franchise extension. The argument that the extension allows the minister to put the franchise up for renegotiation in 2009, while perhaps technically true, makes a nonsense of the process that we have gone through. It is an affront to the stakeholders—the people who work in the industry and those who use the services—that we have had this hole-and-corner exercise.

Let me quote from the February 2008 Audit Scotland project brief:

"The timing of this study therefore provides an opportunity to identify lessons to be learned from the franchise's performance and management to date which Transport Scotland can apply to developing the franchise further before the three-year extension or the new franchise term commences."

A lot could be learned from the operation of the franchise that could have informed the negotiations. Why was the minister not prepared to learn lessons from Audit Scotland's review, which will be completed in October? Why did the Auditor General for Scotland know nothing about the extension of the franchise before it was awarded?

Where and when will the new services to which the minister referred be put in place? Is the decision to extend the franchise fundamentally about a black hole in the minister's budget rather than about improved services for the people of Scotland?

Stewart Stevenson: The Government has retained the option, which it has written into the contract, to proceed to relet the franchise in 2011. We can consider that option until autumn 2009, which is a period of 18 months. That is comfortably a period within which we can receive, analyse and respond to the Audit Scotland report. In stepping up to the table and in making more money available for the development of Scotland's railways, First ScotRail is expressing its confidence in its ability to continue to improve its

performance. We have had a 50 per cent reduction in time slippage, as against a 6 per cent target. We have had a 30 per cent increase in passenger numbers because the railways are a more attractive option. Far from the option of reletting the franchise in 2011 being a nonsense, the Government has secured a safety net that reduces the financial risk to our budgets and increases the money that is available to invest in Scotland's railways.

It is noticeable that passenger representatives very much welcome the increase in investment in Scotland's railways. I can assure members that the people whom I have met since our announcement have been very much behind it. They look forward to improvements in Scotland's railways. The nature of those improvements will be part of the future engagement that we will have with the people who work in the industry, with rail users and with stakeholders throughout Scotland. That is an important part of what we can now do to improve Scotland's railways, to which this minister, as a regular user of the railways, is fully committed, and this Government likewise.

Alex Johnstone (North East Scotland) (Con):

I thank the minister for the advance copy of his statement. Although I believe that the decision to grant the extension to FirstGroup was, on balance, correct, I have little doubt that the previous Executive would have done exactly the same thing, given its fawning over ScotRail in the past.

Through his announcement during the recess, I suggest that the minister has created the impression of a smoke-and-mirrors approach. However, I have a number of questions for him. First, what specific operational benefits has he managed to secure in return for the extension? Although the £70 million investment fund, of which I regret there is not more detail, appears welcome, passengers will want to know what specific improvements to expect to their services. What improvements has the minister secured, for example, to enhance the quality of service on long-distance routes such as the Edinburgh to Aberdeen and Glasgow to Inverness routes, which, in some regards, are inferior to the service that was provided 20 years ago?

The minister is aware of concerns about the massive level of taxpayer subsidy that is being ploughed into the franchise, not least because it dwarfs the meagre £40 million that was initially promised by First. Related to that, does the minister agree that the notion of a privatised railway service in Scotland is something of a charade in light of the intensely detailed level of micromanagement that civil servants at Transport Scotland exert? Will he therefore consider how greater control of operations might be given back to the railway people who know best, thus giving

the operator of the day far greater commercial freedom to respond to demand and improve services?

Stewart Stevenson: Perhaps if the member had listened to some of the debates on Stewart Maxwell's smoking proposals and the subsequent Government bill, he would know that this particular minister is violently opposed to smoking: smoke and mirrors there were none.

The member asked about specific improvements. I offer an example of one of the absurdities in the present system. The first train out of Edinburgh to London leaves at 10 to 6 in the morning. There are no trains to bring people from across Scotland to join that train, so people drive to join it. One of the service improvements that we can examine is earlier trains that will enable people to get to Edinburgh to catch the early trains to London, thus delivering on climate change as well as making significant improvements to the rail network.

The member mentioned a taxpayer subsidy. Believe me, in addition to all the other benefits, we have capped and contained the taxpayer subsidy—there is no increase in that subsidy. Mr Johnstone was teasing slightly when he suggested that the privatisation of the railway has been an unalloyed success. A majority of members probably think that it has been an extremely troubled time for the railways. We are fortunate that the previous Administration, working with our colleagues at the Department for Transport, secured an operator in 2004 that has delivered so much for Scotland. It is therefore prudent and sensible that we continue to work with First ScotRail, the winner of United Kingdom transport operator of the year in two consecutive years, and which has overachieved on the targets that were set in the 2004 contract.

Alison McInnes (North East Scotland) (LD):

Like others in the chamber and beyond, I am bewildered by the Government's headlong rush into this franchise extension and I am angered by the disdain that it shows towards Parliament and key stakeholders.

However, it is amusing to witness the Scottish National Party Government's latest U-turn, because I recall Kenny MacAskill saying:

"The SNP will seek a mandate to bring our train network back into public hands through a not-for-profit trust."

Did the Government even look at the possibility of having a not-for-profit model? Can we see that analysis?

The minister has committed another £800 million of taxpayers' money without any dialogue with key stakeholders, such as unions, regional transport partnerships and passenger organisations, yet he

has completely failed to justify this precipitate decision that the Scottish Trades Union Congress has called “hugely disappointing”.

There are questions around the Audit Scotland report. Although First ScotRail has made significant strides in improving rail services, I, like Des McNulty, would like to know why the Government did not wait for the report’s publication to find out whether any lessons can be learned. What will happen to the Audit Scotland report? Have its terms changed? Indeed, will a report be published at all? If so, what will happen if its recommendations are inconsistent with the Government’s plans?

In Passenger Focus’s recent survey, 80 per cent of rail passengers said that they feel that they do not get good value for money. Does the Government expect rail ticket prices to be reduced? What are the conditions in the franchise to restrict increases in regulated fares? Does the Scottish Government plan to investigate with First ScotRail ways of lowering the cost of rail travel?

The minister’s statement raises many more questions than it answers. Will he let us see the details of the cost benefit or value-for-money analysis that must have been done?

Stewart Stevenson: Some members betray their lack of business experience. Every day we delayed putting in place the new arrangements was another day we denied the public purse and Scotland’s railways the benefits of the new system. From the moment we signed the agreement, we began to get those benefits—which, as I say, would have diminished if we had moved back the signing date.

The member wanted to know what we will do about the Audit Scotland report. Audit Scotland sets its own terms and makes its own arrangements with regard to audits. I reiterate, yet again, the key point: the period to autumn 2009, which is well after the deadline for the publication of Audit Scotland’s report on the franchise, is the window for the Government to respond to any criticisms.

The fact is that First ScotRail has to deliver. This agreement is not a blank cheque; on the contrary, it not only locks in the various benefits and increases investment in Scotland’s railways, but retains the quality requirement on First ScotRail, which will be assessed both by us and by Audit Scotland.

As for regulated fares, it was Nicol Stephen who signed up to that particular environment. If the member has any questions on that matter, she knows whom to ask.

Cathy Peattie (Falkirk East) (Lab): I am very concerned about the lack of consultation. Will the

minister assure us that the Government will consult all stakeholders, including trade unions, local authorities, passengers and special interest groups that represent, for instance, those with disabilities? In the previous parliamentary session, the Equal Opportunities Committee heard of the nightmare that is faced by many disabled people who use the rail network. How will the franchise deliver improved services for disabled passengers? Indeed, if the Government does not talk to those passengers, how will it know how to deliver such improvements?

Stewart Stevenson: Curiously enough, I intend to listen to them as well as talk to them. As I made clear in my statement, there will be engagement to decide how we can best leverage in the £70 million to the benefit of all users.

I acknowledge what the member said about disabled people. Of course, the Department for Transport in London is responsible for improving access to railway stations for those people. I have spoken a couple of times to my opposite number, Mr Harris—on perfectly amicable terms, I should add—and he shares my concerns about ensuring that we improve access to stations.

I recently attended the conclusion of a long-running campaign at Lockerbie station, where, with investment provided by the DFT and facilitated by Transport Scotland—the two Governments, as it were, working in harness—disabled people’s needs were addressed. Of course, disabled people will be among those to whom we will listen—and not simply lecture—when we come to find out how to get value for money for the £70 million that we have secured under the new arrangement.

Christina McKelvie (Central Scotland) (SNP): Will the minister guarantee that the Audit Scotland report will trigger a wide consultation on the future of rail services in Scotland, which will seek opinions from everyone with a stake in our railways and will—in a bit of a different approach to what happened in 2002—lead to consensus on the way in which our railways will operate in the future?

Stewart Stevenson: The franchise extension and the options that it contains give us the opportunity to consider Audit Scotland’s report and to consider what to do in 2014, if the franchise runs until then. Of course, we can respond in 2011 if that is appropriate.

I welcome Audit Scotland’s oversight of the franchise, and I am confident that it will be shown that we are getting value for money and that the arrangements that are in place are good for the development of Scotland’s railways.

Hugh O’Donnell (Central Scotland) (LD): I press the minister on his comments on disabled

access, because I understand that the Scottish ministers give guidance on progress on access to railway stations. I asked the Cabinet Secretary for Finance and Sustainable Growth about the number of stations that are not accessible, but I have received no answer to my question, so I seek the minister's advice. How many stations are currently accessible and how many can we anticipate will be fully accessible?

Stewart Stevenson: I assure the member that funding for improving disabled access to stations comes from the DFT. A formidable programme requires to be undertaken to improve access to Scotland's stations, because we have a large number of stations that are not adequate. We are not yet making the improvements that I would like to see, which is why I am talking to my opposite number in the south. We identify and prioritise the stations that are done—that is the responsibility of Government and Transport Scotland—but the number that we can do and the funding that is available to do the work is a matter for the DFT.

Patrick Harvie (Glasgow) (Green): The First Minister today emphasised the effort that has been made to inform the Parliament about the decision. I have the letter with me, which consists of three short paragraphs to explain what is, by any assessment, a highly complex and detailed decision. What is the Transport, Infrastructure and Climate Change Committee, which I convene, to make of that? Last year we had to all but throw a hissy fit to get the Government's transport agency to appear in front of the committee; this year we are given scant information on a complex decision. What are we to expect in the future? Is the minister a wee bit embarrassed that his department appears to be shy of parliamentary scrutiny?

Stewart Stevenson: There is no doubt that Transport Scotland made an error when it did not respond to the committee's invitation. That will not happen again while I am minister.

We should remember that the announcement of the franchise took place during recess and that the process that was followed then was similar to the process that we have followed. Transport Scotland will publish further details of the agreement into which we have entered.

Of course, ministers and officials are always available to committees. Appearing before committees is an enjoyable part of our job, on which we are happy to step up to the plate.

Willie Coffey (Kilmarnock and Loudoun) (SNP): I congratulate staff throughout the rail network in Scotland on meeting and exceeding targets. We would probably not have reached this stage were it not for their efforts during the past few years.

My constituents in Kilmarnock and Loudoun will warmly welcome the benefits that have been announced, including the enhanced services from Kilmarnock and the opportunity to bid for some of the additional £1 million to which the minister referred, which is targeted at making better use of empty station buildings.

Following a meeting that I had with the STUC and rail union officials, will the minister make it clear that the £70 million that is gained will be reinvested in rail services? Can he assure us that the operational requirements for the delivery of new services can be fully met?

Stewart Stevenson: I very much echo the member's congratulations to staff. Ultimately, if staff are not engaged in improving the quality of Scotland's rail services, rail services ain't gonna improve. Staff throughout Scotland have done superbly well.

I received a letter from the STUC on 11 April—that is the only contact that I have had so far. I will be happy to meet the STUC and representatives of workers in the railway system.

The £70 million will all be reinvested in the railways; it is not going anywhere else. A series of projects exist that have consequences, not all of which have previously been provided for. Operational requirements will be an important part of our consideration.

John Park (Mid Scotland and Fife) (Lab): I am sure that the STUC will be over the moon about the minister's agreement to meet it—it is a pity that it has come a couple of weeks too late.

My question is about trade union engagement, as the minister barely mentioned trade unions in his statement and the lack of consultation is poor. As the minister is aware, the Scottish Government has a memorandum of understanding with the STUC, which was signed by the First Minister. It has many elements and talks about partnership values, which include

"openness and transparency in communications".

Given the minister's shoddy handling of the contract extension, is that agreement still worth the paper that it is written on?

Stewart Stevenson: We stand absolutely full square behind the agreement with the STUC. The STUC and other stakeholders will have a key role in determining how the £70 million bonus that we have negotiated from the franchise operator will be spent. I look forward to sitting down with the trade unions in a spirit of partnership to discuss those matters.

It will not have escaped members' notice that I highlighted the fact that more than 700 jobs have been created in the industry since the letting of the

franchise in 2004. I expect that the additional money and services that will be commissioned in the coming years will further increase employment in the industry, giving stability and security to those who are already employed and new careers to those who are yet to join.

Rob Gibson (Highlands and Islands) (SNP): I welcome the minister's statement and the improvements to services that we can expect as a result. I am delighted about the new services to Wick and Tain in the far north and I hope that he can work towards their being more speedy. What progress is the minister making to ensure that railway, bus and ferry timetables are integrated, to benefit the travelling public throughout Scotland?

Stewart Stevenson: The member raises an interesting point. Some of the recent changes to the timetable for the line north of Inverness have, unfortunately, reduced integration between rail services north of Inverness and those to the south. When I met the chief executive of Network Rail last week, I raised that matter with him, among a range of issues that we discussed.

I am delighted that the services from Inverness to Tain and Wick will be improved. When I visited Caithness last year, I found that I could not use the train. I hope that the next time I visit Caithness, integration and the availability of a sensible timetable will mean that I can travel by train.

