

MEETING OF THE PARLIAMENT

Wednesday 23 April 2008

Session 3

£5.00

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Scottish Parliament

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[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Alex Fergusson): The first item of business is time for reflection. I am pleased to welcome as our time for reflection leader Father Robert Kane of St Teresa's, Newarthill in Motherwell.

Father Robert Kane (St Teresa's, Newarthill, Motherwell): Good afternoon, everyone. The title or term "First Minister" has always intrigued me, suggestive as it is of a second minister, a third minister, a fourth, a fifth and so on. I am addressing a body of men and women who minister to the peoples of our land. So I ask: who ministers to those ministers; who cares for those carers of our nation?

One thing I know is that I am surrounded by men and women with hearts that have long desired what is good, true and beautiful for all, that your earnest aim is to ensure quality living, prosperity and justice for all in our land and beyond.

Yet being in the ministry business myself, my heart goes out to all who are called to meet the needs of people in our modern technological world, because I am aware of the constant demands that are made upon your time and person, of the ease of accessibility to you through e-mail and mobile phones, of the long hours of work and the time spent away from your loved ones. Hence I can readily appreciate that the quality of living you so long for in others often eludes you because of quantity of living, too much life and the real threat of burnout—that morning-after commitment feeling. It is such a pity to witness at times such good hearts being charred beyond recognition.

My prayer for you today is that you take the time to minister to your own hearts, to make time to enjoy the values of family, silence, beauty, solitude and celebration so that you are always in a position to help others appreciate them.

In all that you are and do, may the Lord bless your hearts with love and generosity of spirit.

Amen.

Business Motion

14:34

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-1762, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business motion for this afternoon's business.

Motion not moved.

Hepatitis C

The Presiding Officer (Alex Fergusson): The next item of business is a statement by Nicola Sturgeon on hepatitis C. As always, the cabinet secretary will take questions at the end of her statement, so there should be no interventions.

14:34

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Almost exactly two years ago, on 18 April 2006, the Scottish Parliament's Health Committee called for a public inquiry into the issue of people who had been infected with hepatitis C through national health service treatment. However, that call was rejected by the previous Administration.

The Scottish National Party manifesto for last year's Scottish Parliament elections promised to right that wrong and to establish an inquiry. I confirm that the Scottish Government will honour that commitment. I am pleased to announce that, under section 28 of the Inquiries Act 2005, there will be a judicially led public inquiry into the transmission of hepatitis C from blood and blood products to NHS patients in Scotland.

Although much of the public debate around this issue has centred on hepatitis C, many people also contracted HIV from NHS treatment with blood and blood products. As it would be very difficult to separate the circumstances in which hepatitis C and HIV were transmitted, I have decided that the inquiry will also investigate the transmission of HIV.

In my statement, I will set out the background to the issue, the reasons for my decision and the timing of my announcement. I will also confirm who will chair the inquiry, the issues that it will examine and what will happen next.

Many people in Scotland have suffered or died as a result of the transmission of hepatitis C and HIV through NHS treatment. Although nothing will ever compensate them or their families for that, they deserve answers to the complex questions that surround their or their loved one's infection with hepatitis C or HIV as a result of NHS treatment with blood and blood products prior to the introduction of a test in 1991.

The transmission of hepatitis C and HIV through blood and blood products is a tragedy that has blighted the lives of many people in Scotland. That is why we are committed to a thorough inquiry to get to the bottom of what happened. We owe—and are determined to provide—an explanation to patients and the public of what took place.

I pay tribute to all those who for many years have campaigned for an inquiry. The haemophilia community, most notably the Scottish haemophilia forum, other patient groups and individuals have worked tirelessly for more than 15 years and in the face of opposition from previous Scottish Administrations to raise awareness of this issue and to keep it on the political agenda. I hope that they feel today that their efforts have at last paid off and that they are now a significant step closer to the answers that they deserve.

I also pay tribute to the Parliament's previous health committees, which, on several occasions since 1999, have considered petitions and heard evidence on the matter. It was, of course, the Health Committee that was instrumental in persuading the then Scottish Executive to agree financial assistance to hepatitis C sufferers through the Skipton Fund, which it had resisted doing for some time. When in opposition, the current Scottish Government supported the hepatitis C ex gratia payment scheme, and I am pleased to report that since its introduction in 2004 the scheme has benefited hundreds of Scottish sufferers to the tune of £14 million.

In announcing a public inquiry, I recognise that the events in question took place many years ago, when knowledge of blood-borne viral infections was much more limited and the science involved was not as advanced as it is today. However, records show that, at the time, there were indications of an unidentified virus affecting blood supplies, and there was a scientific debate about its importance and the precautions that should be taken. One of the inquiry's important roles will be to examine whether, in light of the epidemiological and scientific knowledge available at the time, all that could be done to protect the public was done.

I also recognise that many key documents have been released into the public domain and that there have been a number of previous inquiries and investigations into the issue, including the look-back exercise that was undertaken between 1995 and 1997 and the investigation that was carried out in 2000 into the introduction of heat treatment for blood and blood products. Although those inquiries provided valuable information and advice, they were carried out by Government and therefore lacked independence. In other words, we have not yet had an investigation with the credibility and authority of a full Scottish public inquiry.

That is why, on 16 August last year, at a meeting with representatives of the haemophilia community, I confirmed that the Scottish Government would honour our commitment to hold an inquiry. At that time, it was my intention to await publication of the report of the private independent inquiry in England, which is being

conducted by Lord Archer of Sandwell QC. I understand that Lord Archer is in the final stages of completing his report, and that it will be published early in the summer.

However, on 5 February this year, Lord Mackay of Drumadoon published his opinion that the decision of the former Lord Advocate not to hold a fatal accident inquiry into the deaths of the Rev David Black and Mrs Eileen O'Hara was incompatible with article 2 of the European convention on human rights. Lord Mackay also held that both the Lord Advocate and Scottish ministers had statutory powers under which they could set up public inquiries into the deaths of the Rev David Black and Mrs O'Hara, and that such inquiries would satisfy the convention rights of the deceased.

Following careful discussion, the Lord Advocate, who is the head of the death investigation system in Scotland, and I decided not to appeal against Lord Mackay's determination. We also decided that progress towards establishing an inquiry need not await the outcome of the Archer inquiry, and concluded that we should proceed to hold a Scottish public inquiry under section 28 of the Inquiries Act 2005.

I am pleased to announce that the right hon Lady Cosgrove has been appointed to act as chair of the inquiry. We are privileged to have a person of Lady Cosgrove's calibre to conduct the inquiry. A distinguished former judge and sheriff, she will bring her wealth of knowledge and experience to the task, and I am sure that I speak for the whole Parliament when I express my gratitude to her for agreeing to undertake this important review.

I can confirm that there will be no other appointments to the inquiry panel. The chair will have a critical and pivotal role in determining the framework of the inquiry, which will be inquisitorial rather than adversarial. The inquiry will have the capacity and resources to carry forward a thorough investigation of the issues.

Let me turn to the issues that will be examined by the inquiry. The final terms of reference will, of course, be announced in due course, following further discussions and agreement with Lady Cosgrove. However, I can confirm that the inquiry will have a remit to investigate the deaths of the Rev David Black and Mrs Eileen O'Hara, and will address the terms of paragraph 125 of Lord Mackay's judgment, which stated:

"any practical and effective investigations of the facts, of the nature required by Article 2, must be capable of addressing when each Mrs O'Hara and Rev Black became infected with the Hepatitis C virus and whether any steps could have been taken by the Scottish National Blood Transfusion Service or by other individuals and public authorities involved in the NHS in Scotland that might have prevented such infection occurring".

The inquiry's terms of reference will ensure that the inquiry is compliant with article 2 of the convention in relation to those deaths and any other deaths that have occurred as a result of the deceased having become infected by the hepatitis C virus, in relation to which, given the particular facts and circumstances surrounding those deaths, an article 2 compliant inquiry should be held. In addition, the terms of reference will allow for an in-depth inquiry into the circumstances of the transmission of hepatitis C and HIV from blood and blood products that were used in NHS treatment, and the consequences of the transmission of each of those viruses for the patients affected.

Parliament should, of course, be aware that, under the terms of the Inquiries Act 2005, provision is made for the remit of the inquiry to be adapted or changed as the inquiry progresses, should that prove to be necessary and appropriate.

As I said, I acknowledge that considerable information about these matters is already in the public domain. The job of the inquiry will be to scrutinise that evidence methodically in an effort to establish the facts in what is an extremely complex issue with numerous strands. For example, the inquiry may choose to consider the sources of blood and blood products used by the NHS in Scotland at the time; the demand for blood products, including factor VIII for haemophiliacs, and the steps taken to achieve self-sufficiency in Scotland; the introduction of heat treatment for blood and blood products and whether that could have taken place earlier than it did; the introduction of effective screening of blood donations for the hepatitis C and HIV viruses and whether relevant tests were put in place as quickly as possible; and the Scottish National Blood Transfusion Service's practices at the time.

It is important to emphasise that those are only examples of what the inquiry might consider and that there will be many difficult matters to consider. It will be for Lady Cosgrove to develop the shape of the inquiry when the terms of reference have been agreed. However, there is no doubt that the people affected and their families deserve nothing less than answers to those questions. If those people are to achieve any sort of closure, we need to get to the bottom of what was without doubt one of the most tragic episodes in NHS Scotland in the provision of treatment with blood and blood products.

The Scottish Government will take steps to release all relevant papers to the inquiry team as quickly as possible. I am sure that all members appreciate that the inquiry will consider a complex set of issues and events that took place a long time ago and will therefore need time to gather

and absorb background papers before it starts to take evidence.

In the meantime, officials are taking steps to put in place an appropriately resourced inquiry team, to locate appropriate premises and to secure information technology support. Although a location has yet to be identified and decided on, we will ensure that the venue is fully accessible by public transport and for people with restricted mobility. We will also, of course, provide appropriate access to information to people who might give evidence to the inquiry in due course.

I hope that members of all parties will agree that this announcement is a fitting response to the concerns of the people who campaigned long and hard for many years for an effective public inquiry into the issues. No one—absolutely no one—can undo the pain and suffering of the people who were affected. However, those individuals and their families have a right to a deeper explanation of how hepatitis C and HIV came to be transmitted through NHS treatment in Scotland. They also have a right to an assurance that lessons for the future have been learned. I hope that the inquiry that I have announced will provide both explanation and assurance, and I commend this statement to the Parliament.

The Presiding Officer: The cabinet secretary will take questions on the issues raised in her statement. Around 30 minutes are available for questions, after which we will move to the next item of business.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for the advance copy of her statement and join her—as I am sure that all members do—in expressing deep regret to the people who contracted hepatitis C and other diseases via contaminated products. I very much welcome her statement and I agree that Lady Cosgrove's agreement to undertake the inquiry is extremely welcome. We should thank Lady Cosgrove.