Karen Whitefield (Airdrie and Shotts) (Lab): Will the minister confirm that the original franchise guaranteed only the option of an extension and not that the franchise would be extended? In 2004, the SNP believed that there must be greater transparency. Now that the SNP is in government, why has it opted to extend the franchise, rather than have the openness and full consultation that would come with renegotiation of the contract, which is the largest public subsidy contract that the Government makes? How will the deal be good for my constituents? Will there be a Sunday service on the Shotts line, or will Shotts station finally become disabled accessible? When will those details and the full details of the franchise be placed in the public domain for proper scrutiny?

Stewart Stevenson: The provision to extend the contract was referred to by Iain Gray in 2002 and by Nicol Stephen in 2004, so members from other parties should not imagine that the extension was not in the minds of previous ministers. In the agreement, we have capped the potential for excess profits and we are delivering £70 million to Scotland's railways. We will consult on how that will be spent. If the people of Karen Whitefield's constituency cannot benefit, that may tell us something about the abilities of those who advocate that they should.

Elaine Smith (Coatbridge and Chryston) (Lab): Given the SNP's previous supposed support for operating ScotRail as a not-for-profit organisation, I am astonished at this decision. If, as the minister said in his statement, this is good news for rail employees and their representatives, why were the trade unions not consulted? Will they, and will this chamber, be given the opportunity to take part in the decision on whether to stop the extension at the 2009 deadline?

Stewart Stevenson: The engagement in consultation that we are now planning—on how we spend the £70 million—is a way in which we can sit in partnership with the trade unions, helping them to see the benefits and discussing with them how we can spend the money.

The period to autumn 2009 is a period within which we have to review the operator's performance. We have the option to go to the market for a new operator in 2011, and we have the option to consider other arrangements if they seem appropriate. However, this minister will not turn his back on a most successful rail operator, which is delivering a tremendous service for the people of Scotland. I congratulate previous ministers, who were of another political complexion, on being party to putting in place arrangements that have enabled me, today, to talk about the extra £70 million. That has come about because of the continuing support for Scotland's railways from a range of ministers.

Charlie Gordon (Glasgow Cathcart) (Lab): The minister told us that the improvements to Scotland's railways, which he attributes to this extension to the franchise, are partially dependent on the UK regulator's determination of Network Rail's business plan. Does the decision rule out, for this session of Parliament, the operational reintegration of Scotland's railways, with all the improvements that that would bring?

Stewart Stevenson: I want to clarify one thing that I said when I talked about the determination of the Office of the Rail Regulator: we will get the £70 million. At the moment, there is the usual stand-off between the regulator and the operator, Network Rail. I met the rail regulator recently and phoned last week to discuss matters of mutual interest. We expect the Office of the Rail Regulator to take a robust line with Network Rail. We expect the office to ensure, in particular, that the tier 3 projects in the high-level output specification that we delivered last year are able to be financed by Network Rail.

At the end of the day, it will be up to the Office of the Rail Regulator to determine fair pricing and to negotiate and direct Network Rail on the projects that it has to undertake, based on the high-level output specifications from this Government and the Westminster Government. I hope that the

Office of the Rail Regulator will take the firmest possible line with Network Rail and that we will therefore have the greatest possible opportunities to expand Scotland's railways.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): The minister said that people to whom he spoke in the past week welcomed this decision. I advise him that people to whom I spoke in the past week suspect that there was something of a nod and a wink in the allocation of the extension. When did discussions start on the possible extension and when did the minister sign off the extension?

Stewart Stevenson: I said in my statement that the extension was signed off on 2 April. We have been reviewing all aspects of public expenditure, including the operation of the public transport system. We have been considering our options for a considerable time. Matters came to a head when I asked officials to negotiate with First ScotRail to see what options were available. When we saw that we had the option to get £70 million to improve the standards on which First ScotRail would have to deliver, together with the option to remove the possibility of excess profits from the present arrangements, and the further option to create a new incentive for First ScotRail to deliver, we naturally signed up. We now have an extra £70 million for Scotland's railways that we did not have previously. I think that that is a good deal for the people of Scotland and for Scotland's railways.

Public Health etc (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-1560, in the name of Nicola Sturgeon, on the Public Health etc (Scotland) Bill.

15:20

The Minister for Public Health (Shona Robison): The Public Health etc (Scotland) Bill is a vital piece of legislation. Principally, it is about the protection of the public health from infectious diseases and contamination. Current legislation dates back to 1889 and is no longer fit for purpose if we are to ensure the best level of health protection from current public health threats for the people of Scotland.

The key proposals underpinning the bill were developed and consulted on by the previous Administration, and I acknowledge its contribution. We have added to the proposals in one important respect. Part 8 of the bill contains a power for ministers to ensure that sunbed users are given accurate information about the risks of sunbed use. We have worked closely with Kenneth Macintosh on provisions to give further protection to sunbed users that he will bring forward at stage 2. I will say a little more about the issue in my closing remarks, but I leave it to Mr Macintosh to outline the proposals during the debate.

It is important to put the bill's key provisions into context. Infections cause more than a quarter of all illnesses in the world and a fifth of all deaths. They still account for more than 10 per cent of deaths in the United Kingdom. In 2007, the World Health Organization said that new infections or diseases are emerging at an historically unprecedented rate. Old threats, such as tuberculosis, are re-emerging, and many strains are now multidrug resistant. In addition, the world faces greater than ever risks from chemical, biological or radiological contamination, whether caused by accident or by criminal action. The fairly recent incident of anthrax in the Borders is evidence of the fact that Scotland is not immune from those threats. Globalisation of travel and trade mean that, potentially, diseases that were formerly restricted to far-flung corners of the world could reach us in a matter of hours.

Legislation needs to be proportionate to the risks that are posed. In the vast majority of cases, people who are infected or contaminated take voluntary measures to reduce the risk to other individuals. However, it has long been recognised that legislation is necessary for the circumstances in which they do not do so, or those in which public authorities need to step in to apply

protective measures for the community at large. The few who do not accept advice or do not take voluntary action have the potential to undermine measures to limit the spread of a serious and potentially catastrophic epidemic. Civil contingencies legislation is in place and could be used in more serious public health situations, but the emergency powers for which that legislation provides are wide ranging, powerful and designed for use only in extreme circumstances. The bill will bridge the gap between voluntary compliance with public health measures and the use of more extreme emergency legislation. We recognise that a balance needs to be struck between our duty to protect the public and the rights of the individual. We believe that that balance is achieved in the bill, which is fully compliant with the European convention on human rights.

The bill is large and complex. I will not touch on all the proposals that it contains, but I will say a little about what I consider to be its key provisions. I will address issues raised by other members in my closing remarks.

The bill clarifies the roles and responsibilities of Scottish ministers, health boards and local authorities for public health purposes. That will require a limited transfer of responsibility from local authorities to health boards in relation to action against individuals who pose a public health risk and do not accept advice or take measures voluntarily. The changes are about ensuring accountability for actions taken.

The bill will in no way reduce the good partnership working on health protection that already takes place between health boards and local authorities, which I acknowledge. In fact, that partnership working will be further enhanced by a specific duty of co-operation between health boards, local authorities and other relevant interests, as set out in part 1.

There is also a requirement for health boards and local authorities to designate "competent persons" to undertake the functions that are assigned to them under the bill. It is extremely important that we ensure that those charged with responsibilities that might entail some restriction of an individual's liberty or an action that affects a person's property have the professional expertise to do so and the full confidence of the public. We also need to ensure that we fully utilise the skills of public health professionals, whatever their background, provided that they can demonstrate that they have the necessary skills and expertise.

There has been broad support for the concept of competent persons although, naturally, there has also been a great deal of debate among health professionals on what the qualifications and skills of competent persons might be. The proposed qualifications, which have been drawn up by an

expert working group, will be contained in regulations that we will issue shortly for consultation. I have informed the Health and Sport Committee of the proposed qualifications, so they are in the public domain. Before it reaches a final decision, the Government will continue to listen carefully to the views of all stakeholders on the issue.

Part 2 of the bill updates our current arrangements for the notification of diseases and health risk states by registered medical practitioners and the notification of organisms by laboratories. Those arrangements are the first line of defence in protecting public health and will enable health boards to identify the risk, assess it, and, when necessary, provide a response to potential public health incidents and outbreaks at the earliest possible opportunity. Although it is supportive of the principles of notification, the Health and Sport Committee has asked us to look again at a number of issues of detail. Those are currently under consideration and, if necessary, we will lodge amendments at stage 2.

We are mindful of the requirements of the Data Protection Act 1998 and the advice of the Scottish Information Commissioner's office on the use of personal information. We are satisfied that the requirements for notification purposes in part 2 and information sharing more generally to investigate a public health incident under the bill are in line with our statutory obligations.

Part 3 of the bill sets out the powers of those investigating public health incidents. Part 5 outlines the powers and functions of local authorities to prevent the spread of infectious disease or contamination in respect of premises. All those powers are designed to deal with gaps in current hazard or workplace-specific legislation.

The majority of public health incidents are—and will continue to be—investigated without the need for recourse to statutory powers. Individuals are usually only too willing to help find the source of infection or contamination and prevent its spread. When required, food safety or health and safety at work legislation, for example, can be used. However, such legislation is not relevant to all public health incidents. We have, therefore, listened to our public health and environmental health colleagues, who advise that the powers in the bill will provide a useful backstop to ensure the protection of public health in a number of scenarios.

The committee was concerned that there should be greater clarity in the relationship between the provisions on the appointment of public health investigators and those on the designation of health board and local authority competent persons. I will reflect further on the issue before stage 2. We also recognise the committee's

concerns on the court procedures that will be used under these provisions and under other parts of the bill. We intend at stage 2 to lodge amendments—to which the Law Society of Scotland has agreed in principle—to address the committee's concerns.

Part 4 sets out the powers and functions that are available to health boards. It is fully acknowledged that these are strong powers, but they can be used only in strictly defined circumstances, when the person concerned poses a significant risk to public health.

There is concern about what constitutes "a significant risk to public health",

but it is important that we retain an element of flexibility to deal with new and emerging public health conditions. To be more prescriptive would jeopardise our ability to identify and respond to new illnesses and conditions where the causative agent is not known. For example, in the early stages of the severe acute respiratory syndrome—SARS—epidemic a few years ago, we had a totally new disease that could not be identified, but which required urgent public health action.

The World Health Organization recognises the need for action in such circumstances. New international health regulations that seek to prevent and protect against the international spread of disease have moved away from actions that are required for specific diseases to those that are concerned with disease in the more general sense, including infection and contamination. I refer to diseases that present, or could present, significant harm to humans.

It is also important to note that the majority of the powers under part 4 already exist and have not been abused. The bill updates and enhances existing powers, taking into account the establishment of the national health service and modern-day public health threats. However, I recognise the concerns of the Health and Sport Committee in a number of areas, and I will reflect on them before stage 2.

The Public Health etc (Scotland) Bill is essential to the current and future protection of the people of Scotland from infectious disease and contamination. The provisions are common in legislation throughout Europe and other countries worldwide. I am pleased that the Health and Sport Committee, after a comprehensive scrutiny of the bill's provisions, has recommended to the Parliament that the general principles of the bill be agreed to. I have also considered carefully the views of the committee on a number of issues of detail, and I will respond to them as positively as I can, consistent with the fundamental principles of the bill. On that basis, I hope that the measures

that are contained in the bill can move to the next stage of consideration with broad support.

I move,

That the Parliament agrees to the general principles of the Public Health etc (Scotland) Bill.

The Deputy Presiding Officer: I call Christine Grahame to speak on behalf of the Health and Sport Committee. You have nine minutes, Mrs Grahame.

15:31

Christine Grahame (South of Scotland) (SNP): I indeed speak with my convener's hat on. I know that I have nine minutes in which to speak in this worthy—but perhaps not the most exciting—debate. I promise not to speak for those nine minutes just because I have been given them. We can tell that the subject is worthy because of the level of press interest.

I thank the Minister for Transport, Infrastructure and Climate Change for taking up a bit of this afternoon's time with his earlier statement, which has made things a lot easier for some of us. I thank the witnesses, who were focused and helpful in uncovering quite a few holes in the bill as introduced, and colleagues on the committee, who are—listen carefully—a pleasure to work with, so far.

Our scrutiny of the bill was truly a collective effort, with expertise coming not only from witnesses, but sometimes from committee members—they know who they are—who gave us evidence while sitting beside us. We always know when the medical comments that are made by our witnesses are endorsed, thanks to those members and their joint nodding of heads and smiles. Not least, I thank our clerks.

While I am in thanking mode, I also thank the minister for her helpful and detailed letter to the committee of 14 April, in which she responded to many of our concerns. I will touch on only a few of them—that will give other committee members something to talk about.

As the minister said, the bill restates and updates the law on public health protection. It was drafted with the help of extensive consultation and participatory events that were held by the previous Executive. The result is truly a joint parliamentary effort.

The minister made passing reference to some strange statutes that I did not know existed, despite my legal background, such as the Infectious Disease (Notification) Act 1889 and the Public Health (Scotland) Act 1897. Shall we be sorry to see them go? I did not know that we were still operating under the rules in that legislation. I also note the revocation of, for example, the Public

Health (Aircraft) (Scotland) Regulations 1971 and the comparable regulations for ships. We live and learn.

We are seeing those pieces of legislation go not because some things are old and therefore worthless—I am living proof of that—but because lifestyles have changed over the decades at an ever accelerating pace, particularly in relation to people's mobility, be they at war, work or play. That mobility has brought with it a substantial increase in our collective exposure to disease, contamination and, notably, mutating viruses. Perhaps I should leave that area to the medical men on the committee. As we were told, a simple epidemic of measles could have serious implications for resources and health. We cannot move fast enough to identify and contain serious health threats, the legislative and operational tools to do so are simply not in place.