The cabinet secretary said that she is aware that Lord Archer is due to report the findings of his independent inquiry in the next month or so. In an answer to a parliamentary question in November, the Government said that it would wait until that report was published before it determined the scope of and legal framework for the inquiry. That position has changed.

The cabinet secretary accepted that many reports have been produced and much evidence will be available to Lady Cosgrove. She gave illustrations of matters that might be in the inquiry's remit, but will she provide the Parliament with clarity on the inquiry's boundaries and scope? When will the remit be fully clarified?

Will the cabinet secretary provide further justification of her decision to include HIV in the inquiry? Given that other conditions, such as Creutzfeldt-Jakob disease, are associated with contaminated products, why will just HIV and not other conditions be included? Indeed, why is HIV included, given the specific nature of the hepatitis C issue, because of the nature of the non-A, non-B hepatitis that was originally identified?

The cabinet secretary has indicated that the inquiry must investigate the circumstances of the deaths of the Rev David Black and Eileen O'Hara, and that it should review any related deaths. How will those related deaths be determined? How many such deaths are involved? I assume that HIV deaths, as well as hepatitis C deaths, will be included in that. Can the cabinet secretary confirm that? How much has she budgeted for the inquiry?

I am sure that we all hope that this inquiry, together with the Archer inquiry, will give some closure to affected individuals and their families, and that it will also conclude the issue for the Scottish National Blood Transfusion Service. With all the evidence that is out there, we might not get all the answers that we want, and we should be sanguine about that.

Nicola Sturgeon: I thank Richard Simpson for his remarks. I pay tribute to the contribution that he made on the issue in the first session of Parliament, on the Health and Community Care Committee. I said in my statement that previous Administrations had turned down calls for an inquiry. Although that is correct, some Labour members were honourable exceptions and contributed to the debate. I count Richard Simpson among them.

I will run through the various points that Richard Simpson raised, starting with the question about cost. It is important to have a robust and thorough inquiry; it is also important to keep costs to a minimum. As Richard Simpson is aware, we have set aside £3 million over the course of the comprehensive spending review period to meet our manifesto commitment. The terms of reference and the conduct of the inquiry, which Lady Cosgrove will be involved in determining, will have an impact on its final cost, and I undertake to keep Parliament fully informed about that. Richard Simpson might also be aware that the Inquiries Act 2005 contains a specific obligation on the chair of an inquiry to keep costs as low as possible. I assure him that close attention will be paid to that.

Richard Simpson asked about the clarity of the inquiry's remit. I assure him that the remit will be finalised over the next few weeks, in discussion with Lady Cosgrove. When the remit is finalised, I will publish it and ensure that members are notified. Richard Simpson asked about the Archer inquiry, the other inquiries that have taken place

on the matter and the wealth of information that exists. All that information will be available to Lady Cosgrove.

As I said in my statement, it had been my intention to await the publication of the Archer report. The Lord Mackay judgment somewhat changed the circumstances and we have therefore decided no longer to do that; however, the report will be available to Lady Cosgrove, along with all the other information at her disposal. She will no doubt decide what weight to give that report and how much input it should have into her inquiry.

Richard Simpson asked about the specific part of the inquiry's remit that will ensure that the deaths of the Rev David Black and Mrs O'Hara are investigated and ensure ECHR article 2 compliance. He is right to emphasise my statement's reference to any other death that might fall into that category. Ultimately, it will be for Lady Cosgrove to determine whether there are other specific deaths that should be investigated in that way. I understand that a very small number of other deaths have been notified, and that not all of them might have a causal connection with hepatitis C. Clearly, however, Lady Cosgrove will require to give attention to that matter.

Mary Scanlon (Highlands and Islands) (Con): I thank the health secretary for the copy of her statement. The Conservatives, too, acknowledge that no one can undo the pain and suffering of the individuals and families concerned. With that thought in the background, we welcome the inquiry to investigate thoroughly all the facts, and indeed the allegations, surrounding the management of contaminated blood products, especially as the issue has been on the Parliament's agenda since 1999. We fully welcome the appointment of Lady Cosgrove to take up the remit.

I wish to ask about the inquisitorial terms of reference and remit of the inquiry, which have still to be agreed between the Government and Lady Cosgrove. If a substantial amount of evidence is forthcoming in relation to compensation payments, will the Government revisit the matter of compensation to victims, given that, as the health secretary has said, the remit can change as the inquiry progresses? Is there a timescale for concluding the inquiry?

Nicola Sturgeon: I pay tribute to Conservative members, who, like SNP members, have campaigned for an inquiry for some time.

The inquiry is not a court of law and will not be able to award compensation to anyone who has been affected. The Skipton Fund has been established for some years. A large number of hepatitis C sufferers have received ex gratia payments through the fund, to a total of about £14

million. It is not the purpose of the inquiry to change those arrangements in any way. It would be inappropriate for me to pre-empt the findings of the inquiry. Issues that are thrown up by the inquiry, whether in this area or others, may be for the Scottish Government to consider, but I stress that the financial arrangements have been catered for through the Skipton Fund.

At this stage, it is not possible to put a timescale on the inquiry. Once Lady Cosgrove has all the papers and has had the opportunity to study them, she will no doubt be able to say more about what she considers to be an appropriate length for the inquiry. For understandable reasons, there is likely to be a reasonably long lead-in time for Lady Cosgrove and her supporting staff in the inquiry to absorb and properly analyse the papers. That is why I do not anticipate oral evidence sessions starting much before the end of this year. However, Lady Cosgrove will be able to give more information on that as she becomes more familiar with the background and circumstances of the inquiry.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, thank the cabinet secretary for the copy of her statement. I apologise for Ross Finnie's absence—he is unwell, but we look forward to his return to our throng shortly.

Ross Finnie is firmly wedded to the principle that we must await the outcome of the Archer inquiry before we embark on our own inquiry. I seek reassurance from the cabinet secretary that the conclusions and recommendations of the Archer report will be fed into Lady Cosgrove's work, and that there will be sufficient flexibility in her inquiry to incorporate those findings, and to make any necessary changes.

I accept that towards the end of the statement, the cabinet secretary was giving us examples of areas of work that the inquiry may wish to consider, such as the source of blood and blood products. However, to a layman that may look a little prescriptive. I would welcome the cabinet secretary's reassurance that, notwithstanding the list of possible items of work, Lady Cosgrove, whose presence we welcome in the inquiry, will have absolute flexibility to take her inquiry in what she considers to be the best direction.

Nicola Sturgeon: I assure Jamie Stone that Lady Cosgrove will be very much the master of the proceedings. I think that I made it clear in my statement that it will be for her first to agree with ministers the terms of reference of the inquiry, and then to determine its shape and conduct. It is right and proper that that is the case.

Jamie Stone's other point, which has been touched on by others, was the timing of my

announcement vis-à-vis the Archer inquiry. I have said previously that it was always my intention to await the outcome of that inquiry. Lord Mackay's judgment, which was issued in February this year, somewhat changed the picture. For those who have not read Lord Mackay's judgment, he said that the action of the former Lord Advocate in refusing a fatal accident inquiry was incompatible with article 2 of the ECHR. He did not make a similar pronouncement on the actions of former ministers to refuse a public inquiry, because he was aware of the commitment of the new Government. However, in terms of that judgment, there was an obligation on Scottish ministers to return to court in fairly short order to outline our plans. That is why I am making the statement today.

I assure Jamie Stone, as I have assured other members, that Lady Cosgrove will have full access to the Archer inquiry. When the report is published, which we think will happen early in the summer, it will be a public document. It will be for Lady Cosgrove to decide what weight she gives to that report, as it will be for her to decide what weight she gives to any written evidence before her.

The Presiding Officer: We come to back-bench questions, which will—as always—need to be slightly more succinct than the front-bench questions that have preceded them, if we are to get through them all.

Brian Adam (Aberdeen North) (SNP): In so far as there can ever be good news in relation to such matters, this is certainly a good news day. We are dealing with unfinished business. Back in November 1999, I lodged a motion calling for exactly what has been announced today. The motion was signed by 71 members from across the parties.

Can the minister assure us that, as part of the inquiry, we will be able to draw a line under the matter and restore a high degree of confidence in the important Scottish National Blood Transfusion Service?

My next question follows on from Richard Simpson's question about other blood-borne viruses that cause debilitating and lengthy suffering for patients, such as CJD—which inevitably ends in death—and cytomegalovirus. Will the minister invite Lady Cosgrove to consider as well as hepatitis C and HIV all debilitating illnesses that are transmitted by blood-borne viruses?

Nicola Sturgeon: I acknowledge Brian Adam's long track record on the issue. He was perhaps the first member to raise the issue, way back in 1999.

It is important that I say, as Cabinet Secretary for Health and Wellbeing, that I have confidence in the Scottish National Blood Transfusion Service. We are dealing with events that happened a considerable time ago. It is important, for those who have been affected and for those who were involved professionally at the time, that there is an independent examination of the issues and that answers are found, where possible. There is no issue in respect of a lack of confidence in the current work of the SNBTS.

I will now respond to Brian Adam's second question. I apologise to Richard Simpson, because he also raised the issue of other blood-borne viruses and I omitted to answer that question when I replied to him.

The issue is a difficult one and I will always consider carefully points that are made by my friend and colleague Brian Adam. As I have said, the final terms of reference will be agreed with Lady Cosgrove. However, it is important to make it clear that we intend at this stage to make the terms of reference specific to hepatitis C and HIV transmission. The circumstances and timelines surrounding HIV and hepatitis C are very similar—it is arguable that they are indistinguishable—which is not the case for other viruses. For that reason, it is important that we allow the inquiry to focus on those two diseases. That in itself will lead to a complex investigation, so I am not minded to extend the terms of reference, although all such issues will be matters for discussion with Lady Cosgrove.

Margaret Curran (Glasgow Baillieston) (Lab): I, too, thank the cabinet secretary for advance notice of her statement. I acknowledge the experience and the pain and suffering—which has been referred to—of those who have been infected with hepatitis C and HIV. That acknowledgement has always been important to this Parliament.

The cabinet secretary referred in her statement to the Skipton Fund. She is aware of the previous Executive's introduction of the hepatitis C action plan, the first phase of which is due to end in August. I specifically and succinctly ask the cabinet secretary the following questions. Can she assure us that the resources for the second phase of the hepatitis C action plan will not be used to fund the public inquiry and will be protected for those purposes? In which part of the health budget are the funds for the action plan located? From which budget will the funding for the public inquiry be drawn?

Nicola Sturgeon: I thank Margaret Curran for her questions and I assure her that money will not be taken from the hepatitis C action plan to fund the inquiry. If Margaret Curran wants to look at the budget she will see the distinct entries for both

elements. It is important that we do not send allegations that have no substance haring around the chamber.

I assure Margaret Curran that we are committed to the hepatitis C action plan. The Minister for Public Health, Shona Robison, will make a statement to Parliament soon, subject to the agreement of the Parliamentary Bureau, on the next phase of the action plan.

It is right to examine some of the historic issues around the transmission through NHS treatment of hepatitis C and HIV, but it is also essential that we remain focused on more current matters. There is still a big issue in respect of non-diagnosis of hepatitis C in many people in Scotland. We need to improve diagnosis; when we do so, we need to ensure that the support services are available for people with hepatitis C. Shona Robison will cover our plans in that regard in the coming weeks.

Christine Grahame (South of Scotland) (SNP): I pay tribute to Andy Gunn who stood out in all weathers in the first session of Parliament, to Philip Dolan and to my constituent, Robert Mackie, who all campaigned tirelessly for this inquiry.

It is my understanding that those who had been told they were infected with hepatitis C were not made aware for a considerable period that they might also have been exposed to HIV. It would be a welcome extension of the inquiry into HIV if two issues might be examined by Lady Cosgrove, who I accept is mistress of the proceedings. Can she examine how soon it was communicated to those who were infected with hepatitis C that they might also have contracted HIV, and also whether partners—past and present—of those who were affected can give evidence on the possibility that they themselves might have contracted HIV through having been exposed to it?

Nicola Sturgeon: I thank Christine Grahame for her question. I assure her that those are matters for Lady Cosgrove and are very much issues that she may wish to consider in the course of the inquiry. Clearly, among the big issues is the pain and suffering that was caused by the fact that many people who contracted hepatitis C were not at the time advised of that, and that some who contracted it were advised of it but were not advised that they had also contracted HIV. We have to factor into our thinking the fact that medical practices and culture were different then. Nevertheless, there is no doubt that that is a source of great anxiety and concern to those who are affected. The look-back exercise to which I referred in my statement, which took place between 1995 and 1997, was intended to ensure that those who may have been infected with hepatitis C in previous years were identified and informed. That will have gone a long way towards ensuring that that is the case, although there is no

guarantee that the exercise was comprehensively successful. Those issues will, I hope, be aired in the inquiry.

I think it was Richard Simpson who said earlier that there is no guarantee that people will get the answers they are looking for—of course, that is the case with any inquiry. In my experience of speaking to people who have been affected—Philip Dolan is one of my constituents—what they desperately want is to know that the issues have been properly examined—rigorously, robustly and independently. They also want to know that there can no longer be any suspicion—justified or not—that things have been swept under the carpet and kept from them. I hope that the inquiry achieves that, at the very least.

Helen Eadie (Dunfermline East) (Lab): I echo the welcome of other members for the statement and the inquiry. The cabinet secretary will recall that in the course of the previous session's Health Committee's inquiry we found that records affecting many individuals had disappeared for a variety of reasons. What thought has she given to that important factor? Is it known whether those missing records are pivotal? What bearing might that have on the inquiry's deliberations? Will the minister encourage the inquiry to pay particular attention to that matter? If there is any question that victims have been left out as a consequence of the loss of their records, it would raise a variety of issues, especially in respect of compensation, if it is an outcome of the inquiry. Has the cabinet secretary anticipated whether there will be such a demand for compensation from the Government and considered what the costs might be?

Nicola Sturgeon: Helen Eadie—for reasons that are, perhaps, understandable—is tempting me on to ground that would involve my pre-empting the outcome of the inquiry. I hope that all members accept that it would be inappropriate for me to do so. However, she raises an important issue, which Lady Cosgrove might well want to consider during the course of the inquiry, involving concern about the possibility that medical records have been lost or withheld. I should say that there is no direct evidence that medical records have been deliberately withheld or destroyed, although there have been difficulties in accessing medical records in some cases. Clearly, I am not in a position to comment on the rights and wrongs of that, but it is one of the reasons why I believe an inquiry is important.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It was as a result of evidence that was given to the Health Committee on 31 January 2006 that I became convinced that a public inquiry was the right thing to do. Accordingly, I very much welcome today's statement.

Can the minister confirm that everyone who gave evidence to the Health Committee will be able to give evidence to the public inquiry and will be given any help or assistance that they require in order for them to do so?

Nicola Sturgeon: Again—I hope that members will appreciate why I am answering questions in this way so often—it is for Lady Cosgrove to determine the shape and conduct of the inquiry, which means that it is for Lady Cosgrove to determine who is asked to give evidence.

I hope that Mike Rumbles will take what I am about to say as a sincere comment. Having campaigned throughout the life of the Parliament for a public inquiry, and having had the opportunity to announce an inquiry today, I want to ensure that the inquiry is thorough and that everyone who feels that they have something to contribute gets the opportunity to do so.

Mike Rumbles will be aware that, under section 40 of the Inquiries Act 2005, the chair of the inquiry can award expenses to anyone who is asked to contribute to the inquiry. That would be the route by which people would be given the kind of assistance to which Mr Rumbles referred.

Stuart McMillan (West of Scotland) (SNP): I welcome the statement and am pleased that this Government is doing the right thing, just as it is doing the right thing in relation to pleural plaques, as the Cabinet Secretary for Justice indicated earlier this session.

Can the cabinet secretary provide some guidance to people who are currently involved in legal action concerning hepatitis C, in particular with regard to how they should proceed from this point?

Nicola Sturgeon: Stuart McMillan is absolutely right to point out that the Government has been determined to do the right thing by people who have been affected by HIV and hepatitis C.

It is not for me to give legal advice. People who are involved in legal action or are contemplating legal action will have legal advisers. It is right that that is the source of any legal advice that they take.

Rhoda Grant (Highlands and Islands) (Lab): I, too, welcome the statement. What will be the role and involvement of the Scottish haemophilia forum in the inquiry? How will people who are affected by the issues that are covered by the inquiry be kept up to date with its progress? How will their views and experiences be heard and taken into account?

Nicola Sturgeon: I paid tribute to the Scottish haemophilia forum in my statement. It has been instrumental in getting us to the point that we have reached today. There is no doubt in my mind that it has a big contribution to make to the inquiry, or

that it will do so, although the comments that I have made previously about Lady Cosgrove's role must be made again in that regard: I hope to ensure that, in the course of finalising the terms of reference, the views of organisations such as the forum are taken into account.

Rhoda Grant raised a good point about keeping people fully informed during the course of the inquiry. These days, the internet is but one way in which that can be done. We will discuss that with Lady Cosgrove as we develop the overall shape of the inquiry.

Gil Paterson (West of Scotland) (SNP): My question is similar to Helen Eadie's. Will the inquiry be able to secure, and act on, information on people who might not know that they are infected?

Nicola Sturgeon: Under the Inquiries Act 2005, the chair of the inquiry has wide-ranging powers to ensure that the inquiry has access to the information and evidence that it needs in order to examine the issues properly. I therefore expect Lady Cosgrove to make her own assessment of the kind of information that she needs and to ensure that everyone who has a contribution to make to the inquiry gets the opportunity to make it.

Historic Scotland and Local Authorities

The Presiding Officer (Alex Fergusson): The next item of business is a debate on S3M-1751, in the name of Linda Fabiani, on Historic Scotland and local authorities.

15:16

The Minister for Europe, External Affairs and Culture (Linda Fabiani): I am pleased to open the debate, which allows me to highlight the many ways in which central and local government are working together to deliver a sustainable future for Scotland's historic environment.

That historic environment is hugely significant to Scotland, not as a museum piece, but as a dynamic evolving resource whose future relies on carefully managed change that is based on an understanding of its specialist qualities. We recognise its importance as heritage in its own right and for tourism, but it also contributes to sustainability, place making, community identity, local distinctiveness and, of course, employment. It can be sustained only by a broad partnership of owners, Government and business working together to secure its future.

Central to that partnership is the relationship between Historic Scotland, as the national agency that is responsible for the historic environment, and local authorities, which have a broader role in relation to development planning, economic development, culture and education. That close relationship is exemplified in many ways throughout the country, in particular by one of Historic Scotland's major recent initiatives: the creation of the conservation area regeneration scheme. Under the previous Administration, £8 million was allocated for that scheme, with moneys to be released between 2007 and 2012. That fund provides financial assistance for the area-based regeneration and conservation initiatives that local authorities undertake, principally in the historic centres of towns and burghs.

There was heavy demand for the scheme when it was launched, and 37 separate bids were made that totalled around £19 million. Historic Scotland is currently supporting 18 projects, including those in Stornoway, Kilmarnock, Bo'ness and Banff. The scheme has been a major success and many local authorities have said that they want it to continue. I am sure that colleagues from all parties will be delighted that I am able to announce that Historic Scotland has allocated up to £8 million for a further round of that very popular scheme, which will again be spent over five years. That funding will be targeted at councils that have not yet benefited, and at areas in which existing

conservation projects can be enhanced with additional resources.

I am pleased to outline a number of other measures that will improve partnership working and benefit management of our historic environment, in response to points that were made by—among others—the Historic Environment Advisory Council for Scotland, in its 2006 report on the role of local government in the historic environment. We have concluded, as part of our commitment to streamlining the public sector, that HEACS does not need to be retained beyond its agreed work plan, which continues. However, the hard work of the council's individual members and the quality of its contribution to debates such as this is hugely appreciated, and I want to record my gratitude for its professionalism across the board.

Much of the joint working between local authorities and Historic Scotland flows from the agency's role in development planning and management. Local authorities have the opportunity to tap into the wealth of knowledge and experience within the agency, adding value to the wealth of knowledge and experience of their own specialist staff. However, as has been noted many times, there is scope for confusion about roles and overlap of activities.

Our historic environment is rich and varied. Rightly, we recognise the need to distinguish between what is best managed locally and what needs an element of national protection. Local authorities identify and manage a range of local designations, including heritage areas, archaeology sites and conservation areas, which are areas of local value that have a distinctive character that is important to the community. Historic Scotland is responsible on behalf of ministers for identifying parts of our historic environment that are of particular value at national level—notably for scheduling monuments such as the stone circle at Brodgar on Orkney and the listing of buildings such as Castlemilk stables in Glasgow, the recent renovation of which was partly funded by Historic Scotland.

Such designations are intended to help to manage change, not to prevent it. The management of change is largely administered by local authorities in their role as planning authorities. I am sure that Parliament will be pleased to learn that the agency's approach is developing rapidly. It aims to enable all partners to maximise their particular contributions.

We must protect our heritage while promoting growth and development. Central to that are the new joint working agreements that are being developed in response to demand from local authorities. The agreements will set out what is expected of each partner in relation to management of change in the historic

environment. They are intended to allow issues to be dealt with as locally as possible and to ensure that Historic Scotland is involved only when it can add value: it should not replicate work that local authorities have already done. Initial discussions have been held between my officials and a number of local authorities, and the joint working agreements will be launched in May. Local authorities will be invited to sign up during the remainder of the year.