Let me give as an example the anthrax case in the Scottish Borders, to which the minister referred and which claimed the life of Pascal Norris and is now the subject of a fatal accident inquiry. That case exposed great flaws in the legislation that we have to hand. The authorities quarantined Mr Norris's house—a relatively isolated cottage in a hamlet—but the identification of anthrax in the case took about six weeks. Officers wearing the full panoply of protective clothing were quite a daunting sight on a sunny, leafy summer's afternoon in the Borders—it was like something out of "Doctor Who". The press were there, with all their cables, as were the barricades, the police and so on. However, they were in the wrong place, because it was not at his house but at Smailholm hall that the unfortunate Mr Norris contracted anthrax.

In the intervening weeks, rumours were rife that Mr Norris had inhaled the spores from skins that he had imported to make his own drums, that the stream at the bottom of his garden was poisoned and that a badger skin was the source. None of that was true. He had gone to drumming lessons at Smailholm hall with a group of other people. While drumming on drums that had been imported from Africa and which were made from wild goat skins—which are used because of the timbre of the sound that they produce—he inhaled the anthrax spores that the skins carried, and because he had leukaemia, he was particularly vulnerable. For six weeks, there were rumours and the wrong place was isolated.

Not only was the wrong place isolated; the authorities—we will come to who was in charge—could isolate only one place, so they chose the house. They had to obtain a voluntary agreement for the isolation of the hall. That position will change under the bill. During stage 1, Dr Richard

Simpson highlighted the fact that it might be important to isolate places where people work.

If and when such incidents occur, a clear command route must be established. Ross Finnie, who has a firmer grasp of the issue that I do—it gave me headaches—might comment on the distinction between a designated person and a competent person, on which I began to get lost. It is clear from the incident in the Borders that we must have clear lines of command.

I have dealt with premises, but there are other issues. The bill engages in a balancing act involving the protection of the public and the rights of the individual. The minister is aware of our concerns, and they are not just about a potential breach of the ECHR, which enshrines the rights to family life, to enjoyment of one's property and to a fair hearing.

Another issue that we raised concerned medical examination without consent. I do not agree with the argument that there is no point in going to court to appeal against a medical examination that has already taken place. Such legal action would reveal the standards that were applied. There is a want of consistency in the procedures that are outlined in the bill. In some cases, people will have to go to court but, in others, they will not. In some cases, they will have a right of appeal but, in others, they will not. That issue must be examined.

I return to the anthrax case in the Borders. The disease was eventually identified by the Government's laboratory at Porton Down in Wiltshire, which, as we all know, does not lie within the Scottish Parliament's jurisdiction. That is why I raised the issue with the Minister for Public Health during her evidence to the committee and why it is dealt with in paragraph 60 of the committee's report. How could a 10-day period for the notification of a disease by a laboratory outwith Scotland be enforced? We cannot enforce measures the scope of which goes beyond our own jurisdiction unless we have an agreement with the relevant legislature. Some tests might be carried out in laboratories that are well beyond the United Kingdom's shores. The issue must be addressed.

I will leave sunbeds for Kenny Macintosh to talk about, but not because I do not think that they are an important issue—in fact, the committee might have to take evidence on sunbeds at stage 2, because the present provision is merely a marker; the detail has not yet been provided.

Some of the existing processes must be changed, but I repeat to the minister that when changes are made, a balance must be carefully and transparently struck between the protection of society and the rights of the individual. Whenever possible, the opportunity must be provided for an

individual whose property is to be isolated or whose liberty is to be curtailed or denied in its entirety to be represented and to have their case heard. I thank the minister, because I think that she is addressing that issue. I look forward to the lodging of constructive amendments at stage 2 that reflect the concerns that the committee has so ably identified.

We learn something new every day—and not just about old legislation. I refer to part 9, “Statutory nuisances”—which, I hasten to add, does not cover politicians. Section 91(3) advises that a specified subsection of the Environmental Protection Act 1990

“does not apply to insects that are wild animals”.

It is important for the minister and the Parliament to know that, notwithstanding any view to the contrary that we might have, the Scottish midge is a wild animal. It is therefore not a statutory nuisance under the terms of the bill. I am sure that all the midges in Scotland are pleased to hear that.

The Deputy Presiding Officer: I call Dr Richard Simpson—[*Interruption.*] I am sorry; I call Margaret Curran. I was just testing.

15:40

Margaret Curran (Glasgow Baillieston) (Lab): I apologise for that hiccup, Presiding Officer.

I welcome the debate. I am sure that all members agree that we need new legislation on public health. As has been said, the bill was prepared under the previous Administration. As Christine Grahame said, some public health legislation dates back to 1897, and the face of public health has changed substantially since then. As the minister said, we face the task of combating new infectious diseases, such as SARS and avian flu. We need to take seriously our responsibility to protect the health of Scotland's people and it is imperative that the bill accomplishes that successfully.

We all appreciate the great need for the bill, but it has some problems, on which I will focus and which the Health and Sport Committee's report outlined. I note that the minister is willing to engage on and address those problems. I am not a member of the committee, to which I pay tribute for its work. I know Richard Simpson's work well and I know of his commitment to and detailed work on the bill, but all committee members have done a thorough job of scrutinising the bill.

The main issue, which the Law Society of Scotland raised, is that the court procedures to which the bill refers are not competent. The committee noted its surprise that the bill had been introduced without referring to competent court

procedures and I am sure that many of us share that surprise. I have experience of the pressure that legislative teams in the civil service are sometimes under, but they are not overpressed with legislation now, so I hope that the provisions can be sorted out. I understand that the minister will address the issue at stage 2 and I hope that she will commit to liaison with the Law Society.

I will touch on several other issues that have been highlighted. The committee said that it was

“not satisfied with the Minister for Public Health's position that there would be no practical purpose in appealing a sheriff's decision to authorise the medical examination of a person other than to enable the individual to obtain compensation”.

That concern is valid. As I am sure many members will say, we need to preserve the person's right to appeal when they feel that the decision to examine them was unjustified. I clarify that I am not saying that they should be able to appeal a medical examination before it has happened, as that would not be in the interest of public health. However, allowing them to appeal a sheriff's decision after an examination had occurred would achieve a more proper balance between the rights of the individual and the protection of public health.

People need to be told what is going on with their treatment, although I understand that informing them can be difficult in some circumstances, such as when quick access is needed to a translator or when they must be treated immediately to protect public health. However, they must be informed about their treatment as soon as possible, even if that happens after they have been treated. The minister has said that she is willing to engage to address those issues.

I agree with the committee's concern about the bill's use of the term “clinically significant pathogen”. That could be seriously problematic, as it could damage the current confidentiality system for individuals who have sexually transmitted diseases. I hope that the minister will seriously consider the implications of that, which might be unintended. Richard Simpson will address those points.

We should have a tighter definition of “health risk states”—I note what the minister has said about that. The British Medical Association Scotland has said that the definition is

“so vague as to be unusable.”—[*Official Report, Health and Sport Committee*, 16 January 2008; c 449.]

A broad definition could benefit public health, but it could also be so broad that it ended up meaning nothing. I am not suggesting for one minute that the minister would abuse her power, but we must not leave the provision open to any possible

ministerial abuse of power. If the scope of the minister's authority to manage public health were too wide, the consequences could be significant. I take her point that flexibility is needed, given the unexpected and unknown illnesses that we might face in the future, but we must strike a more proper balance.

Unlike the other speakers so far, I want to address the important issue of sunbeds, which has currency among the population of Scotland, given the health risks that sunbeds pose. It is an issue for the whole of Scotland. I have heard interesting evidence from my constituency that gives me cause for concern. Ken Macintosh has raised an important issue, which the Parliament now has an opportunity to address.

In my fleeting glimpse of the television this morning, I think I saw a headline that said that Denise Van Outen is concerned about sunbeds, because her use of them has scarred her skin. I hope that I have got that right; perhaps someone who followed the story in more detail can reassure me about that. However, I welcome the fact that women such as Denise Van Outen are beginning to flag up the real health risks of using sunbeds. We really need to create a culture change around that.

In my constituency, I witness young women in particular putting themselves at risk of melanoma and serious skin problems later in life. We have to ask questions about why we use sunbeds and about how we view beauty and assess looks in our culture.

We have seen the number of skin cancer cases increase by almost 300 per cent in the past 20 years. That is a staggering figure, with which we must come to terms. Many of the sunbed facilities that my constituents use—I am sure that the situation is similar throughout Scotland—are unregulated and possibly unsafe. There are 810 sunbed salons in Scotland, and I understand that 44 of them are unsupervised—that is too many. Ken Macintosh has done the Parliament a service by asking us to think through the implications of such lack of supervision. I know that he wants us to discuss that further. I understand from Christine Grahame and others that the Health and Sport Committee wants to test the arguments about unsupervised sunbed facilities at stage 2.

Ken Macintosh has outlined arguments for banning the use of sunbeds by under-18s; outlawing stand-alone or unstaffed, coin-operated facilities; and requiring operators to provide advice on the risks of using sunbeds. The Parliament must test those strong arguments.

Christine Grahame: I am sure that Margaret Curran is aware that the committee can decide to take evidence on that at stage 2 once we have

seen the relevant amendments; there is nothing to prohibit that.

Margaret Curran: I encourage the committee to do that, given that sunbed use is an important dimension of the debate. I will be interested to see the outcome of that.

I hope that the minister can reassure us about the work that will be undertaken at stage 2 to address some of the significant detail of the proposals. We know that a number of amendments are required and that evidence will be further tested at stage 2. There are significant matters to address and I hope that we can work together constructively to provide effective legislation.

15:48

Mary Scanlon (Highlands and Islands) (Con): The Conservatives welcome and support the bill, which reviews and updates legislation on public health after 109 years. Given that some of the existing approaches were in place before the inception of the NHS, there is no doubt that the bill before us is necessary. As others have said, it is essential to prepare our response to potential threats, whether from SARS or pandemic flu.

The bill has not been controversial in its passage through the committee to date. It has even been surprisingly interesting at times. It has certainly been more interesting than I anticipated at first glance, although it has not exactly been exciting.

The minister addressed many of the issues raised in the committee's stage 1 report and I acknowledge the commitments that she has made.

I am pleased that the Government has reflected on the competent person issue and will lodge amendments on that at stage 2. I am sure that Ross Finnie will also be pleased about that. He is our expert on the competent person issue, given that he is a very competent person himself.

I also welcome the fact that stakeholder consultation prior to guidance being issued will be addressed more thoroughly. There is no doubt that we have to learn from experience. The guidance on free personal care contradicted the act that introduced it, specifically in relation to food preparation. That led to significant confusion in implementation, so I am pleased that the need for consultation prior to guidance has been recognised and addressed.

As Margaret Curran said, the Law Society—and, indeed, our legally minded convener—gave excellent evidence on the legal issues in the bill. Given that the Law Society states that

"references to summary application are incorrect",

appeals provisions are "problematic" and that provisions in the bill do not accurately reflect current Scottish civil procedure, it is obvious that serious amendments are required at stage 2. It is incredible that this bill raised such significant concerns from the Law Society.

I have welcomed the evidence that was given by our convener, so it is only right to acknowledge the evidence that was given by the two doctors on our committee, which was also helpful.

I welcome the provisions dealing with the notification of diseases to funeral directors, which are long overdue. It is only right that we extend to those who are responsible for the removal and disposal of bodies a duty of care and information on risks to public health. However, the Government should reconsider the withdrawal of the fee to GPs for the notification of diseases. The bill increases the requirements for GP notification and extends the list of diseases quite exceptionally. In those circumstances, I would have thought that it was more appropriate to, at the very least, maintain the current GP fee.

Shona Robison: Would Mary Scanlon acknowledge that, at the moment, 80 per cent of the current payments relate to the notification of chickenpox and food poisoning, which are no longer notifiable? That means that there will be a lighter workload, rather than a heavier one, which is why we feel that our position on the fee is appropriate.

Mary Scanlon: The GPs and the BMA do not think that it is appropriate. That is something that we will discuss further at stage 2.

I am not sure about the balance between the protection of public health and the need to uphold the rights of the individual. My instinct is that, if a person is a threat to public health, his or her rights and liberties should be secondary to the greater good of the greater number. In that respect, I disagree with the BMA, but I will certainly give further thought to the matter. That is one of the major issues for discussion at stage 2.

Christine Grahame: It is fine to start from the point that, if someone poses a substantial threat to public health, their rights might be taken away, to some extent. However, the problem lies in establishing that they pose such a threat—their rights must be protected during that process.

Mary Scanlon: That is why it is important to get the balance right. That point underlies the difficulty that faces us. However, if there is an established and known risk to public health, the rights of the individual should be secondary to the rights of the greater public.

I look forward to hearing more information about sunbeds, to developing an approach to the issue and to working with Kenneth Macintosh.

As is our usual way, the Scottish Conservatives will thoroughly scrutinise the bill and will work constructively to ensure that it is right and appropriate for people in Scotland and that it addresses the threats to public health that we might face in future.

15:54

Ross Finnie (West of Scotland) (LD): The Liberal Democrats welcome the bill and all that it tries to do to modernise public health legislation in Scotland. As the minister said, it is essential legislation. Many have made the point that the bill repeals legislation that goes back to 1889. However, I point out that no legislation passed later than 1945—save for the AIDS (Control) Act 1987—will be repealed. One does not want to take these things too far—one wants, obviously, to retain an element of mature legislation on which to build.