I am pleased to confirm that, when local authorities sign up to the joint working agreements, we will also be able to offer them the opportunity to acquire delegated powers to deal with listed-building casework, as is permitted under planning legislation. That approach has the potential to streamline the current process significantly without any threat to the historic environment. We plan to pilot such schemes with a small number of local authorities this year—the City of Edinburgh Council, Glasgow City Council and Perth and Kinross Council. I hope that the experience of those early enthusiasts will energise others to follow suit.

To support all that work and ensure efficient handling, Historic Scotland was included in the wider e-planning programme that the Government is promoting to allow much more to be done online. I am pleased that, this year, Historic Scotland will become fully integrated with the e-planning programme. If local authorities wish, they will be able to consult the agency more quickly and cheaply than previously, which will help to ensure that more planning applications meet the targets that ministers have set. In that context, I announce that I have agreed with Historic Scotland a new key performance target for dealing with planning consultation—70 per cent within 14 days this year, rising to 90 per cent in 2009-10. The agency already has a target of clearing 97 per cent of listed building consent notifications within 28 days. This year, it exceeded that. The new target shows that Historic Scotland is contributing to the Government's wider agenda through its continuing commitment to the development of a modern, streamlined planning system for Scotland.

The efficiencies that are created by those modernising initiatives will not be wasted. Instead, they will enable Historic Scotland to give strategic support to local authorities throughout Scotland in ways that are simply not possible at present. I firmly believe that the initiatives will contribute significantly to an even stronger relationship between Historic Scotland and local government.

Of course, there are many other ways in which local government and Historic Scotland work together, including management of properties in care. The agency has properties in care in every

local authority area except East Renfrewshire. Its work therefore brings it into contact with local authorities in many ways, such as through formal partnerships, local liaison groups and other initiatives. There is also partnership work with groups that aim to improve access and develop tourism. For example, current initiatives include working to improve the Edinburgh castle tattoo and delivering interpretation in Kilmartin Glen in Argyll and Bute, and at Whithorn priory in Dumfries and Galloway, to name just a couple.

Partnership working happens on the world stage, too. Historic Scotland and Orkney Islands Council are co-signatories to the statement of intent for the heart of Neolithic Orkney world heritage site. The partners work closely to implement the management plan and arrange access to, and interpretation of, the sites.

I have outlined new initiatives today: an additional £8 million will go to the conservation area regeneration scheme; there will be a joint working agreement to detail the roles and responsibilities of Historic Scotland and local authorities; there is potential for delegated powers in listed building casework; and there are e-planning integration and the key performance targets. I hope that colleagues throughout the chamber will welcome those initiatives.

I will use my final minute to say a word about the amendments to the motion. I am pleased to accept the amendment in the name of Malcolm Chisholm. What it proposes will complement what everyone is trying to do to protect our heritage assets. The skills that are required to maintain historic buildings are hugely important. Work is continuing in that regard. In addition, we should take proper account of disability rights and climate change objectives.

Likewise, I am happy to accept the amendment that Iain Smith lodged on behalf of the Liberal Democrats. There are perceptions that Historic Scotland and local authorities sometimes do not work well enough together to ensure that everyone is informed of the work that they do. I am more than happy to consider that in order to try to improve consultation of local communities, where it is required, on designation of listed buildings and scheduled monuments.

Unfortunately, much as I would like to accept the amendment in the name of Ted Brocklebank, I am unable to do so. I understand that cases must often be considered on an individual basis, but I feel that what the second part of the amendment proposes would not be particularly helpful for the overall role of all who are concerned to protect our heritage.

I commend the motion to Parliament, and I am happy to accept the amendments in the name of Malcolm Chisholm and Iain Smith.

I move,

That the Parliament recognises the unique relationship between Historic Scotland and local authorities in the protection of the nation's historic environment and welcomes initiatives to modernise and simplify that relationship to the benefit of local authorities, Historic Scotland and stakeholders.

15:27

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I welcome the announcement of the £8 million to continue the work of the conservation area regeneration scheme, and the key performance targets for planning consultation, which came up during the course of the Planning etc (Scotland) Bill. I also welcome what the minister described as the new joint working agreement, although I think that it has been on-going for some time. Indeed, it was one of the recommendations of the review of Historic Scotland in 2004, which I will talk about in a moment.

The minister pointed out that those and other initiatives were responses to the Historic Environment Advisory Council for Scotland's report. I regret the council's prospective demise, because it is important that ministers receive independent advice on historic environment matters.

Setting that aside, I read the minister's response to the report, and I was slightly puzzled when I heard that this debate was to be about new powers for local authorities, because recommendation 3 of the report referred to reassessing the balance of work between Historic Scotland and local authorities. In her response to the report, the minister noted recommendation 3 and stated:

"We believe the balance is about right".

It is clear that the minister has moved on in one regard and is now talking about delegated powers to deal with listed building casework. I hope that she can say a bit more about that in her winding-up speech, because local authorities already have considerable powers and responsibilities with reference to listed buildings.

We are still slightly unsure, therefore, about the detail of what is proposed. If it is within the kind of framework that the HEACS report proposed, I am happy to go along with the thrust of the motion. However, it is important to add my amendment, the first part of which is crucial, because all of what is proposed must take place within a framework of continuing, strong safeguards to protect heritage assets.

It is clear that Historic Scotland is central to that protection, and I pay tribute to it for all its work. In 1997, I had, among many other ministerial responsibilities, responsibility for it, but I recognise that there has been significant culture change since then. In that context, we should pay tribute to the work of Patricia Ferguson, who I hope will speak later about that and many other matters.

Historic Scotland's structure and function was reviewed in 2004. One recommendation was that there should be concordats with local authorities, work on which, I understand, has been on-going since. Increased flexibility was recommended to ensure that the organisation is responsive to change, which is relevant to what my amendment says about disability rights and climate change, which I will cover in a moment. The review also led to a change in Historic Scotland's organisational structure, including the establishment of regional inspectorate teams that put the closer relationship with local authorities on a more systematic base.

"Scottish Historic Environment Policy 1: Scotland's Historic Environment", which is the first in a series of important policy statements that the previous Administration initiated, also emphasises the importance of Historic Scotland working in partnership with local authorities. As well as setting out key outcomes, it reminds us of an important message for the debate:

"The protection of the historic environment is not about preventing change",

but about managing change

"intelligently and with understanding".

The best approach involves Historic Scotland working alongside local authorities and developers in order to manage change in that way.

There are many outstanding examples of such an approach being taken. Colleagues in the City of Edinburgh Council to whom I spoke talked about how the council has worked constructively with Historic Scotland over the past few years to ensure that change is managed in a way that is sensitive to the historic environment. Some time ago, Elaine Murray spoke in the Parliament about how Historic Scotland worked on the Crichton campus in partnership with the developer and local authorities. That also happened with Taymouth castle. John Swinney raised issues relating to that castle with me when I was minister with responsibility for planning; Historic Scotland then engaged with the developer. I have been reliably informed that there has been an outstanding conclusion to that work. Such work goes on all the time, and it is far more typical of what happens than the one or two examples of Historic Scotland rejecting proposed changes that we may hear about in the debate.

Moreover, people are often on the side of Historic Scotland rather than that of the local authority when there is a disagreement. Somebody recently talked to me about the site of the battle of Bothwell bridge, which the local authority wanted to develop. Historic Scotland, supported by local people, took a different view.

Communities that are questioned about the importance of the historic environment give it a high wellbeing rating. As the HEACS report reminded us, there is little recognition of the historic environment in community plans. The report stated that it would be a good idea to work up qualitative and quantitative indicators for including the historic environment in community planning. In her response to the report, the minister said that she would explore the matter after the Planning etc (Scotland) Act 2006 was fully implemented. I am not clear why there should be a delay.

It is important that in the debate we raise concerns that have been expressed about the national outcome indicators for local authorities. I am sure that concerns will have been expressed to other members about those indicators. It seems that not all local authorities will have historic environment measures in their single outcome agreements. It would be helpful if the minister commented on that.

I referred to the 2004 review's message of flexibility in response to change, which is relevant to two issues that my amendment highlights. I refer to constituency examples that I have been given. In taking advice from Historic Scotland, the local authority objected to a lift being installed in a mental health crisis centre, because the building was listed. Disability campaigners and local people in general objected to that, as I did. It is important that Historic Scotland responds to the new legislation and the new emphasis on disability rights.

Climate change is clearly in the same category. There are probably more listed buildings in my constituency than there are in any other constituency in Scotland, not least because it contains the new town. A solar panel on a house in a conservation area on the edge of the new town was recently rejected. Again, it is important that Historic Scotland takes on board the green revolution. We also hope that the SNP takes that on board, as we seem to have had a green counter-revolution this week in Lewis; however, that is slightly off the point of the debate.

My amendment highlights the fact that we should continue to ensure that the skills that are required to maintain our historic buildings, such as stonemasonry, are available in Scotland. To achieve that, it is important that we support as

many projects as we can that ensure the survival of those skills and promote training.

The HEACS report's recommendation on the need for historic environment legislation is also relevant. In its manifesto, the SNP was committed to such legislation, but it seems to have changed its mind. Perhaps the minister can tell us why, and why she has changed her mind about merging the Royal Commission on the Ancient and Historical Monuments of Scotland with Historic Scotland. In addition, the minister talked about statutory protection for battlefield sites, which was in the SNP's manifesto. Is that still on the agenda?

In closing, I congratulate Historic Scotland on its record-breaking attendance figures at its buildings in the past year. I believe that the total number of visitors passed the 3 million mark for the first time last year, and the figure has now reached 3,239,000. We should also remember the National Trust for Scotland, representatives of which I met recently, and the Historic Houses Association, representatives of which I will meet next week. Both those organisations work together with Historic Scotland in the historic properties group. Their role in both conserving Scotland's heritage and presenting it for education and enjoyment cannot be overstated. I am sure that we all pay tribute to that work.

I move amendment S3M-1751.2, to insert at end:

"always ensuring that strong safeguards are maintained to protect heritage assets, that the skills required to maintain historic buildings are available and that, in protecting the historic environment, proper account is taken of disability rights and climate change objectives".

15:37

Ted Brocklebank (Mid Scotland and Fife)
(Con): I am a fan of Historic Scotland, although there are aspects of its operation with which I disagree, to which I will return. I continue to believe that the agency is underfunded, as it was by the previous Executive. However, it generally does a good job in preserving Scotland's unique historical environment. I welcome the £8 million in funding that the minister has announced today.

Of course, Historic Scotland is not perfect. Arguably, the adjective "historic" has become somewhat debased through its overuse by the First Minister—if I never again hear the phrase "historic concordat" it will be too soon. A review of Historic Scotland that the Executive carried out in 2004 concluded that there was a clear need for a culture change in the agency. Perhaps a name change would also help. I welcome the minister's assurances that a culture change is well under way. Nevertheless, given some of the on-going cases, to which I will refer later, I have some doubts.

Scots have never been more fascinated by the events that shaped the nation's history, both since the union of 1707 and going back to the time when the land of the Scots first emerged in the fallout between the feuding Picts, the Celts and Athelstane's west Saxons. Equally, television has never been more fascinated with Scottish history, and it is fitting that universities such as the University of Abertay Dundee are now world leaders in providing the computer graphics that help to bring history alive. The welcome TV coverage has helped to revitalise the tourism industry, as we have heard from Malcolm Chisholm, with historical buildings in particular attracting record numbers in the past year. Edinburgh and Stirling castles still lead the way. However, according to Historic Scotland, Corgarff castle in Aberdeenshire and Kisimul castle in Barra are among the 300 buildings in its care that have had huge increases in their visitor numbers over the past year, which is to be welcomed.

Although Historic Scotland and the National Trust for Scotland, which it often works in conjunction with, have saved many of our most venerable and vulnerable buildings and sites, there are buildings all over Scotland on the at-risk register—many of them listed—that are simply crumbling away. Largo house, an impressive Adam pile in my part of Fife, is one such building. The usual argument from Historic Scotland and the Scottish Civic Trust, which holds the at-risk register, is that there is a lack of funds, and there is justification for that claim. The agency's grant from the SNP has increased by some 8 per cent this year, but as far as I can judge it is due to dip again next year to below the level under the previous Executive in real terms.

Although we should praise aspects of Historic Scotland's role, we should also recognise the role of private landowners who have played a major part in preserving our cultural and historical heritage. In this connection, Historic Scotland must be sensible about working with proprietors to achieve agreement, particularly over contested sites or buildings, and where it has no realistic way of finding the necessary finance to achieve the degree of preservation that it often seeks to dictate.

In 2003, after a battle lasting nearly a decade, Alistair Dickson bulldozed Lanrick castle, a ruinous, B-listed Victorian edifice near Doune, which he owned. Historic Scotland and the Scottish Civic Trust were unable to contribute funds to the building's upkeep, but they insisted that the owner pay to prevent it from becoming a public danger. Mr Dickson was fined £1,000 for pulling it down. No one condones breaking the law, but it is hard not to disagree with the sheriff who criticised Stirling Council for being inept in ordering the owner to make the ruins safe while

simultaneously informing him that he would need listed building consent, which might take months, before he could take the required action. Sheriff Wylie Robertson accurately described it as "bureaucratic nonsense".

A similar bureaucratic nonsense exists at Crawford priory near Cupar in Fife. Negotiations have been going on with Historic Scotland for nearly four decades. The priory is another ruinous, B-listed building that Historic Scotland will not allow the owner to pull down. Because of a lack of commitment to provide funding, the building has become a ruin and a public hazard.

I referred to yet another bureaucratic nonsense—the case of the second world war airfield, HMS Jackdaw, at Crail in Fife—in a question to the minister last week. Historic Scotland says that it is the best-preserved world war two airfield in Scotland, despite the fact that it played no role in world war two and it has been lying derelict for decades. The owner has, in effect, been prevented from farming or developing his own land since the listing was granted a decade ago. In the view of even the most conservation-minded, it must be tempting to say that Historic Scotland should put up or shut up.

At a time when we are told that Historic Scotland is undergoing a major culture change, it is depressing that the Kilrymont annexe to Madras college in St Andrews, which was built in 1967 along the dreary lines of similar Fife educational establishments, cannot be bulldozed to allow Madras college to move to a long-overdue single-site school without obtaining listed building consent, because Kilrymont's allegedly striking pagoda roof is B-listed.

In previous debates on this subject, I have referred to Castle Tioram on the Ardnamurchan peninsula—a listing absurdity that I will not reprise on this occasion. However, Historic Scotland has guardianship over several similar ruins that are kept as a result of what I can only describe as genteel necrophilia. They are lovingly sustained skeletons of structures that could be restored and made to earn their keep as living buildings again.

We welcome the minister's assurances about the streamlining of Historic Scotland. Let us hope that it will mean fewer grand strategies, less defending of the indefensible, and more genuine community, public and stakeholder involvement.

I move amendment S3M-1751.1, to insert at end:

"and seeks a more compatible approach in relation to resolving disputes with stakeholders, particularly where Historic Scotland has no realistic means of funding its desired preservation or conservation outcomes".

15:43

Iain Smith (North East Fife) (LD): I welcome this rare opportunity to focus on the role of Historic Scotland. At one point, I was concerned about whether there would be a ministerial statement, and whether we would require to reschedule the debate to preserve it. I suppose that we are all delighted that we have an extra two minutes in which to make our points.

No one can be in any doubt about the significance of Scotland's unique built environment. It creates a link to centuries and millennia of history—from the first signs of human life in these islands to our somewhat brutal and bloody past, the enlightenment, our industrial heritage, up to the modern day—and to iconic buildings, such as the Holyrood Parliament in which we are sitting.

No one doubts the importance of the built environment to Scotland's economy and communities. Malcolm Chisholm mentioned the number of visitors to Edinburgh castle. Every year, more and more people come to see it and hundreds of other historic buildings throughout our country, which benefits our tourism industry. Those buildings will also play a valuable role in promoting next year's year of homecoming.

In my constituency of North East Fife, we have many examples of some of the finest listed buildings, scheduled monuments and conservation areas, which not only boost tourism but define the type of community that North East Fife is. They include St Andrews, with its castle and cathedral; Falkland palace and conservation village; harbours such as Crail and Cellardyke; Kellie castle and gardens; St Monans church; and Ceres and many other villages with conservation areas that protect the integrity of the historic townscapes while ensuring that they remain vibrant communities.

Historic Scotland plays a vital role in designating and preserving such valuable national assets so that they can be enjoyed not only by us but by future generations. Most of what Historic Scotland does, as Malcolm Chisholm rightly said, it does well, but there are concerns that it can be out of touch and inflexible. In particular, it can be unaccountable to the people and communities that are affected by its decisions.

The built environment is a living entity. For buildings to survive, they must be able to adapt to new uses and functions, otherwise they become redundant and fall into ruin or are demolished to make way for something new. There is a fine line to be drawn between preservation and blight. At times, it seems that Historic Scotland would rather see a building or site fall into decay than engage with its owners and with communities to find ways

for sensible and sensitive redevelopment and restoration. Making works unaffordable often leads to nothing being done, so that rather than preserve buildings we create eyesores. Historic Scotland can place burdens on property owners without having any responsibility to assist them to meet those burdens.

In that respect, I have some sympathy with Ted Brocklebank's amendment, but I share the minister's concerns about its wording, which implies that the final responsibility for funding any works on a listed building or scheduled monument should fall on Historic Scotland and the public purse. Had the final clause not included the words "Historic Scotland" but simply stated "particularly where there is no realistic means of funding the desired preservation or conservation outcomes", we could probably have supported his amendment. However, we cannot support it as it stands.

A major concern is the process by which Historic Scotland designates a building or monument as listed or scheduled. The process seems to be shrouded in mystery. Although Historic Scotland is required to consult the local authority before making a designation, neither Historic Scotland nor the local authority is required to consult the communities affected. Often, the first that local people know about it is when a notice appears stating that a building has been listed, to the bafflement of the local community.

For example, last summer—Ted Brocklebank mentioned this example, but I will repeat it as it affects my community—Historic Scotland decided, for reasons known only to itself, that Madras college in Kilrymont Road, St Andrews, should be B-listed. The building is a typical 1960s-design secondary school, which one former pupil described to me as "ghastly". Madras college is one of Scotland's last split-site secondary schools, with part of the school located in the 1960s eyesore on Kilrymont Road and part in the original, much older, building on South Street. Both buildings are in need of significant repair, and the accommodation was panned by Her Majesty's Inspectorate of Education. It is generally accepted that the best solution would be to replace both buildings with a new single-site school. However, the listing of the building, which no one wants to keep, may make redevelopment of the site—and therefore the possibility of a new school—more difficult.

Another example, which Ted Brocklebank also mentioned, is the world war two airfield at Crail. I have been involved for some time in trying to find a solution to that problem. The airfield is largely a series of ramshackle prefabricated buildings in various states of disrepair. When the site was mysteriously scheduled about a decade ago, the

owner was prevented from redeveloping it. It took some time for me to be able to initiate a meeting involving the owner, the local community, the local council and Historic Scotland so that we could try to find a way forward. That meeting took place some time ago, but progress remains slow even though Historic Scotland has agreed to deschedule some of the site. In the meantime, the site is being used for purposes such as trash and drag racing, which cause considerable inconvenience to the local community.

I welcome the minister's pilot scheme, which I hope will be a step in the right direction. However, I am sure that she recognises that local authority planning and enforcement officers are under considerable pressure, not least in preparing for the implementation of the Planning etc (Scotland) Act 2006. I would welcome an assurance from her that appropriate resources will be made available to the pilot authorities, including the possibility of seconding staff from Historic Scotland.

The role of Historic Scotland would be greatly enhanced if it engaged more effectively with local communities. That is what my amendment intends to achieve. I thank the minister for her support and I commend my amendment to the Parliament.

I move amendment S3M-1751.3, to insert at end:

"and encourages Historic Scotland to work with local authorities to improve the consultation with local communities on the designation of listed buildings and scheduled monuments".

The Deputy Presiding Officer (Trish Godman): We move to the debate. Speeches should be of six minutes.

15:49

Rob Gibson (Highlands and Islands) (SNP): I very much welcome this opportunity to explore the co-operation between Historic Scotland and local authorities, which the minister has enhanced today with the announcement about how such co-operation will proceed. The joint working agreements and pilot scheme that Iain Smith mentioned are a great step forward, with delegated powers being given to local authorities. They underline the message that we are all responsible for our landscape, and that we ought to be able to understand it and have the backing of the statutory authorities to ensure that it is looked after.

Landscapes and townscapes vary greatly throughout the country. In the past 30 years alone, we have found out about 60 per cent more information about prehistory thanks to the Ordnance Survey's better methods. As a result, a vast backlog of interpretation has to be undertaken. Will the minister help us in that regard

by ensuring that the booklets that explain Scottish historic environment policy include one on interpretation? We have to examine how Historic Scotland and other bodies work together to bring out the stories in which particular buildings and monuments play a part.

There is little interpretation of sites that people do not pay to enter. As a result, the whole history can be missed. I am interested in the interpretation of such sites—it would be easy to do. I represent Orkney, where the world heritage site is an excellent example of co-ordination between Historic Scotland and the local authority.