This is a serious bill, and the general principles on which we are voting today provide much greater clarity than we have at present. In particular, the vast range of sections that deal with the public health functions of health boards and the public health boards of local authorities are to be welcomed, as are the sections on notifiable diseases, competent persons and embracing modern developments in terms of international health provisions. However, I have been in this place for nine years now and I cannot recall another bill that, to echo Mary Scanlon's remarks, is in so many ways not well drafted. It is disappointing that this bill is a sad exception. Quite a number of provisions, as Mary Scanlon mentioned, are simply not competent. There are strange and curious things. For example, from section 1 onwards terms are defined to be used throughout the bill, yet in section 104 we find an interpretation section. That is just sloppy draftsmanship.

The question that Mary Scanlon raises on the deficiencies of the bill in terms of Scots law is serious. We do not wish either to lose sight of that or to overdo it, but when a bill is introduced that is not compliant with Scots law in four places—sections 27, 59, 73 and 79—and we find that those sections are flawed with regard to a person's access to appeal, then, regrettably, the minister cannot claim without hesitation that that bill is ECHR compliant. I do not wish to get into an argument with the minister because she has been very open about trying to deal with the matter. We did not know that that was the case until those matters were exposed, but if there are issues over a person not having proper access to an appeals

procedure, there is a *prima facie* case for saying that the bill as introduced is not ECHR compliant. I am aware that the minister is taking measures to deal with the problem, but with regard to parliamentary procedure it is an extraordinarily serious matter. I am grateful, as we all are, that the minister is joining with the Law Society to remedy those fundamental matters.

There remain one or two issues to do with appeal, particularly that to which Mary Scanlon referred, which was raised by the convener of the Health and Sport Committee, concerning section 33 and the question of no right of appeal in relation to compulsory orders for medical examination. I know that the cabinet secretary is giving that full consideration and I hope that we do not regard the possible impediment of such a right stopping the examination as a reason for not having access to an appeal. The question very much concerns a post-event appeal.

I do not entirely agree with the way in which the point was put, although I may have misheard, but it is not a matter of saying that a person's human rights are extinguished simply because they might be posing a public health risk. The essential purpose of the legislation is to ensure that, in situations in which a person poses a public risk, their rights are protected in a reasonable and balanced way. That is what the legislation seeks to do and one does not subjugate someone's human rights simply because one does that. One is recognising the risk and putting it into a proper concept.

The exemption from the duty to provide an explanation is a continuing concern. If the medical professions believe—Dr Richard Simpson might agree, although he did not mention it today—that it is not in their best professional interest to adopt that position, we must consider that very carefully.

It is all very well to say that the existing fees were for chickenpox and that that is not applicable now, but that is being changed by a different extension.

Minister, you responded to the committee's points about exclusion orders at section 37 by saying that that you cite and quote health professionals. I respectfully ask you to read the committee's report, which reflects the views of a health legal professional who raised with us concerns about how that section is currently drafted. I hope that when you reflect on that, you will not simply cite health professionals in your defence, because that is not the point.

I share the view that the potential legislation on sunbeds is most welcome, with regard to skin cancer, and look forward to the more detailed provisions. We must focus not on having a regime in which we would necessarily interfere with

individual liberties, but on seeking to protect the rights of individuals in relation to the damage to which they may be exposed.

The Liberal Democrats support the bill, but much still has to be considered. Fortunately, the minister promised substantive amendments, which we look forward to considering in detail.

The Deputy Presiding Officer (Alasdair Morgan): I remind members that other members should be addressed through the chair, and not directly using the second person pronoun.

16:00

Ian McKee (Lothians) (SNP): It is refreshing to be able to debate an important and exciting bill that, broadly, commands cross-party support.

As we have been told, the legislative framework that governs public health in Scotland is rather ramshackle. Some provisions are more than 100 years old. The bill will transform that framework and endow us with legislation that will be the envy of many countries.

Scotland has a proud record in public health medicine. The rapid increase in the size of Glasgow at the beginning of the industrial revolution brought health problems on a massive scale. One Victorian commentator said:

"In the very centre of the city there was an accumulated mass of squalid wretchedness unequalled in any other town in the British Dominions ... Dunghills lie in the vicinity of dwellings, and from the extremely defective sewerage, filth of every kind constantly accumulates."

Some may say—although I would not—"Plus ça change." The city was hit by typhus and typhoid, and 3,000 citizens died in a great cholera epidemic in 1832. After the further cholera epidemics of 1848 and 1853 and the introduction of compulsory notification of causes of death in 1855, Dr James Russell, who was one of Glasgow's medical officers, persuaded an initially reluctant city council to invest in a clean water supply from Loch Katrine. In the next 25 years, 50 miles of sewers were laid, and medical officers of health forced a reluctant population to remove the middens and dunghills and submit to vaccinations.

Other cities went through a similar transformation. In Dundee, the rapid expansion of the jute industry in the middle of the 19th century led to a population explosion that was not matched by provision of the appropriate facilities. In 1850, it was recorded that there were only five water closets in the entire city, three of which were in hotels. Again, sanitary departments and medical officers of health led the way in improving conditions for the populace. In Edinburgh, the collapse of an overcrowded tenement in the High Street led to the appointment of Sir Henry Littlejohn as the first medical officer of health in

Scotland. He was only the third such officer in the United Kingdom. Sir Henry persuaded the council to obtain an act of Parliament that required the compulsory notification of infectious diseases. That was the first such law in Britain. It led to a national measure.

Tuberculosis—that scourge of the 19th century and the first part of the 20th century—was tackled in Edinburgh by Sir Robert Philip, who founded the Victoria dispensary for consumption in 1887, only five years after the infective origin of that disease was discovered. Sir Robert pioneered education, better housing, the safe disposal of sputum specimens and contact tracing of people who had been infected by the disease. Those methods were eventually copied around the world. Indeed, Sir Robert became the first professor of tuberculosis in the world; he relinquished the post only on his death in 1938.

Tricia Marwick (Central Fife) (SNP): Will the member also pay tribute to Professor Sir John Crofton's work on TB and other diseases?

Ian McKee: Indeed. Edinburgh's proud record in the field continued under his inspired leadership. He is still alive and well today. I remember the huge chest X-ray campaign that took place in 1957, when I was a schoolboy. An astonishing 84 per cent of Edinburgh's adult population was X-rayed—many in tents that had been erected in Princes Street gardens. Some 423 people who were identified as having active pulmonary TB were treated. Within a few years, Edinburgh had one of the lowest mortality and incidence rates for the disease in Europe. That change in circumstance was entirely due to the perseverance and wisdom of the pioneers whom I have mentioned and their colleagues, and it led to Crofton's methods being followed throughout Europe and North America.

However, circumstances change. Who, in the 19th century, would have forecast the health hazards of today? Cholera came to Glasgow in 1832, carried by sailors from all parts of the world. Today, people fly from Scotland to destinations all over the world and risk returning with more souvenirs than an album of holiday snaps or a bottle of duty free. SARS is highly infectious and deadly, yet it was not even known to exist 10 years ago. In addition, diagnosis of many so-called exotic diseases is handicapped by the fact that most GPs will never have previously seen anyone with those particular symptoms and delay in treatment may occur. The early pioneers of public health medicine would not have been able to conceive of hazards such as radioactive substances, let alone the danger to health of exposure to sunbeds.

What we have here, subject to some tweaks that the minister has promised us as the bill passes

through its various stages, is a modern legislative framework to deal speedily and efficiently with all the health hazards that the 21st century can throw at us. The mechanism is here for the early detection of infectious diseases via practitioner and laboratory notification; for a speedy, efficient and co-ordinated response by health and local authority officials; and for maintaining a careful balance between the rights of the individual and the wider rights of the society to which he or she belongs. Scotland is again at the forefront of public health legislation and I commend the bill to the chamber.

16:06

Ken Macintosh (Eastwood) (Lab): I will restrict my remarks to the section of the bill that deals with sunbeds. Colleagues may be aware of the story that came out last week, when Parliament was in recess, about a 13-year-old boy from Wales who went into a sunbed salon in his home town. There was no one there, so he put his coins in a machine and had three sessions—one of nine minutes and two subsequent ones of six minutes each. That is more than 20 minutes in one go. Members will not be surprised to hear that he ended up in hospital with infected burns. I am sure that that young man has the sympathy of everyone here. He wanted to look good, but he ended up with scarring, which is a harsh lesson for anyone to learn. It is not the first time that has happened: there have been similar cases in Scotland and there have been cases of a similarly serious nature involving unstaffed salons. Those cases alone should give us a timely reminder of the need to outlaw unsupervised coin-operated machines.

Disturbing and worrying though such instances are, they are still the extreme cases. Far more worrying is the long-term damage that sunbed users—young sunbed users in particular—are doing to their bodies. Year after year, the number of people with skin cancer in Scotland is going up and up. The incidence of skin cancer has trebled in little more than 20 years. Why? Quite simply, because of our obsession with tanning. We are paying a terrible price for foreign holidays and what too many of us still regard as looking good—a healthy tan, which can be a contradiction in terms.

It depresses me that, despite all the advances that we have made in recent years—winning the battle against so many cancers through screening and even vaccination programmes—the figures for skin cancer are going in the opposite direction. Skin cancer is more treatable than other cancers because it is more accessible, but no one should be fooled into thinking that it is any less devastating. It is painful, disfiguring and, ultimately, fatal.

However, as I discovered through the cross-party group on cancer, it is also a cancer that we can do so much more to prevent. One step that we could take in that direction would be regulation of sunbed salons. That suggestion originally came from the cross-party group on cancer. Although it has taken far too long to get here, Parliament now has the opportunity to take action to reduce the toll of this terrible disease.

Essentially, I propose three measures that I wish to move as amendments at stage 2 of the bill. First, we need to outlaw unstaffed or unsupervised premises. Secondly, we need to set a minimum age of 18 for the use of commercial premises. Thirdly, we must ensure that all sunbed users are provided with information on the dangers of tanning to their health.

Sunbed salons are not the sole reason for the rise in the incidence of skin cancer, but they play a part. It was the explosion in the number of salons over recent years that prompted me to introduce what was initially a member's bill on the subject. Tanning salons are found on too many shopping parades, but it is even more worrying that they are targeted at poorer communities. Sunbeds attract many users but appeal specifically to the aspirations of those who cannot go abroad. The net effect is that they widen the health inequality between rich and poor.

Some local authorities have shown us what can be done. The eight authorities that have introduced licensing schemes should be applauded for their efforts, but we need one clear and unambiguous national health message: tanning is dangerous and using tanning salons and sunbeds can kill. Is that the message that people hear? Do young people in particular hear that message as they become aware of their bodies and their looks and as they watch television or read magazines in this celebrity-obsessed world?

Most of my proposals will apply to people of all ages, but one proposal will set a minimum age of 18. When young people walk down the high street, they see that they may not buy alcohol or cigarettes until they are 18. That might cause frustrations, but no one misses out on the clear message that smoking and drinking are bad for health. Why do we not treat high-street sunbed salons in the same way? I am not one to keep young people in cotton wool—colleagues will know that I object to our increasingly risk-averse society—but we need to recognise that a balance must be struck. Children and young people, including 16 and 17-year-olds, need the protection of the law not because of the immaturity of their reasoning but because of the physical immaturity of their skin. Young skin is particularly vulnerable and is at high risk in the development of skin

cancer. My proposals are not about banning sunbeds altogether. They are about allowing us, as adults, to make an informed choice by giving people of all ages the information that they need.

As members will be aware, I originally proposed a local government licensing scheme. I am grateful for the support that my proposal received from members of all parties, but I am particularly grateful for the Government's support for including the measures in the Public Health etc (Scotland) Bill. I have written here that this is a "gritted teeth moment", but that is unfair because the support has been genuine and is appreciated. Members of the Health and Sport Committee will be aware that I have compromised slightly in reaching an agreement with the Government. A licensing scheme would have advantages—specifically, by providing a robust and regular inspection regime that would allow local authorities to close down salons—but that was not on offer. However, I believe that it is more important, if not essential, that we have the full force of Government and of the public health system behind the measures.

I always felt slightly uncomfortable that the proposal would be introduced in a member's bill. This is a major public health issue that should enjoy the full support of the public health system. On that note—

The Deputy Presiding Officer: On that note, the member should conclude.

Ken Macintosh: We led the way in tackling lung cancer; let us make a start on tackling skin cancer.

16:12

Michael Matheson (Falkirk West) (SNP): As the minister outlined in her opening comments, it is important that Scotland has modern public health legislation that allows us more effectively to respond to potential public health challenges. For that reason, I welcome the bill, which has been supported by members of all parties so far in today's debate, and which I am sure will carry Parliament's support at 5 o'clock this evening.

Before going any further, I want to acknowledge the considerable amount of hard work that was put in to enable the committee to draw together its stage 1 report. On that note, I offer particular thanks for the hard work of the committee's clerks, who had to deal with the sometimes incoherent ramblings of committee members as they tried to get a clear idea of what members intended to say in the report. I will not name those whose ramblings were incoherent.

I also take this opportunity to thank the minister for her detailed response to the committee's recommendations. In the past almost nine years, it has not always been the practice for ministers to

respond in such detail to committee recommendations prior to the stage 1 debate. That has not always been helpful. In my experience, committees have usually been in the dark on exactly what the Executive intends to do at stage 2. I thank the minister for the helpful way in which she has informed today's debate by giving us a clear idea of where the Government intends to go. I hope that that practice will continue.

I am conscious that one problem for anyone who makes a speech later in a stage 1 debate is that few new factors can be raised that have not already been mentioned. However, some of the issues are so important that I intend to repeat points that have been made by other members. I will reiterate those points for any members who missed them when they were originally made.