Scattered throughout Scotland are properties and places associated with particular episodes in Scottish history, such as the Jacobites, the development of the Christian church, the wars of independence and the clearances. Historic Scotland and the NTS have a responsibility to present to the public how a particular building or site relates to the development of our nation's story. Interpretation will follow and prosper if there is greater involvement between Historic Scotland, the local authorities and our communities.

We all agree that community planning should be much more involved with the historic landscape. Local people are often the best guardians of sites and information that could be better interpreted if they got backing. I look forward to the minister's response to that point.

I am delighted to note the extra money for the conservation area regeneration scheme. Perhaps it will be spent on some of the incomplete exercises of the past five years and on new exercises that have not yet begun. For example, a lot of work is going on in Wick. In conservation areas such as Argyle Square in Pulteneytown, for which Thomas Telford created the plans and in which people then built their houses, Historic Scotland imposes strong restrictions on what people's windows can look like. Although there is cash to support window replacement, Historic Scotland sometimes goes over the top in trying to recreate the 18th and 19th centuries. The other half of Argyle Square has been altered by the addition of a glass panel in the area outside the church, and at the other end of the square a very unsightly shop takes up a corner site. If we are going to do the job properly, there must be investment in the whole of Argyle Square. Many of the residents would like to see proposals that are part of a wider plan from Historic Scotland, rather than receive rather curt treatment when seeking to replace their windows.

I am delighted that we have the support of HEACS in ensuring that every public body has a duty of care and that concordats—a useful word with an historical resonance—will be developed. I am also delighted that the issues will be debated,

because such debates allow people to feel involved. I very much welcome the minister's commitment to the approach and I hope to see its fruits in due course.

15:55

James Kelly (Glasgow Rutherglen) (Lab): I welcome this debate on Historic Scotland and its joint working with local authorities, because we should discuss its role in administering Scotland's historic sites and making the country's history relevant to today's society. The debate is certainly relevant, given the concerns that have been expressed in the chamber about the organisation. Indeed, at last week's general question time, Alex Neil raised his own strong concerns with the minister.

However, I will be positive about Historic Scotland and draw the chamber's attention to its work with South Lanarkshire Council on the refurbishment of Rutherglen town hall. Indeed, that project highlights the positive aspects of the Labour amendment and shows how Historic Scotland can work with local councils.

Rutherglen has a strong history; in fact, it was granted royal burgh status in 1126. The town hall, which was built in 1861, originally had not only a council chamber and public hall but a courthouse and a jail. However, I should point out that the jail is no longer part of the building, just in case the Cabinet Secretary for Justice is thinking of using it to tackle overcrowding in prisons.

One of the town hall's most impressive features is its 110ft clock tower, which stands in both old and more recent photographs of Main Street as a strong symbol of continuity and community. Sadly, in the 1980s, the town hall fell into disrepair and became unfit for public use. However, in the late 1990s, South Lanarkshire Council took up the cudgels and began a refurbishment programme that led in 2007 to the building reopening. Historic Scotland contributed £500,000 to the programme, which stands as a model of how historic buildings in a modern Scotland should be renovated.

Rutherglen town hall is now very much used as a community base. Indeed, since becoming MSP for the area, I have attended a fair number of community meetings there. Disabled access has been much improved and lifts ensure that all the facilities on every floor, including the very excellent cafe, are open and accessible to all sectors of the community.

The building's original stone facades were retained, which required a lot of skill from stonemasons. The need for such skills shows the relevance of apprenticeships—and the modern apprenticeships scheme—in Scotland, which is an

issue that Labour has been pushing not only this afternoon but in its overall political agenda.

As for joint working with councils, the minister mentioned the introduction of key performance targets for planning. I should point out that South Lanarkshire Council was given an award for the way in which it planned this refurbishment, and its work should be praised.

As an MSP who represents an urban seat, it is important for me to point out that there are many historic sites in urban constituencies. Such sites are not exclusive to rural constituencies or to constituencies in the Highlands, to which people often look when they think of Scotland's history. Quite a lot of archaeological work is being done along the route of the new M74, for example, and the digging up of the site of the Caledonian pottery mill in Rutherglen has got many local schools involved and has reignited an interest in Rutherglen's history. The television series "Time Team" has shown all of us how interesting such exercises can be. There is strong evidence of that in my local community.

As regards the debate's political implications, we want a Historic Scotland that is strong, open and relevant, which works closely with local authorities and which listens to and has a strong base in communities. If those aspects are taken into account, we can ensure that Scotland's history has a role to play in shaping the country's future.

16:01

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am pleased to take part in a debate during which we have heard about numerous anomalies and difficulties relating to the work of our colleagues in Historic Scotland. It will come as no surprise that, as many other members have done, I will raise a long-standing issue. I have a particular interest in the conflict between Historic Scotland and the owner of Castle Tioram up in Ardnamurchan. Although the castle is not in my constituency, it holds a cultural importance for the people of the west Highlands.

Highland Council and Historic Scotland entered into direct conflict over the castle when Historic Scotland overturned the democratic decision of the entire Highland Council to approve a planning application to develop the castle. Historic Scotland refused to give its permission for the proposal.

Members might be interested to learn that I was born and brought up, and still live, only a few miles from the famous Eilean Donan castle, which has become an iconic monument of Scotland and which is recognised both nationally and, I dare say, globally. The castle was a ruin until its restoration in 1930. I am very thankful that Historic Scotland was not around in the 1930s because,

under the current regime, Eilean Donan would have been left to be nothing more than a pile of rocks. Despite the absence of any original architectural plans or pictures, the castle was rebuilt from a far worse state than Castle Tioram to become a huge economic asset to Scotland and the Highlands.

It has been suggested to me that the principal reason for Historic Scotland's intransigence over the redevelopment of Castle Tioram is that, at the time of the property's sale, the organisation advised a bidder that under no circumstances would planning consent be granted. As a result, the bidder put in a far lower offer and was unsuccessful. Will the minister give an undertaking to find out whether that assertion is correct? If it is, the fear of being sued—given that we live in an age of litigation—might explain Historic Scotland's attitude, even if it does not excuse it.

Jamie McGrigor (Highlands and Islands (Con)): You alluded to Eilean Donan castle as having been a pile of rocks, but I remind you that it was under your party's Administration that Castle Tioram remained a pile of rocks.

The Deputy Presiding Officer (Alasdair Morgan): That did not happen under my party's Administration.

John Farquhar Munro: I do not think that the issue was ever debated seriously in the Scottish Parliament, because it was simply a planning matter between Highland Council and Historic Scotland. Highland Council was delighted to approve the application on more than one occasion but, despite the council's best efforts, Historic Scotland's view prevailed.

However, new arrangements between Historic Scotland and local authorities are being put in place and buildings will have to be considered as living structures. The planning rules must allow buildings to continue to develop so that they remain useful assets for their owners and the communities in which they are found. Planning rules on historic buildings must never be used to slam on the brakes, preserve only what is there and let nature and the elements continue to erode some of our most famous structures. It is ridiculous that planners require a building's owner to preserve all alterations that were undertaken during the building's lifetime but do not allow the owner to make further alterations to maintain the structure's usefulness, as previous owners did.

Given those circumstances, I cannot disagree with the Scottish Government's decision to take away powers from Historic Scotland and give them to Glasgow City Council, the City of Edinburgh Council and Perth and Kinross Council—the sooner that happens, the better. Why not give the

powers to all local authorities and then maybe consider abolishing Historic Scotland entirely?

16:06

Christopher Harvie (Mid Scotland and Fife (SNP)): I thank John Farquhar Munro for reminding us that one of Scotland's iconic structures dates from only about 70 years ago, thus depriving us of any historical authenticity when Errol Flynn rode across the castle in the adaptation of Stevenson's "The Master of Ballantrae", which itself made a pile of rubble of Stevenson's novel.

How we regard our history has always changed over time. Let us recollect that even the great Lord Cockburn—an association with whose name governs the development of Edinburgh—loathed classical Edinburgh and regarded it as a terrible carbuncle, as someone once said, on the face of the city. Let us also recollect that the great actor Moultrie Kelsall used to characterise Scotland's attitude to its past as late as the 1960s as, "There's an auld hoose; ding it doon!" Let us recollect that the University of Glasgow, at the height of its scientific achievement in the 1860s, was prepared to knock down its renaissance building and replace it with a sensible goods station in the High Street. So much for romanticism.

Let us recollect also that the Bruce report on Glasgow in 1948 recommended devastating the entire central city area, including God knows how many buildings by Charles Rennie Mackintosh, and replacing it with something out of Le Corbusier. Let us recollect how Princes Street in Edinburgh was redeveloped by the Scottish elite, including the members of the New Club, in the 1960s, until practically every building of historic value had been knocked down. A development politician in Glasgow, who shall be nameless, was characterised by my Labour friend Robin Cook as a man who would not rest until he had knocked down every listed building in the town.

We have changed since those days, but if we are to reinforce the approach that the minister proposed, we require a much greater degree of public engagement in our civic architecture in Scotland. The man who said to a northern English town, "You want me to tell you what Bradford should produce; I want you to tell me what Bradford ought to be", was a Scotsman—John Ruskin. His attitude should remain central in our minds.

How do we handle a situation in which our historic environment is one of our picture cards for our international position and our tourism industry? Thinking about positive building, and not just the conservation of historic buildings, how do we ensure that the buildings that we get are better

than the one that recently featured in an advert—which bugged me—in the building supplement of *The Scotsman*? It showed a supposedly baronial building built by one of our biggest contractors. It looked as if it was the work of an architectural McGonagall. In fact, McGonagall would probably have done rather better than that shambles of bogus detailing parked on an orthodox suburban home.

Let me remind members of a couple of things that happened quite recently. First, in 1971, one of our greatest tourist attractions was falling to bits, and no one was concerned to conserve it. A young colleague of mine at a university in Scotland sent off a report to Anthony Greenwood—Lord Greenwood—who moved a motion in the House of Lords to commemorate Robert Owen. The report pointed out that New Lanark could be pulled down almost any day—it had been sold to a scrap merchant. Greenwood mentioned that in the debate on Owen, and the result was a £250,000 bridging grant, which enabled what is now a massive historical accretion to our tourism industry to be saved.

Two years later, what became, in the past year, the greatest terminal success story of London, the opening of St Pancras station as the international terminal, was saved from the rational decision of the British Government to pull it down by an elderly, eccentric poet. In contradistinction to terminal 5 at London airport, St Pancras has been one of the glorious successes of communication.

We should think not just in terms of legislation and intervention to conserve our environment. We should think in terms of stirring things up. Why are there so many well-produced brochures by historical organisations and bureaucracies? Why do we not have a commercial cultural periodical, existing through conventional sales and advertisements, into which such material could contribute as sources of cash, while helping to sustain a debate on the issues that we are discussing? It was through such debate that St Pancras station, for example, was conserved. It is through that sort of mechanism that I hope we can think positively about things that are probably unthinkable at the moment, such as putting a roof back on Linlithgow palace, which was burned down by drunks in the 1745 rising. Why not train up the essential people such as masons and carpenters whom we need to restore such buildings? If we do not do that, conservation will go by the board.