The minister will be aware that section 7 of the bill will place on health boards a duty to prepare joint public health protection plans in consultation with the relevant local authority or authorities in their area. The Society of Chief Officers of Environmental Health in Scotland expressed concerns about the way in which plans will be drawn up under that provision. I note that concern was also expressed by the Scottish directors of public health group and the Faculty of Public Health. It is important to note that a key element of successful implementation of the provisions will be the relationship between local authorities and individual health boards. The minister stated that that should not be addressed in the bill. If it is to be addressed in guidance, it is important that that be done explicitly to ensure that there is an effective joint approach between health boards and local authorities.

Several members mentioned public health investigation warrants and the proposed summary application procedures. I raised the issue when the minister and her officials gave evidence to the committee at stage 1. As other members have said, the proposed summary application process is, in effect, alien to the Scottish justice system. The Law Society of Scotland put it as diplomatically as it could when it stated that the provisions

"do not always accurately reflect current Scottish civil procedures".

As Ross Finnie said, the process has no place within Scottish law. That is not the minister's responsibility, in that it is not her fault, but when I raised the matter at stage 1 her officials were unfortunately unable to explain how we had got to the stage of having in a bill a proposal that does not fit within Scottish law. Was it because of a mistake in the drafting instructions that were sent to the draftsmen, or did the draftsmen misinterpret the instructions? We need clarification of how that fundamental mistake was allowed to occur in the

first place so that we can ensure that it is not repeated. I note, however, that staff are under a lot of pressure in drafting legislation.

I do not concur with Ross Finnie's view on the bill's ECHR compliance, which he questioned. The ECHR does not state that there must be an element of appeal in every section within a bill that contains a legal provision. He should also be aware that the bill's ECHR compliance is a matter for the Presiding Officer to consider and certify. I do not think that we should question the bill's compatibility with the ECHR; instead, we should ensure that we have the best possible process.

I will support the amendments that Ken Macintosh intends to lodge at stage 2. We need to consider further the enforcement of any regulations that are introduced to deal with sunbed parlours. Unfortunately, we cannot regulate the sun in Scotland, but we should regulate sunbed parlours because of the increasing problem of skin cancer. We need to consider enforcement, and ensure that any new regulations are implemented effectively.

16:18

James Kelly (Glasgow Rutherglen) (Lab): I support the general principles of the Public Health etc (Scotland) Bill. As other members have said, this might not be the most exciting debate, but there have been a number of interesting and informative speeches on this important issue.

We often talk about the big issues of tackling heart disease, lung disease and cancer and reducing health inequalities. The Government has various levers at its disposal to do that, including the £11 billion health budget, the setting of health priorities, and legislation. The bill will be crucial in underpinning all that work. As Ian McKee made clear in his historical perspective, if we do not get the administration of public health right, we will not be able to tackle some of those major issues. As a result, I welcome the bill as a step in the right direction.

Other members have stressed the importance of joint working. Generally, in politics, such co-operation leads to the establishment of better policy priorities and better service to the public. In that respect, joint protection plans are something that NHS boards and local authorities can very much work together on. I note the Health and Sport Committee's comments on the need for those bodies to collaborate rather than to consult, and I hope that that will be emphasised in stage 2 amendments.

The bill's proposed amendments to the Environment Protection Act 1990, particularly the various additions to the list of statutory nuisances that local authorities can act on, will be important

in protecting communities. As members have pointed out, the nuisances include insects emanating from premises, artificial lighting and land that is covered with water. The introduction of fixed penalty notices should help to prevent the spread of such nuisances. Such environmental provisions tie in with Parliament's strong messages on protecting communities and individuals from antisocial behaviour, on abuse of the environment and so on. That kind of behaviour is simply unacceptable; indeed, the actions that are covered in the bill can pose health risks, so we must act strongly against the individuals and bodies that perpetrate such actions.

It is also appropriate that the bill includes provisions to investigate public health incidents, given that at the moment there is no legislation in that area. In setting out five circumstances in which an investigation might take place, the bill is clearly working in the public interest.

Members have already indicated that the bill's provisions on the summary application procedure for public health investigation warrants are not competent. Although I accept the minister's assurances that the issue will be dealt with at stage 2, I am disappointed that such a situation has occurred—after all, the Government's legislative programme is rather light at the moment.

Ken Macintosh has already dealt comprehensively with sunbeds. I pay tribute to him not only for his speech but for his work in raising the issue in a number of forums, and his success in getting his proposals incorporated in the bill. As he said, the incidence of skin cancer—especially among young people—from sunbed use is a matter of great concern, so proposals to ban under-18s from using sunbeds and to ban coin-operated sunbeds, and to provide more information for users will be helpful. Mr Macintosh pointed out that eight local authorities have introduced sunbed licensing. Such moves have certainly been effective, especially in preventing sunbed premises from being used in other inappropriate ways.

The bill is useful and will make progress in a number of areas in public health. The Health and Sport Committee asked for clarification on some matters, so I hope that the minister will take its comments on board. I look forward to the bill's development at stage 2.

16:25

Rhoda Grant (Highlands and Islands) (Lab): It is clear that the general principles of the bill have been accepted and supported by the Health and Sport Committee and consultees. Much of what is in the bill occurs in practice, but there was a need

to put practice on a clear statutory footing by bringing together and updating existing legislation to meet modern challenges.

However, there are several issues of contention in the bill that need to be dealt with at stage 2, many of which are to do with the balance between the rights of individuals and the rights of the wider community. The public good must be paramount, but we must ensure that there are also sufficient safeguards to protect individuals whose liberty is at stake. That principle is acknowledged in human rights legislation.

I am not exaggerating when I say that at its most draconian the bill will allow a person to be quarantined without receiving a reasonable explanation for the action. There might be cases when that has to happen to protect the public, for example if someone who does not speak English is suspected of carrying a virus or disease whose spread would have major health implications. We need to ensure that there are robust safeguards to protect individuals in such situations, and we need to ensure that such people receive an explanation at the first possible opportunity. Let us be clear: being quarantined in such a way could be a terrifying ordeal. The minister said that the powers will be used only when co-operation is not forthcoming, but it is difficult for a person to co-operate when he or she has had no explanation for what is happening.

The bill will allow for health boards and local authorities to appoint a competent person to carry out their responsibilities. The definition of a health board's "competent person" is wide, and health boards that cover sparsely populated areas are concerned that, given the geographical challenges that they face, a tighter definition might mean that the competent person would be located some distance from the incident, which would delay action.

The competent person would have delegated powers to obtain an order to submit an individual to an intrusive medical examination without the necessity of an explanation—indeed, the person would have no right of appeal. The committee argued that an explanation should be given immediately and that there should be a right of appeal, even if the appeal had to take place after action had been taken, because a delay would have public health implications. Even if the appeal took place after the event, it would enable the individual to examine the decision that had been made on their case and to consider the decision making of the competent person. The competent person would be held to account and would not take lightly a decision to force examination if they knew that their decision would be open to scrutiny by the court. It is unthinkable that we should give an individual the power to force a person to have a

medical examination without providing a means whereby the decision could be scrutinised.

As members have said, the court processes for which the bill provides must be legally competent. I understand that the Government is addressing the issue and am grateful for that. The processes must also be workable. Someone who has been quarantined and needs access to justice must be able to obtain legal advice and to access the court process in a way that does not carry additional risk to the public.

There is little information in part 8, on sunbeds, so committee scrutiny has been difficult. We will probably have to take additional evidence at stage 2, when we have more detail about how part 8 will be amended. The proposed approach appears to involve regulation without licensing. Some local authorities already operate licensing regimes, so for the bill to prevent them from doing so would represent a backward step. We should explore the idea of a Scottish licensing scheme, under which the operation of sunbeds would be subject to the same regulation in all local authorities. Such an approach would not increase the workload for environmental health officers, who would have to police operators' compliance with regulations. Licensing would give EHOs greater powers to ensure compliance.

I pay tribute to Kenneth Macintosh's work in relation to sunbeds, which has made it possible for legislation to be proposed. He has taken a pragmatic decision to accept the Government's stance, but the Health and Sport Committee should consider whether we should go further and introduce a licensing scheme.

Other sections are of concern. For instance, the provisions on fixed penalties for those who create a nuisance need to be clarified and tightened, because they could be interpreted to mean that the payment of a fixed penalty discharges any liability to prosecution. That happens currently with fixed penalties and the bill suggests that the same will happen with fixed penalties for nuisance. How does that fit with prosecution for persistent nuisance? Given that the bill includes light nuisance, if someone had a faulty halogen light shining in their neighbour's window, would payment by the person of a fixed penalty mean that they need take no further action? Any confusion in the provisions would lead to less action to deal with nuisance, either by fixed penalty or prosecution.

The bill will give authorities powers to medically examine people, restrict their movements and place them in quarantine. Those powers are required to protect the greater good, but we must ensure that checks and balances are in place so that the powers are used properly. Misuse of the powers could have a devastating effect on an

individual. The likelihood of its happening is slim, but one case would be one too many. I therefore urge the Government to take on board the Health and Sport Committee's views.

16:31

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): In her opening remarks, Shona Robison was kind enough to pay tribute to the work of the previous Administration. That generous intent is recognised. Setting the context for the bill, she reminded us that the World Health Organization has warned of the new diseases that are continually emerging and the old enemies that are re-emerging and are now resistant in a way that they were not in the past.

The minister was the first to mention the outbreak of anthrax in the Borders. Much of what she said struck a chord with me, particularly her comments on the co-ordination of all skilled health professionals. The Government's willingness to work with the Health and Sport Committee is important. The Parliament can be very good indeed when the Government and committees work together. The minister described the bill as essential, and she is entirely correct to do so.

Christine Grahame, who spoke as the convener of the Health and Sport Committee, was the first of two members—Ian McKee was the other—to add colour to the debate, which has been much more than interesting. One of the great beauties of making a summing-up speech is that one learns quite a lot as the debate goes on. Christine Grahame's description of the anthrax case in the Borders was extremely interesting and chilling for us all. Although her remarks about midges were light-hearted, they struck a chord with me, as I represent a Highland constituency.

Margaret Curran was the first member to go straight at the perceived problems in the bill, as did Ross Finnie. The fact that potential court proceedings would not be competent under Scots law is deeply worrying. In my limited experience, when the Law Society of Scotland makes the sort of comments that it has made, it must be listened to carefully. Margaret Curran touched on the issue of sunbeds, as did Kenny Macintosh.

Mary Scanlon reminded us that the bill tidies up legislation from the 19th century. She indicated the Conservatives' support for the bill, which I am sure is welcomed. I am sure that that sentiment is shared throughout the Parliament. I was intrigued by the idea of notification of disease to funeral directors—I had not thought about that previously, although I should have picked it up in the Subordinate Legislation Committee. That is a pertinent point that we could easily have missed. Mary Scanlon reminded us that we must revisit at

stage 2 the notification of infections, the fee regime for that and whether chickenpox should be on the list.

Ross Finnie dwelt on the clarity that the bill provides about the public health functions of health boards and local authorities. Michael Matheson did that too, but Ross Finnie also said that the bill is poorly drafted. It is easy to blame people, but we should all learn from that in a friendly and co-operative way. The better drafted bills are, the better it is for us all. Ross Finnie argued that the bill is somewhat lacking in its competence in relation to the ECHR, although Michael Matheson did not agree.

Shona Robison: Does the member appreciate that the Presiding Officer deems whether a bill is ECHR compliant? The Presiding Officer deemed the bill to be ECHR compliant.

Jamie Stone: I accept that. Our attention was drawn to that earlier.

Ian McKee set the context for us by reminding us of the awful but historically important 1832 cholera outbreak. The community that was worst hit by that outbreak was a small fishing village called Inver, which is in my constituency. To this day there is a cholera graveyard that is looked after by locals. It is remembered as a sad fact in local history that the people who were dying of cholera had nowhere to go but had to flee into the dunes around the village and died there alone. Members will forgive me for digressing to say that the surgeon would not travel the few miles from Tain to Inver because the poor Inver people could not raise the price of one guinea between them, so they died like flies. That is what public health is all about. It is easy to think that it is just a side issue of health, but it is not, because if one gets it wrong the price can be truly terrible.

In his thoughtful and relevant speech, Kenny Macintosh addressed something that is hugely pertinent to us; why we follow the great god of the suntan. Renaissance artists painted people with pale faces as it was not fashionable in the 15th century for people to be suntanned, but that changed. If one does not receive treatment for a melanoma at an early stage, one can quickly become very ill. Although melanoma is easily treated and can be completely removed, it is a dangerous cancer.

Michael Matheson, like Ross Finnie, talked about the flawed drafting of the bill. Rhoda Grant mentioned geographical aspects and James Kelly mentioned the sunbed issue.

As a former councillor, like Michael Matheson, I would like to mention the importance of co-ordination between the national health service and local authorities.

Michael Matheson: I have never been a councillor—although I have given some counselling in my time.

Jamie Stone: I am so sorry—I stand corrected. Michael Matheson is a former employee of a local authority.

Good and co-ordinated work has been done thus far. Many issues will have to be revisited at stage 2—the legal issues in particular—but by tidying up the legislation this bill will represent a step forward for Scotland. It recognises the importance of public health and will take us on into the century. I support the bill and look forward to the stage 2 proceedings.

16:37

Jackson Carlaw (West of Scotland) (Con): When, last year, the Government declared its intention to introduce a public health bill, the announcement was welcomed on all sides. The previous Administration was working to achieve such a measure as well, as has been acknowledged. I doff my cap yet again. Inevitably, the consensual tone has been reflected in this debate and in the published report of the Health and Sport Committee.

Interesting—or, as Mary Scanlon might put it, “interesting but not exciting”—points have been made by members in all parts of the chamber. I have no doubt that the Government will reflect on them.

I wish to focus on the withdrawal of fees for general practitioners and the extent of the powers that are being sought to compel the examination, quarantine or detention of individuals.

Like the members of the Health and Sport Committee, I note Shona Robison’s comments about the withdrawal of fees to general practitioners in respect of the reporting of notifiable diseases. I have some sympathy with the minister’s view. The sums that are currently paid are relatively minor and claims are not always made. As she said during an intervention, the claims relate mainly to chickenpox.

I attended a local GP practice recently and raised the issue with the partners. The initial reaction was quite gung ho—“If fees are no longer to be paid, we will no longer be notifying”—but it quickly became apparent that only the practice manager was aware of the system or the fee payable. When the GPs understood the actual sums involved, tempers cooled and shoulders shrugged. I suggest to the minister that timing is everything and that the proposal to end fees is being seen by GPs in the general context of their current disgruntlement in relation to practice contracts. The perception is that an agreement

reached some years ago to protect a GP network that was failing to attract new doctors is being undermined piecemeal with each annual settlement.

This is not an argument to support the retention of a fee, but the Government should reflect on the politics of its intention and, at the very least, ensure that it does not allow the argument to become an overblown headline. It should demonstrate the effect of the change to individual GP practices. By so doing, it should ensure that GPs are persuaded such that they can support the change.

I share the concerns that other members, including committee members, have expressed about the proposed exemption from giving an explanation for compelling an individual to be medically examined, quarantined or detained, or to providing an appeal process. I have read the minister's explanation with care, but I remain sceptical—as does Christine Grahame—about some of the associated issues that arise. It seems that when Governments draft legislation—I do not mean this Government in any particular way—they establish, quite properly, specific circumstances for an event, but then tack on at the end a general sweep-up section. It could be argued that that section renders all the particular circumstantial sections redundant. It is a bit like a job description in which someone is told that their job will be to do this, that and the next thing, but that they will also be responsible for anything that those who wrote the job description have forgotten about. As a member of the Subordinate Legislation Committee, I have noted examples of that quite regularly.

At Westminster, there is a similar debate about the Government's proposals regarding the length of detention without charge. Although it may be the Government's role to seek to secure such provisions, it is Parliament's role to scrutinise them and, in principle, to resist them. If a proposal does not withstand proper scrutiny, it is our duty to resist it strongly.

I share the Health and Sport Committee's concern that the Government has not yet explained satisfactorily why it may be necessary to detain or examine people without explanation or appeal. I note that the minister will reflect on including provision for a post-event appeal and an obligation to provide an explanation without delay—but the Government in Zimbabwe is under a similar obligation to provide, without delay, the result of its election.

I accept that it may be uncharitable to compare our Government in any way to that of Zimbabwe, but I remain nervous about incorporating into legislation sweep-up sections that can be characterised as draconian—although I share the

concerns of Mary Scanlon and others about the balance between the protection of public health and the need to uphold the rights of the individual. I look forward to hearing the Government's further thinking on that issue.

Like other members, I look forward to the incorporation in the bill at stage 2 of proposals in support of Ken Macintosh's proposed bill on sunbeds. The member has pursued the issue assiduously, with all-party support, and has argued his point cogently to the Health and Sport Committee and here again today. I hesitate to go as far as to pay tribute to Ken Macintosh, for fear of reading about that in a local leaflet, but his engagement with the issue has been impressive.

Other points of substance have been identified in committee; I am sure that the Government will reflect further on them. Notwithstanding those points and the comments that have been made about drafting, all members can congratulate the Government on the progress that it has made and on its constructive attitude to the issues that have been raised. In that spirit, we will support the bill today.

16:42

Dr Richard Simpson (Mid Scotland and Fife)
(Lab): This has been an interesting debate. As Jamie Stone said, interesting colour was provided by the historical perspective of my older colleague, who referred to events that took place well before my time. It is important to take an historical perspective on the bill. Although we do not see mass cholera deaths, the bill prepares us for the possibility of catastrophic events. A SARS epidemic did not occur and an avian flu pandemic has not yet occurred, but we need to be prepared for such events. The pandemic planning that has been undertaken and the Public Health etc (Scotland) Bill put us in a better position.

When I followed Ian McKee into medical school, we had an excellent lecturer on infectious diseases, whom Ian McKee will remember—Dr Murdoch. Although his lectures were good, they were poorly attended because most doctors believed that they had solved the problem of infectious diseases. Dr Murdoch said cogently that we should watch out, as mother nature has a way of biting back. What has happened since that time? We have had HIV, SARS, Ebola, MRSA, the potential for avian flu, and extensively resistant tuberculosis. The health protection annual report for last year referred to the anthrax outbreak that Christine Grahame mentioned. There was also an outbreak of Q fever at Bridge of Allan meat plant in my constituency. It is important that we modernise our legislation to deal with such situations.

The only discordant note in the legislative process, which has been a hugely co-operative

effort between the Health and Sport Committee, the Government and witnesses, has been occasioned by the sloppy drafting or incompetent legislation to which many members have referred. That must be addressed. It is a double shame that the problem has occurred when very little legislation is being introduced. The Parliament can only hope that it does not recur.

Why do we need the bill to be carefully drafted? I will read to members from the international edition of the *New York Herald Tribune*, which states:

"The ... Hospital ... is like a prison for the sick. It is encircled by three fences topped with coils of razor wire to keep patients infected with lethal strains of tuberculosis from escaping.

Escaped patients have been tracked down and forced to return; the hospital has quadrupled the number of guards. Many patients fear they will get out of here only in a coffin."

As many members have said, the bill must balance the protection of the public and individual freedom. If we do not achieve a balance, we could have the appalling situation that is found in South Africa, which has three prison hospitals of that sort in which people are incarcerated until their death. The balance between individual freedom and protection of the public is important.

We have to get the definitions, including the definition of the competent person, right. I think we have that. We need to have joint health protection plans that do not arise from consultation, as the bill sets out, but that are agreed between the local authority and the health board. Consultation is not good enough—God knows, we have had enough trouble as a result of health boards consulting on issues. If we leave them to consult, it will not be sufficient. Several members, including Michael Matheson and James Kelly, mentioned that. The duty of co-operation in section 6(3) is not enough and I ask the minister to look at it again.

Mary Scanlon's comments on the balance between the rights of the individual and those of the community are important in relation to anonymity. Although I agree with the minister that we have the data protection measures pretty much right, I am glad that she has said that the Government will include schools and places of work in them—as I suggested in committee. That will assist if there are outbreaks at nurseries, butchers' shops and so forth. Notwithstanding that commitment, we have to ensure that the right to anonymity is adequately protected. I strongly suggest that, when we make the regulations, a privacy impact assessment should be undertaken, as the information commissioner proposed.

The definition of health risk needs to be tight. There could be unintended consequences of the bill, although I am sure that that will not happen under the present Government or the future

Labour Government. In America, people cannot get into education unless they have been vaccinated. If we do not draft the bill clearly and correctly, future Governments could introduce that sort of restriction on an individual going to school simply by regulation. There is the risk of exclusion simply because someone is not vaccinated.

We need to inform people. In committee, I spoke out strongly on section 31(5). Indeed, I went so far as to say that the proposed power is draconian and must be removed. Jackson Carlaw referred to it as a "sweep-up" section. We cannot allow, as the bill would, the absolute excuse not to inform an individual. The committee recommended strongly that that provision be amended as quickly as possible. I welcome the fact that, in her various correspondences with the committee, the minister has accepted the point and said that she will address it.

A considerable number of members have referred to sunbeds. The tributes that have been paid to Kenneth Macintosh are entirely appropriate. We have some tough decisions to reach. Kenneth Macintosh has said that unstaffed sunbed parlours should go, that 18 should be the minimum age of anyone who uses a sunbed, and that a requirement for individuals to be properly informed of the risks should be added into the bill.

I would go slightly further. By way of amendment at stage 2, we must ensure that nothing should stop local authority licensing departments licensing parlours as they see fit. I would go yet further and suggest that the Government should seriously consider taking reserved powers to introduce a licensing system, should that become necessary at some point in the future. Enforcement is important, and so is the need to ensure balance between the individual's right to use these machines and their protection from the development of melanoma. I hope that that will be considered.

The bill is vital for the public interest. As many members have said, it will achieve—it must achieve—protection for the public while maintaining a balance between individual freedoms and the public interest. It is a good illustration of the sort of engagement that the Parliament has been set up to undertake—engagement between the Government, parliamentary committees, experts and the public—to create a legislative framework that will ensure adequate protection and sustain individual freedoms.

I welcome the minister's responses of 6 February, 28 February and 14 April, in which she accepted many of the points the committee raised. We look forward to the stage 2 amendments that will incorporate the changes that we seek.

16:50

Shona Robison: I thank members for their contributions to today's debate, which has been very constructive indeed. The level of debate on the issues that the bill covers emphasises the importance of health protection in Scotland, which, as Minister for Public Health, I warmly welcome.

Members have acknowledged that there is a need for up-to-date and effective legislation to protect the people of Scotland from potentially life-threatening infectious diseases and contamination. That our public health and environmental health professionals have worked so effectively within a legislative framework that is based on the public health threats of the 19th century is a tribute to their professionalism. Of course, the majority of public health incidents are dealt with without recourse to statutory powers. That is to be welcomed.

It is acknowledged that public health threats cannot always be predicted and that it is necessary for any legislation in this area to be flexible enough to deal effectively with new and emerging conditions. Although it is uncomfortable for us to consider the fact that individuals might not co-operate with health professionals at the time of a public health incident, we require powers to deal with such a situation if and when it arises.

Sandra White (Glasgow) (SNP): I come to the debate so late because I am not a member of the Health and Sport Committee and I wanted its members to have their say first. Will the minister consider an amendment on notifiable diseases? The bill mentions

"the patient's circumstances (including age".

Will she consider including a reference to the patient's profession? I ask because of a case of TB in Glasgow. The person concerned was a schoolteacher, but was not asked their profession. Might there be circumstances in which it would be beneficial to know the profession of the patient?

Shona Robison: The issue would involve an assessment of the public health risk posed by the person at the time, which would of course take into account all such factors.

The bill provides health boards and local authorities with appropriate powers to protect public health and the community at large, but it contains safeguards that ensure minimum impact on, and access to justice for, the individual—a point that several members have made. The more restrictive provisions of the bill should be used only when no other action will achieve the public health objective. Any sheriff will need to be clear that there is, or may be, a significant risk to public health before they grant an order. We expect the

powers requiring a sheriff's order to be used very rarely.

A number of issues of detail that the Health and Sport Committee raised are still under consideration. As I have made clear, we will make appropriate amendments at stage 2 if necessary.

Margaret Curran spoke about health risk states, and suggested that the definition is too wide. I reiterate the importance of retaining flexibility in monitoring new illnesses and conditions, in line with our European and international health obligations. Comprehensive guidance will be provided to registered medical practitioners on health risk states and the duty to notify, and on how arrangements will work in practice. I hope that that goes some way towards reassuring the member.

Margaret Curran also spoke about

"Any other clinically significant pathogen found in blood".

The expert working group that developed the list of notifiable organisms that is provided in schedule 1 considered that it would be wise to include that phrase to enable public health professionals to be alerted to any new threats. I acknowledge, however, that the committee and stakeholders identified that wording as an important issue. I recognise that the description is wide and that it could include organisms that it was never intended should be reported. I have listened to the concerns of the committee and stakeholders and I plan to lodge amendments at stage 2 to remove that phrase from the list of notifiable organisms.

Ross Finnie, Rhoda Grant and other members mentioned the issue of explanations not needing to be given in certain circumstances. On the vast majority of occasions, and in line with health professionals' general duty of care, they will be able to give a full explanation of the action to be taken and, which is important for the person who is posing a significant risk to public health, an explanation of why it is to be taken. In its scrutiny of the bill, the Health and Sport Committee acknowledged that that might not be possible in exceptional circumstances—for example when the infectiousness of a disease is such that the affected person is unconscious and therefore unable to receive such information. I am content that, in such circumstances, such an explanation should be given as soon as is practical thereafter. I am sure that that would happen even without a legislative requirement to that effect, but in the light of the concerns that have been raised we will lodge an amendment at stage 2 to ensure that there is clarity on that issue.

Rhoda Grant said that clarification is necessary of the fixed penalty notice scheme that is dealt with in part 9. We are aware that such clarification is required, and appropriate amendments will be

lodged at stage 2. I hope that that gives her the reassurance that she requires.

Michael Matheson and Richard Simpson said that strong guidance is required on the joint public health protection plans. I accept that recommendation and will ensure that we progress it appropriately.

Michael Matheson and others mentioned drafting issues. I will not get into a legal debate about what is or is not competent in Scots law. Suffice to say that we have accepted that the summary application procedure is not the most appropriate procedure to use in the bill and that we will lodge suitable amendments at stage 2. We have made that extremely clear.

I said in my opening speech that I would use my closing speech to say a few words about the proposed provisions to regulate sunbed use. We have had a good debate on the issue, and I am pleased to note that, in the main, members are supportive of the proposals that have been agreed between the Scottish Government and Kenneth Macintosh. I believe that we have struck the right balance between regulation by Government, particularly to protect young people from the health impacts of sunbed use, and an individual's personal responsibility to make choices that minimise the risk to their health.

If Parliament agrees to include those provisions in the bill, Scotland will take a leading role in the introduction of health protection measures against the inappropriate use of sunbeds. The process that we have gone through on sunbeds is a demonstration of how well the Scottish Government can work with members of the Parliament on issues of mutual concern. I thank Kenneth MacIntosh for his work and co-operation on the issue.