16:13

Helen Eadie (Dunfermline East) (Lab): There is no doubt that the conservation and reuse of buildings must rank highly in terms of sustainability. Ensuring that restoration is

sympathetic is a crucial role for Historic Scotland. I wish to focus on how local authorities and Historic Scotland can do better, with particular regard to rights for people with disabilities. My comments stem from one of the responses to the consultation.

A Disability Rights Commission report tells us that about 10 million disabled people, and 700,000 disabled children, are covered by disability legislation in Great Britain. It is estimated that almost 1 million disabled adults are likely to be covered by such legislation in Scotland. Scotland has an ageing population, and the probability of having a disability increases with age. It is important that the principles of inclusive design are implemented by those people who shape the built environment, to ensure that the increasing proportion of people who are disabled can participate in mainstream society.

I realise that adapting buildings with cultural or historical significance to meet the needs of disabled people can give rise to conflicting requirements. However, that does not mean that buildings cannot be altered in a sensitive fashion, and it does not prevent the occupiers of buildings from circumventing such barriers through appropriate policies, practices and procedures.

I count myself as a supporter of Historic Scotland but, in celebrating the work of the agency, I ask the minister to accept that, if I seem critical, I mean it constructively. I am concerned that, as was perfectly highlighted by the Disability Rights Commission, little or no guidance originates from Scotland with regard to Historic Scotland, the planning authorities and building control.

In its report, the Disability Rights Commission summarised research that was undertaken by Tom Lister Associates on behalf of the DRC and Historic Scotland on the planning and listed building consent application process concerning accessibility improvements to historic buildings and the role of local authorities.

According to the report, the research was made up of two key parts: a literature review and case studies of three Scottish councils. The literature review identified the key legislation and guidance, as it applies in Scotland, on improving access for disabled people to historic buildings. Each case study was split into two main sections. The first part of each case study reviewed planning application data and the second part contained interviews with council officers, including planners, building standards surveyors and local access panel members. Policy documents from all three councils were reviewed.

The research found that

“The interviewed planners did not see the promotion of accessibility issues as a key part of their role. The planning

legislation gives little or no regard to inclusive design issues. Accessibility is seen as an issue for designers to address and building standards officers to enforce."

The report noted that

"if the introduction of access statements becomes a requirement of planning permission for certain developments this could assist greatly"

and it hoped that the revision of the Scottish building standards in 2007 would be another step forward.

Among the report's recommendations, it said:

- A joint planning and building standards approach to inclusive design is required to deliver environments which are accessible to everyone. This is even more important when adapting the historic environment, where a balance has to be struck between accessibility and the preservation of the structure or site. Only considering accessibility issues at the building warrant stage may mean the opportunities to integrate the access requirements sensitively into a design are lost.

- Until inclusive design is included in Scottish planning and building standards legislation, Councils will have no duty to insist on inclusive environments. A statutory obligation should be placed on local authorities to consider and recommend access improvements to historic buildings during the planning and listed building consent application process.

- An applicant should be required to submit an access statement to support their planning application. This would assist planners when assessing accessibility issues. This places the onus, from the very start of the project, on designers to take an holistic approach to addressing the needs of disabled people.

- Many individuals and interested parties have a role to play in ensuring that listed buildings become more accessible to disabled people. They include:

- Local authorities
- Designers
- Access panels
- Historic Scotland
- The occupier of the listed building/applicant.

There has to be a dialogue between all interested parties. Communication must be formalised to ensure that access issues are given due consideration in planning and listed building consent applications."

There is a legal imperative for service providers to consider whether it is necessary for them to adapt their listed buildings in order to meet their duties under the terms of the disability legislation. Although there is little or no up-to-date Scottish guidance on improving access to historic buildings, a body of relevant good-practice guidance is available from elsewhere in the United Kingdom for designers and managers of listed buildings on how to meet the needs of disabled people in a manner sympathetic to the historic fabric of their buildings. I ask the minister to use her office to deliver for the people of Scotland.

16:19

Willie Coffey (Kilmarnock and Loudoun) (SNP):

I start with a declaration of interest. Like many in the chamber, as a member of a local authority I have been involved in planning issues for a number of years. I am sure that my colleagues in East Ayrshire Council will warmly welcome the opportunity to bid for some of the £8 million from the extended conservation area regeneration scheme announced by the minister.

My views are informed by my experience of dealing with local planning matters and by the views I hear expressed by colleagues, council officers and local communities. Some members have mentioned that on occasion Historic Scotland gets a bad press. It is sometimes portrayed as a barrier to development, especially by prospective developers. It is seen as too slow to respond and lacking in the detailed local knowledge needed to make the decisions that are asked of it. On the other hand, those with a specific interest in the historic environment often portray local authorities as lacking in vision, being too focused on current pressures and lacking the specialist knowledge needed to manage the historic environment. The result of those competing stereotypes is that local authorities and Historic Scotland have been tasked with dual responsibility for scrutinising developments. That is often wasteful of resources, slows the development process down and compounds the lack of clarity about responsibilities.

The stereotypes, however, do not stand up to scrutiny. While preparing my speech, I was struck by the positive side to the relationship between Historic Scotland and East Ayrshire Council. Specifically, Historic Scotland has been supportive of the authority's approach to conservation areas. At the recent Scottish awards for quality in planning, the overall award went to East Ayrshire Council for its maintenance manual, which was produced for the John Finnie Street conservation area in Kilmarnock, a project that received support and considerable funding from Historic Scotland. It has also been supportive of our council's action to serve listed buildings repair notices on the former ABC cinema in Kilmarnock. Nevertheless, we might wish to strengthen our powers when, for example, rogue owners strip a building of its internal fabric, which may be of historical and architectural value. I hope that the extended delegated powers that the minister announced might assist us in that regard.

Recent changes in Historic Scotland's approach have been warmly welcomed. It has become more proactive, it is engaging more directly on service delivery and it is consulting and sharing expertise. Such partnership working should be developed

and replicated across Scotland. I am pleased that the minister encouraged that approach.

I am also encouraged by the minister's remarks about the planning responsibilities of local authorities. The planning process should be the critical link between local authorities and Historic Scotland. It is within that process, led by local authorities, that the balance is struck between protecting the historic environment and the local community's changing needs and aspirations. The national planning framework and the changing relationship between the Scottish Government and local authorities are important developments. All the partners will have to meet new challenges and must be equipped to respond to them.

I fully support the HEACS recommendations for an audit of local authority capacity and for a rebalancing of the relationship between local authorities and Historic Scotland. Whatever the outcome of the audit, it should not be used as an excuse to halt the momentum for change. A return to the era of a command and control relationship between the Government and local authorities is not an option.

We can see the failure of that approach in cities, towns and villages throughout Scotland over many years. Whole tracts of successful, long-established urban environments were decimated in the name of progress, or modernism, as it might have been called in those days, with no strategic goals and little community involvement or approval for many of the schemes.

We are learning to our cost that, when we make big mistakes in the fabric of our urban areas, we live with the consequences for many years. Communities recognise that, as I am sure do the members in the chamber. We must therefore give our communities a pivotal role in the development of their local environment. The historic environment provides a sense of place for our communities. It distinguishes one community from another in a way that too many recent developments have not done. It can also provide a strong base on which to build new economic development, either by remaining in active use or as a strong component in attracting tourists to view unique parts of our heritage.

Historic Scotland has for many years played a key role in protecting the historic environment, but Scotland needs to change and the way in which we manage our historic environment needs to change with it. Scotland's local authorities should exercise more power locally and therefore be more accountable to their electorate.

We need to set out clearly our national vision and the outcomes that we want to achieve, and we must identify the resources required to deliver them. It should be possible to set new standards

while encouraging local flexibility. Challenging times lie ahead. The development of Scotland's cities, towns and villages can successfully embrace the past while looking ahead and planning for an exciting future. I am delighted to support the Government's motion.

16:24

Patricia Ferguson (Glasgow Maryhill) (Lab): I declare an interest as a member of Historic Scotland.

As others have said, our distinctive environment has been formed by centuries of activity by nature and by man. It has helped to make Scotland the nation it is. Whether we live in cities, towns or the countryside, the history of our nation is all around us. It is not just in our castles and great buildings; it is in the townscapes, the parks and even beneath the sea; it is in the field systems, the roads, the buildings we live in, the places where we worship and the everyday landmarks we pass by.

Our historic environment shapes who we are and contributes to our sense of place. It is also a major driver of our economy, with some 83 per cent of visitors to our country visiting at least one historic site while they are here and with many citing our history as a reason for their visit. And of course, it is an educational tool that has helped to inspire our literature and art for centuries. Our built heritage is therefore important on a whole range of fronts. If it is lost or damaged, it cannot be replaced.

As far back as 1882, it was recognised that to safeguard our built heritage it was necessary to legislate. Over the years, legislation has changed to fit the times, and rightly so. However, care has always been taken to ensure that, as with the planning system more generally, appropriate checks and balances are in place. The minister is quite right to want to see the correct balance between Historic Scotland and local government.

Malcolm Chisholm mentioned the minister's response to suggestions in the HEACS report, and I want to mention one other suggestion. HEACS suggested that the Government should commission an independent survey of local authorities—a survey of their policies, staffing and resource levels for the care of the historic environment. That work is under way. Would it not therefore have been better to await the completion of that work—which I understand is due this year, although I am not aware whether it has yet been made public—before making the kind of suggestions indicated today? I would be grateful if the minister could give us some clarity on the resources to be allocated for that purpose within local authorities—or, indeed, to local authorities.

Perhaps the minister could expand on how she thinks the effectiveness of the pilots will be monitored. Are the single outcome agreements the right place for that? Personally, I do not think so, but the minister might have thought of an alternative.

Rob Gibson laboured to find a way of working in the words “concordat” and “historical”, so as not to offend Ted Brocklebank. However, I hope that I can go one better. I seem to remember launching a Scottish historic environment policy not all that long ago—well, it was a wee while ago now—that talked about concordats with Historic Scotland, Scottish Natural Heritage, the National Trust for Scotland and others. The use of the word “concordat” is perhaps even more historical than has been recognised.

Two big issues face Historic Scotland. The first is the challenge of ensuring that, wherever possible, buildings are accessible to all who would like to visit them. Helen Eadie went into issue in some detail, covering all the points thoroughly. The second is to respond to the increasing demand from home owners for green energy through the use of solar panels, wind turbines and the like. Historic Scotland will have to turn its attention to that issue even more seriously in the coming days.