We cannot eradicate the risk of public health threats. Whenever possible, we deal with them without resorting to legislation, but we need to ensure that our public health professionals have at their disposal—if necessary through statutory controls—the tools to deal quickly and effectively with potential threats so that they can reduce the spread of disease or contain it. That is the principal aim of the bill. We will continue to take into account the views of the committee and others as we proceed with the bill and seek to bring its measures into effect. Finally, I again thank members for their comments.

The Presiding Officer (Alex Fergusson): That concludes the debate on the Public Health etc (Scotland) Bill. I must suspend the meeting until decision time at 5 o'clock.

16:58

Meeting suspended.

17:00

On resuming—

Decision Time

The Presiding Officer (Alex Fergusson):

There are seven questions to be put as a result of today's business. The first question is, that amendment S3M-1715.1, in the name of Patrick Harvie, which seeks to amend motion S3M-1715, in the name of Andy Kerr, on local income tax, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)

Smith, Iain (North East Fife) (LD)
 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)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 65, Against 61, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-1715, in the name of Andy Kerr, on local income tax, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)

Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 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)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 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 65, Against 62, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes the Scottish Government's consultation on the future of local taxation; recognises that this consultation is not due to close until 18 July 2008; notes the wider range of possible options, including local income tax, land value tax, property tax and reform of the council tax; recognises that the existing system of local government taxation is discredited, bureaucratic and unpopular; agrees on the urgent need for substantial changes to the system of local taxation, and agrees that, in developing this future system, due consideration should be given to fairness, local accountability, the need to reduce tax avoidance and the wider social, economic and environmental impact of any proposed system of local tax reform on communities across Scotland.

The Presiding Officer: The next question is, that amendment S3M-1706.2.1, in the name of Derek Brownlee, which seeks to amend amendment S3M-1706.2, in the name of Jim Mather, on support for the voluntary sector, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)

Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 81, Against 46, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-1706.2, in the name of Jim Mather, as amended, which seeks to amend motion S3M-1706, in the name of Elaine Murray, on support for the voluntary sector, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)

Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)

Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 66, Against 61, Abstentions 0.

Amendment, as amended, agreed to.

The Presiding Officer: The next question is, that amendment S3M-1706.1, in the name of Robert Brown, which seeks to amend motion S3M-1706, in the name of Elaine Murray, on support for the voluntary sector, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)

Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 64, Against 62, Abstentions 1.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-1706, in the name of Elaine Murray, on support for the voluntary sector, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)

Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 80, Against 47, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament applauds the vital contribution made to society and the economy by the third sector; believes that co-operation between the third sector, local authorities and the Scottish Government is vital in ensuring a strong role for the third sector; recognises that the Scottish Government is funding Project Scotland and has made clear to Project Scotland that further resources may be available for projects it runs in terms of the Scottish Government's employability agenda; believes that the exemption from payment of water rates extended by the previous administration to 2010 should be further extended; calls on the Scottish Government to work with the third sector to reduce the burden of regulation affecting the sector; recognises the problems facing the voluntary sector caused by short-term funding and re-tendering; believes that there is a pressing need to review the system to provide more stable funding for the sector including longer-

term contracts and a national contracts framework; notes the establishment of the voluntary sector compact under the last administration and calls for a revitalised compact between local government and the voluntary sector; believes that this compact must ensure greater dialogue between councils and voluntary groups as to the operation of the local government Concordat and the single outcome agreements, and calls for a review of the operation of the Concordat including its key outcomes and performance indicators following the first year of its implementation.

The Presiding Officer: The final question is, that motion S3M-1560, in the name of Nicola Sturgeon, on the Public Health etc (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Public Health etc. (Scotland) Bill.

Glasgow Crossrail

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-1251, in the name of Bill Butler, on Strathclyde partnership for transport's report on Glasgow crossrail. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the final report, *Glasgow Crossrail Appraisal and Economic Case*, endorsed by Strathclyde Partnership for Transport (SPT) on 25 January 2008; recognises that the Glasgow Crossrail project is strategically one of the most significant rail projects in Scotland; acknowledges the wide-ranging and cross-party support for the proposed Crossrail project as highlighted on www.crossrailglasgow.com; supports the submission of SPT's appraisal of the Crossrail project to Transport Scotland for inclusion in the Strategic Transport Projects Review and the National Planning Framework, and anticipates a positive decision from the Scottish Executive on the early implementation of Glasgow Crossrail.

17:08

Bill Butler (Glasgow Anniesland) (Lab): This is the second occasion on which I have secured a debate on the proposed crossrail project. That fact reflects the project's importance to the city of Glasgow and the national transport infrastructure. Councillor Alistair Watson, who is the chair of Strathclyde partnership for transport and a significant advocate of Glasgow crossrail, has argued consistently that it is the most important rail infrastructure project in Scotland, and it is difficult to disagree with Councillor Watson.

The missing link between Glasgow Central station and Glasgow Queen Street station is more than just an inconvenient 15-minute walk for passengers; it is a decisive division in Scotland's rail network. It is an avoidable gap that could be bridged by the proposed Glasgow crossrail project. Crossrail would link the routes that run to and from the stations, providing a new line across the Clyde.

On many occasions in the chamber I, and other members of the cross-party group in the Scottish Parliament on Glasgow crossrail, have highlighted the many wide-reaching benefits that the scheme would bring to Glasgow, the west of Scotland and the national rail network.

Since crossrail was last debated in the chamber, a report detailing the crossrail appraisal and economic case has been published. That report, which was produced by Faber Maunsell for Strathclyde partnership for transport, was produced to meet the demands of the Scottish Government's Scottish transport appraisal guidance framework. The report predicts that the

implementation of the crossrail project would add £1.06 billion to the Scottish economy over the next 60 years. Additionally, 4 million passengers are predicted to use the new stations at West Street, Gorbals and Glasgow Cross if crossrail becomes a reality. The report also indicates that more than 3 million passengers would use the Glasgow Cross station at High Street alone, making it a potential hub of the interchange. That is new research, which provides substantial and, indeed, compelling evidence of the range of benefits that crossrail would bring.

What are those benefits? First, crossrail will boost the economy of the Glasgow city region by introducing new routes to a network that is already running at capacity in many areas. Environmental benefits will also accrue, as it will be easier for people to travel by train, and rail travel will become a more attractive option than travelling by car for many more journeys. Again, crossrail will help to meet the objective of reducing car use by joining up journeys between the subway and park-and-ride facilities. Further, the new rail services will help to cut road congestion and the associated costs to business, as well as potentially making Glasgow airport, Edinburgh airport and Prestwick airport more accessible. Finally, crossrail will integrate the Clyde gateway, the Clyde waterfront and Ayrshire—areas that have been highlighted as national priorities for regeneration—into the national rail network. All those benefits will result if crossrail is given the green light.

George Foulkes (Lothians) (Lab): Crossrail will also enable the many Hearts supporters in Ayrshire to get to Edinburgh without having to change in Glasgow. That is a public safety benefit as well as a public transport benefit.

Bill Butler: Who would disagree with a lord? Only the Lord above.

Crossrail will indeed put an end to the need for passengers to change between Glasgow Central and Glasgow Queen Street stations and make possible more direct train journeys for passengers travelling from Aberdeen, Perth and Edinburgh to the south-west of Scotland, whichever team they support.

It is important to emphasise the benefits that crossrail will bring in complementing the Glasgow airport rail link. The crossrail scheme has a significant role to play in increasing the number of passengers who would use that rail link. The preliminary stage report of the Glasgow Airport Rail Link Bill Committee gave a clear, consistent and enthusiastic endorsement of crossrail, and stressed the importance of progressing crossrail in conjunction with GARL. Crossrail will enable passengers from throughout Scotland to enjoy a direct connection to Glasgow airport without having to change stations in Glasgow city centre.

Coincidentally, the scheme is deliverable by the time the Commonwealth games come to Glasgow in 2014. If it were to be given the go-ahead soon, Glasgow crossrail would help to deal with the large number of visitors to the city in that year. The project would contribute to the quality of the Commonwealth games in Glasgow and leave a lasting legacy in respect of Scotland's transport infrastructure for many years to come.

The capital cost of linking Glasgow Central and Glasgow Queen Street stations would be relatively insignificant compared with the positive effects of a scheme that offers such widespread and fundamental benefits to the rail network. Indeed, value for money is one of the most compelling arguments for crossrail. The project would not involve the construction of miles and miles of new track and infrastructure. To a large extent, the construction work would require improvements to and the renewal of existing rail lines and infrastructure. Crossrail would make significant use of existing rail infrastructure, much of which is underused or not used at all, and it would cause minimal impact on the operational rail network, as the necessary construction work could, if necessary, be phased in.

SPT's projected cost for Glasgow crossrail is between £115 million and £187 million, and the information that has been provided by SPT in recent days highlights the fact that the work could be phased in three stages. If the Government could commit to crossrail delivery, that would be the most welcome option. However, SPT and members throughout the chamber know that the Government's resources are finite. I would be most interested to hear from Mr Stevenson in his summation whether the Government would at least be disposed to commit to crossrail implementation in three stages, which SPT has lately suggested is its second preference.

As convener of the cross-party group in the Scottish Parliament on Glasgow crossrail, I have always been encouraged by the extent of cross-party support for the project, which has helped to drive forward the campaign. The Minister for Transport, Infrastructure and Climate Change is aware of that support, having attended one of our recent meetings and answered a range of questions from interested members.

Earlier this week, I had the pleasure of sharing a platform at a press conference with my colleague Sandra White, who is an MSP for the Glasgow region, to discuss this evening's debate. It is an issue on which we—and, indeed, all members—agree, and we are both happy to express our support for and commitment to crossrail.

SPT has been working tirelessly to promote its crossrail project and conduct the necessary feasibility and technical studies. It has put in place

a sound and detailed economic case, and there is a clear political will among members throughout the chamber to see the project implemented; I am sure that we will hear evidence of that in later speeches. The crossrail scheme that SPT proposes is practicable, attainable and good value for money.

On that basis, and given that the strategic transport projects review is imminent, now is the ideal time for the Scottish Government to give a commitment to Glasgow crossrail. It is time—to coin a phrase—for the Scottish Government to commit to an investment that would be of national significance. When the minister responds to the debate, I hope that he will give members that long-awaited, whole-hearted commitment to Glasgow crossrail by offering an assurance that the project will feature in the forthcoming strategic transport projects review.

17:16

Sandra White (Glasgow) (SNP): I congratulate Bill Butler on securing this debate on the Glasgow crossrail. This issue has been on-going for three decades—30 years—and since the inception of the Parliament it has been debated year after year by members of all parties. As Bill Butler said, the project has cross-party support. The minister might remember that I hosted a fringe meeting at the SNP conference on the subject of crossrail, which was the largest fringe meeting ever to take place at our conference. It had full support, and I do not think that we have had as large a fringe meeting ever since. I mention that to refresh the minister's memory.

I congratulate SPT on its work and its tenacity—Councillor Watson is in the gallery—in ensuring that crossrail has continued to be at the top of the transport agenda, not just in Glasgow but more widely since the Parliament's inception. I sincerely hope that we can move forward with the scheme. I labour that point, if members will pardon the pun, because crossrail has been debated to death and, as Bill Butler eloquently said, the time is right—the time has come.

We must ensure that the scheme is put forward for full implementation. I thank SPT for considering the issue in its entirety, and for its willingness to meet people from all parties and none and to examine the phasing of the project. Bill Butler mentioned that. That is important, and I reiterate and support Bill Butler's comments regarding the phasing of the project and the question of having three stages or one. We would like the scheme to happen in one stage, if the minister is so minded. As I said, SPT is considering the project in its entirety and I congratulate it on its willingness to admit that it could be done in three stages.

Bill Butler outlined the geographical areas that crossrail would cover, but I do not want to get into that during the debate. We all know which areas the crossrail system would cover, but we must remember that it is not just a parochial Glasgow system. The system would benefit the whole of Scotland and—as Lord Foulkes said—it would benefit the Ayrshire Hearts supporters. I am sure that the Glaswegians will make Lord Foulkes more than welcome if he comes into Glasgow Central or Glasgow Queen Street station. I certainly will not be afraid to go to Ayrshire. I welcome the fact that Lord Foulkes realises that the project is not just for Glasgow; as has been said, it is a Scotland-wide project that will supply the pieces of jigsaw that have been missing for many years. The scheme is desperately needed throughout Scotland.

The scheme will help to create an integrated transport system for the 21st century. I believe—as I think everyone does—that such a system is long overdue. Glasgow 2014 has been mentioned. Although that is not the be-all and end-all, it is a golden opportunity for the crossrail project to go ahead. We hope that Glasgow 2014 will regenerate not just the Gorbals area, but the east end of Glasgow. Crossrail can help that regeneration by providing jobs and connections for the 2014 games.

I sincerely hope that the project will be included in the strategic transport projects review. I will listen with great interest to what the minister says.

I congratulate Bill Butler again on securing the debate.

17:20

Robert Brown (Glasgow) (LD): I join other members in congratulating Bill Butler on securing this important debate on Glasgow crossrail. As we have heard, this debate is by no means the first on the subject that we have had in the Parliament. I, too, note the presence of Councillor Alistair Watson, who is an imposing figure in several senses of the word. He has been particularly imposing in his support for and dedication to the crossrail project over the years. SPT has been fortunate in having him in a key position giving drive to the project.

The crossrail issue has been around for rather a long time—too long, in fact. It has been the subject of a number of studies and discussions over the years. I hope that the recent study by Faber Maunsell for SPT will prove to be the decisive study.

First, the report is timely. Many of us have seen crossrail as complementary to the Glasgow airport rail link, which is progressing, and necessary to realise the full benefits of that link.

Secondly, the report has come at a time when rail usage is on the increase. A sustained upward trend exists, and rail usage is growing at around 3 per cent a year. That trend has been supported by the considerable investment in creating new rail lines and improving stations that the Liberal Democrats and Labour set in place in government. The current Government has continued to provide such support to an extent.

Thirdly, the lead-up to the 2014 Commonwealth games has been mentioned. A pre-eminent showcase has been provided for the city region that requires, as a complement, a world-class transport system into and around the city.

Those contemporary arguments are on top of what has always been a compelling case: that Glasgow crossrail will help to integrate the network, allow connections across the city, and provide direct rail routes from the south-west to the north-east in particular as well as to further-flung Scottish destinations. It has been predicted that 3 million passengers will use the Glasgow Cross hub station, which would make it the fourth busiest station in Scotland. Crossrail has often been described as the missing piece in the jigsaw, which it is. In these days of price creep on infrastructure projects, it would also have the advantage of costing a modest amount—on 2005 prices, the cost is estimated at between £115 million and £187 million. In essence, the project would involve 2km of new track, 3.5km of upgraded or restored track, and some signalling and infrastructure in addition to the new stations.

It is time for the Government to progress the project and give a solid commitment on it to help it become a reality. I urge the minister to respond positively to the debate and to the support that I am sure will be given to the motion throughout the chamber. Glasgow crossrail has huge potential for contributing towards tackling road congestion and reducing our environmental footprint. It would build on the improvements that have been made in station safety, reliability and capacity; it would provide scope for significantly more interchange points to make getting around the city easier; and it could make the life of the cross-city traveller and coping with the nuisance of the gap between Glasgow Central and Glasgow Queen Street station much easier.

Transport is at the cusp. Projects such as Glasgow crossrail can swing the balance between people travelling or not travelling by public transport. There are huge gains to be had. The minister should seize the moment and gain—dare I say it—some easy popularity in unusual quarters. He may need that as the session progresses. More important, will he do the right thing and track out a route map forward for the project? Evidence exists for him to take the project forward. From the

meetings that we have had with him, we know that he has good will towards it. This is the time for him to take things a stage further and give a further Government commitment on moving the project forward.

I support Bill Butler's motion.

17:24

Des McNulty (Clydebank and Milngavie) (Lab): Like other members, I congratulate Bill Butler, not only on securing this important debate, but on his unstinting and continuing support for the crossrail project and on bringing together the Glasgow crossrail cross-party group. In doing so, he has, of course, been aided and abetted by members from throughout the chamber who believe that Glasgow crossrail is a project whose time has come.

The crossrail and fastlink projects must be considered in the strategic transport review. Doing so would not only be in the interests of Scotland's largest city and its principal conurbation in west-central Scotland, because links would also be provided to and through the Glasgow conurbation.

Mention has been made of the Commonwealth games, and the minister has given his commitment to making the Commonwealth games a public transport games. Statements are fine, but they need to be accompanied by action to make them a reality. If Scotland is to demonstrate its best to the world and we are to create a public transport infrastructure not just for the games but for the longer term, projects such as crossrail and fastlink must have a fair wind.

A number of arguments must take place around crossrail, one of which concerns integration. Crossrail offers the opportunity to travel from Inverness to Ayr and to connect to Glasgow and Prestwick airports. Another argument, which I believe is equally important, is that crossrail provides the opportunity to maximise the use of the existing rail network, which is the best and most comprehensive in the United Kingdom. With a relatively small amount of money and, as Robert Brown said, a short stretch of new track or an equally small stretch of restored track that people in Glasgow have been able to look at for years but that trains have not been able to go along, we can significantly enhance travel capabilities.

Bill Butler, along with Patricia Ferguson, me and Karen Gillon, will be aware of the advantages that have been derived from a similar process in opening up the Larkhall to Milngavie line. The plugging of a gap in the network and the creation of a relatively small number of new stations have achieved more than was intended when the plans were produced, because the original target number of passengers has been exceeded by at

least three times, and the figure seems to be growing. When a new rail connection is created—in this case a multiplicity of new connections—possibilities are created for passengers, and passenger numbers often exceed what the planners come up with in the first instance.

A strong case has been made. Robert Brown and Bill Butler referred to the studies that have been undertaken. I pay tribute not only to Alistair Watson, who is in the public gallery, but to someone whose affection for crossrail has lasted perhaps the longest—Ken Sutherland, who has done a fantastic amount over the years to promote crossrail. I first came across Ken Sutherland about 15 years ago, and he was talking about crossrail then. I hope that we are going to deliver crossrail soon, not just for people like Ken, but for all the people of Glasgow and the rest of Scotland.

17:28

Alex Johnstone (North East Scotland) (Con): I congratulate Bill Butler on bringing the issue to the chamber, not for the first time. I apologise for the absence of my colleague Bill Aitken, the Conservative member for Glasgow, who has been taken slightly ill this evening. He is away home, wiping his nose on the train. I hope that he will soon have a toddy and a hot water bottle to make him feel better. He asked me to point out that he wished that he could be here.

Although I have known about the Glasgow crossrail project for some time, my knowledge of it became a whole lot more detailed as a result of my bumping into Alistair Watson at the Conservative party conference in Perth some 25 months ago. I can see members thinking, "What was Alistair Watson doing at the Conservative party conference?" He was there to sign up Conservative MSPs, MPs and anybody else who was passing to his project—I mean literally signing them up. He made us take a pen and sign our names on a big board. I signed my name and I remain committed to the principle of the Glasgow crossrail project. Mind you, even someone of my size was not going to say no.

As several members have pointed out, the Glasgow crossrail project is the missing link in the Scottish rail system, and so much could be achieved for so little if we progressed it. For that reason, I am here to express my support for the project. It is extremely important that we remember all the potential that it could provide.

Over the past 12 months, the Conservative party has been involved in a number of key decisions on transport projects. Some of them have perhaps been controversial, but some have been portrayed by the Labour Party as being rather more controversial than they really were. We intend to

use our influential position to further projects that we believe are of value. For that reason, although I will not try to extract a commitment from the minister today, I make it clear to him that the Conservatives believe that the Glasgow crossrail project is worthy of consideration. If he can find a way to provide the resources that are necessary to progress the project—even if that means progressing it in three stages, as was described earlier—the Conservatives will look on the matter favourably. We will work with Government ministers to ensure that crossrail is achieved as efficiently and as timeously as possible, so that we can extract all the benefits that can be achieved prior to the Commonwealth games taking place in Glasgow.

Many members have spoken about the clear political will that exists with regard to Glasgow crossrail. My primary purpose in speaking in tonight's debate is to make it clear that, yes, that clear political will indeed exists.

17:31

Mr Frank McAveety (Glasgow Shettleston (Lab)): Like other members, I congratulate Bill Butler on once more providing us with an opportunity to debate the benefits of Glasgow crossrail.

As well as focusing on the economic and social benefits that other members have identified, I want to note the genuine difference that the crossrail project—if fully developed—could make to my constituency in terms of the wider 2014 developments in the east end and the new development opportunity that would be provided at a resuscitated Gorbals station site.

Like others, I thank Councillor Alistair Watson, who was a colleague of mine when I served on Glasgow City Council. That was so long ago that it is hard to believe that Alistair is only 30 years of age, especially when I see how he has aged because of his commitment to the project. However, his energy and his willingness to engage with all political parties are testimony to his vision and commitment, which he shares with his SPT colleagues, in trying to complete the final part of Glasgow's transport jigsaw.

In a sense, the crossrail project is linked with the greater momentum of the past few years for broader transport developments such as the M74. I welcome the minister's commitment to the M74, which is testimony to his vision and energy. I hope that he will replicate that tonight by giving a commitment to the crossrail project.

As Bill Butler said, the project would provide major economic benefits not only to the city of Glasgow but to residents outside the city who benefit from employment within it. In addition, the

project would provide benefits to the immediate neighbourhoods, on which I now wish to focus my attention.

Undoubtedly, the revitalisation of Glasgow Cross—basically, between the Saltmarket and the Gallowgate going eastwards—as a result of the 2014 Commonwealth games will radically transform that neighbourhood, which has suffered for many years from low-quality shops and a lack of footfall after a certain time in the evening. The creation of a new station could create a dynamic that would not only benefit residential properties but provide commercial opportunities for small businesses. That would make a genuine difference.

In the major work that has been done in the greater Gorbals area over the past 10 or 15 years, we have seen how we can radically change the nature of such neighbourhoods by retaining the best of the old while creating new and different employment opportunities. Again, a station located in the Gorbals could substantially change the dynamics of that part of the city.

I hope that the minister recognises that crossrail has broad cross-party support. I know that all ministers face difficult choices in allocating resources, but I hope that Stewart Stevenson will be able to make a gradualist commitment to a phased programme. That gradualist commitment may even be welcomed by SPT's communications officer, Bob Wylie, who has been committed to the gradualist road for change for many years.

Finally, the project meets the basic criteria that the Government has set for achieving economic growth. On economic growth, small business development, sustainable transport and urban regeneration, the crossrail project hits all the indicators dramatically. I hope that the minister will address the issues, find a way to give a commitment to a phased project, and do something effective for transport in Glasgow and throughout Scotland.

17:35

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): As other members have done, I thank Bill Butler for lodging his motion on the Glasgow crossrail project, which gives me an opportunity to set out how the proposal fits with our strategic priorities and with our wider aim of improving rail services throughout Scotland. Also as other members have done, I note the presence of Alistair Watson and Bob Wylie. I wondered when somebody was going to mention Bob—the poor soul was looking a wee bit neglected. I welcome them to the chamber to hear our consideration of the issue.

I say to George Foulkes that my great-uncle was a councillor who represented Gorgie 100 years ago and had a close association with Heart of Midlothian Football Club. The Jambos in the Stevenson family will no doubt be interested—as will that well-known Jambo, the First Minister—in the prospect that Hearts supporters will benefit from the development of the project.

Before I move on, I thank Alistair Watson and SPT for the sterling work that they have done on the Glasgow airport rail link. Their stewardship of and preparation for that project enabled Transport Scotland, which is now the authorised undertaker, to take on board in good heart a project that is important for the 2014 Commonwealth games.

The Government is committed to creating a more successful country with opportunities for all areas of Scotland to flourish through increased sustainable economic growth. We set a number of strategic priorities and will focus our investment where it can make a tangible difference. We will develop connections throughout Scotland and improve reliability and journey times to maximise opportunities for employment, business and leisure. We will provide sustainable, integrated and cost-effective public transport alternatives to the car, that connect people, places and work throughout Scotland.

This is an exciting time for rail in Scotland. I acknowledge what Robert Brown said. Of necessity, there is a degree of continuity that crosses the boundary between a Government of one complexion and a Government of another. If it is about anything, transport is about a long-term commitment to take things forward. On that basis, it is helpful that there is a degree of unanimity in the chamber tonight. We have our continuing disagreements on transport matters, partly for theatre and partly for substance, but there is a general consensus that we must invest in Scotland's transport infrastructure.

As I said last September in my statement to Parliament about Edinburgh to Glasgow rail services, we want faster, more frequent, more reliable rail services than we have today. As a minister, I have used the railway on more than 270 occasions so far, so I walk the walk as well as talk the talk. I experience some of the service let-downs that other passengers experience, but that gives me the opportunity to give feedback on how improvements might be made.

We have a long-term programme of investment that will result in, among other things, electrification of the Glasgow to Edinburgh via Falkirk line—and of other routes—leading to a fast journey time between Edinburgh and Glasgow of about 35 minutes. We will also make significant improvements to the number of services from Glasgow Central station to Edinburgh, which will

improve connections from the south and west of Scotland and Prestwick and Glasgow airports across central Scotland and beyond.

That work is all part of the strategic transport projects review, which is the long-term vision par excellence. The review was started by the previous Administration in 2006 and it will deliver a programme of interventions for surface transport for the period 2012 to 2022. It focuses on contributions that will have a major national impact.

The review will look at a wide range of possible interventions, and I am pleased to confirm that it will consider not only the Glasgow crossrail proposal but the Clyde fastlink and proposals involving the subway. My Transport Scotland officials look forward to receiving the final business case for the crossrail project from Strathclyde Partnership for Transport. The phased approach will very much assist our consideration of the proposal.

Given that rail in Glasgow and its surrounding area accounts for two thirds of rail services in Scotland, with 50 million journeys a year, and that the Strathclyde network is the most heavily used commuter rail network outside London, it is right that we seek to enhance provision for future generations. We aim to deliver substantial parts of our investment programme in time for 2014 to allow visitors to move around Glasgow and make onward connections with ease. Members have referred to the Government's commitment to what has been called a "public transport games", and it is right and proper to hold Government to account in delivering on that. Progress will be made. Moreover, the strategic transport project review will provide a key opportunity to examine the Government's plans, and ministers will receive emerging conclusions in the summer and engage with key stakeholders thereafter.

Our portfolio of investment in Glasgow's transport infrastructure is impressive. Members have referred to the M74, the A8, the A80 and the reopening of the Larkhall line, which provides a new north to south-east cross-Glasgow service. Furthermore, the Airdrie to Bathgate rail link and the Glasgow airport rail link are both well under way.

The STPR process that was begun under the previous Administration provides the right framework for considering such matters. I have found it to be very useful; indeed, in that respect, I must thank Bill Butler for inviting me to, and facilitating, a meeting of the cross-party group on Glasgow crossrail to engage with people of all political parties. Des McNulty also referred to a range of projects.

I am confident that our future investment choices will ensure that Glasgow is seen not only throughout Scotland and the United Kingdom but overseas as an increasingly attractive place to live and work. We are determined to provide the right mix of transport services fit for a great Scottish and Commonwealth city in the 21st century.

Meeting closed at 17:42.

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