I believe strongly that the reuse of buildings is one of the greenest things that we can do. I am always delighted when buildings, such as Maryhill burgh halls in my constituency, slowly begin to emerge from a moribund state to become a valuable resource within a community. Another example is the award-winning St Georges in the Field church, which now provides homes for some 16 families in my constituency. I used to live in it too—although I am not sure whether that is an interest that I have to declare.

Chris Harvie has left the chamber, but he mentioned the devastation that took place in Glasgow. My constituency suffered, as did many others. However, being able to retain the two buildings that I mentioned, along with two Rennie Mackintosh buildings, has certainly given my constituency of Maryhill a sense of place and its people a sense of belonging.

Historic Scotland needs to work with its partners to ensure that the skills needed for the preservation of historic buildings are maintained. I know that good work has been going on with the Scottish Lime Centre Trust and the National Stone Centre. Those efforts are quite ironic, considering the actions of the Government in relation to modern apprenticeships.

Iain Smith's amendment rightly mentions the involvement of local communities, which Willie Coffey also mentioned. I firmly believe that

community planning has a strong role to play in that regard. I would like additional work to be done in that area, but it is important that any such involvement must be informed. I see Historic Scotland in the role of an educator, in terms of interpreting the premises that we have, as Chris Harvie and Rob Gibson mentioned, and in the role of a body that can discuss historic buildings and our environment with the relevant communities.

I pay tribute to Historic Scotland and its staff for the changes that have been made in recent years. I also pay tribute to the work of HEACS and other partners who have worked with Historic Scotland.

We all take this issue seriously and it is of great interest to me to be able to be part of this debate.

16:31

Liam McArthur (Orkney) (LD): Like Patricia Ferguson and Willie Coffey, I declare an interest as a member of Historic Scotland. As a result of that membership, I have sons who have a healthy fascination with castles and a rather unhealthy determination to never knowingly be underarmed.

This afternoon's debate has been a good one. There have been many thoughtful speeches. Helen Eadie's points about disability and access were pertinent. Most speakers, though not all, have paid eloquent testimony to the importance and breadth of the work that is carried out by Historic Scotland. I associate myself with Ted Brocklebank's remarks about the historic concordat, although his reference to the inadequate budget of Historic Scotland leads me to question why the Tories were so keen to support the Government's budget from such an early stage.

I am pleased that the minister acknowledged the extent to which she is developing work that was put in train by the previous Executive, under Malcolm Chisholm and Patricia Ferguson, and I welcome her announcement on funding and the organisational changes that will, I hope, bear dividends.

Like others, I will talk about examples in my constituency, in which Historic Scotland is an exceptionally important player. The heart of Neolithic Orkney is one of only three world heritage sites in Scotland, and acts as a magnet for the thousands of tourists who come to Orkney each year. Not for nothing has Lonely Planet described Orkney as

“a glittering centrepiece in Scotland's treasure chest of attractions.”

Historic Scotland's stewardship of Skara Brae, Maeshowe and other sites in Orkney is a critical factor in helping the islands maintain and develop the quality of the tourism experience. Of course,

Skara Brae, the ring of Brodgar and Maeshowe are also at the heart of Orkney's unrivalled archaeological heritage. They not only attract tourists to the islands, but provide archaeologists from the United Kingdom and across the world with invaluable hands-on experience and a unique opportunity to gain an insight into what life was like 4,000 to 5,000 years ago.

Malcolm Chisholm might be able to lay claim to having the constituency that contains the most listed buildings, but farmers in my constituency have suggested to me—sometimes with a degree of exasperation—that they can barely stick a spade in the ground anywhere in Orkney without the risk of unearthing some archaeological artefact. Although we feel blessed, such an abundance of archaeological riches is not without its challenges. However, I believe that they can be managed in a way that prevents damaging conflict between farming and archaeological interests, which is something that I have taken up with the Cabinet Secretary for Rural Affairs and the Environment.

That abundant resource has enabled Orkney College to develop a first-class archaeology course framework, including PhDs, which will serve the University of the Highlands and Islands well in the future.

Historic Scotland's work in Orkney is vital and the organisation interacts well with the council. As the minister quite rightly pointed out, excellent joint work is already under way. Crucially, Historic Scotland also interacts well with VisitOrkney, businesses in the local tourism sector and others.

There has been a great deal to commend in recent years. For example, I know that the ranger service that is operated by Historic Scotland is extremely popular and greatly valued in Orkney. That service, which is run by astonishingly dedicated and informed people, has helped to develop understanding and appreciation of what Orkney has to offer, among Orcadians as well as tourists. Such is the appetite for finding out more about Orkney's archaeological heritage that Radio Orkney dedicates a regular programme to the subject, fronted by the irrepressible and hugely impressive Caroline Wickham Jones. An improvement in interpretation and facilities at Skara Brae has opened up new opportunities for people visiting the site. Rob Gibson made some good points about the importance of good interpretation.

Although I do not wish to decry that in any way, we need a sensible debate about capacity and the extent to which Skara Brae and other Historic Scotland sites in Orkney—and, I suspect, elsewhere—can continue to withstand the sort of footfall that there has been in recent years. The figures that Historic Scotland released earlier this

week boasted, quite rightly, of impressive increases in the numbers of people visiting the sites, including Skara Brae. However, careful attention needs to be paid to how those numbers are being managed and the steps that are being taken to maintain the quality of the experience for tourists and the fabric of the sites themselves.

My colleague Iain Smith highlighted concerns about the way in which Historic Scotland designates listed buildings and scheduled monuments. That can, as he made clear, have the perverse effect of blighting an area by preventing sensible and sensitive development of the building in question. I know from my dealings with Historic Scotland staff locally of the genuine commitment and efforts that they make to work collaboratively with others in the best interests of the islands. However, whether by design or oversight, Historic Scotland has yet to persuade me that it has fully grasped what is involved in being part of a genuine partnership with local communities. Its statutory role and the undoubted expertise of its staff do on occasions appear to blinker it to the views, and sometimes even the rights, of local stakeholders, although I would not go quite as far as John Farquhar Munro's comments in that respect.

The Deputy Presiding Officer: The member has one minute left.

Liam McArthur: In my constituency I know of situations in which there has been a complete failure to communicate properly or to engage with local stakeholders. Although I fully accept Historic Scotland's right to take decisions about ticketing, marketing, opening hours et cetera in what it considers to be the best interests of its customers and staff, it cannot ignore the fact that, in somewhere such as Orkney, it is the elephant in the grass. What it does has a real and potentially damaging impact on other businesses. It is incumbent on Historic Scotland to engage in a meaningful sense with local stakeholders and communities, and that requires an explicit and unambiguous statement from senior management.

I am also keen for Historic Scotland to develop its links with the renewable energy sector in Orkney. The circumstances there might be different from elsewhere but, as Patricia Ferguson made clear, they are not unique. It might be unavoidable at times that planning processes become confrontational, but better communication and more proactive engagement by Historic Scotland with, in this case, the Orkney renewable energy forum, would help to take some of the heat out of those issues.

In conclusion, our amendment highlights, as I have made clear—

The Deputy Presiding Officer: The member must conclude now.

16:37

Jamie McGrigor (Highlands and Islands) (Con): I am pleased to speak in the debate, which has been very informative. In 2004, during a similar debate, I made a speech that was partially critical of Historic Scotland and its role. Things have improved; there has, as Ted Brocklebank said, been a change of cultural outlook. Earlier this week, like other members, I found it encouraging to read that 2007-08 was a record year for Historic Scotland, with overall visitor numbers increasing by 62,000 compared with the previous year. That included some strong performances in my own region, the Highlands and Islands, including Skara Brae, which has been mentioned; Kisimul castle in the Western Isles; the iconic Urquhart castle on Loch Ness; and Rothesay castle on Bute, which had an amazing increase in visitors of 49 per cent. Well done them!

Given the pressures on the international economy these days, those figures are very positive and a tribute to those who work for Historic Scotland throughout the country. I hope that we can look forward to Dumfries house being another success story in next year's figures. Having been closely involved in last year's campaign to save Dumfries house, I commend Historic Scotland for its involvement in saving what I hope will turn out to be one of the jewels in Scotland's tourism crown. It was a good example of Historic Scotland working closely and effectively with local authorities in the Ayrshire area, as well as with other organisations, for the common good.

We have heard a number of examples of instances in which it has been suggested that Historic Scotland could engage more positively and productively with the owners of particular historic buildings in various states of repair, and more widely with local communities. I associate myself with my colleague Ted Brocklebank's comments, especially concerning Castle Tioram, which featured in my 2004 speech. I will repeat what I said then:

"Can the minister explain why it is wrong for an individual to spend £4.5 million of his own money on the restoration of a 13th century castle to its 1715 condition? Is it wrong that he should want to live there? Is it wrong that he should wish to create a museum for the public? Is it wrong that he should create spin-off benefits and employment for the local community and for local hotels and bed and breakfasts?"

Historic Scotland seems to think that that is wrong, despite 70 per cent of the local population around Acharacle signing a petition in support of the renovation and Highland Council giving the go-ahead to the plan, which seems democratic enough to me. The renovator is not asking for money; he seeks permission to spend his own money on the restoration of a piece of Scotland's

heritage that without renovation will crumble into the sea. Will the minister look at the case and at the prejudice that is blocking a good idea from becoming a reality for the people of Moidart?"—[*Official Report*, 11 March 2004; c 6619.]

I asked that question of the then Minister for Tourism, Culture and Sport. Today, I ask the Minister for Europe, External Affairs and Culture the same question.

I congratulate John Farquhar Munro on raising the case of Eilean Donan; we should also consider Kinkell castle, which was built in 1592 and was completely sacked after the '45. It was lovingly restored by Gerald Laing, who is one of our foremost sculptors. That is another example of a building that has been renovated to the benefit of Scotland's heritage.

In a number of cases, Historic Scotland and local authorities can work more effectively with the owners of historic properties and local communities. For example, our amendment seeks a clearer approach to dispute resolution. Last week, however, I had the pleasure of hosting the Dalmally historical association's historic visit to the Scottish Parliament, and I heard about a generally positive case of engagement with Historic Scotland.

The Dalmally project involved the restoration of the historic local parish church. The original project was to restore the church windows, which dated from 1811, at a total cost of £26,000. At the time, the church did not have the money to fund the project. The cost ballooned to £250,000 when it was discovered that the internal structures of the church tower needed to be replaced. The original tower had been rendered in porous limestone, but at a later date the render had been covered in non-porous plaster, which caused the structure to become waterlogged, damp and dangerous.

The committee that was set up, which involved members of the church, provided the framework and organisation that were needed to manage the project. In all, 14 bodies have been involved in supporting the project. Some £40,000 was raised by the church and the rest of the money came from the other bodies that were involved. Historic Scotland doubled the funding when the project went over budget. I congratulate Historic Scotland on a wonderful piece of work.

I agree strongly with the statements in "Scotland's Historic Environment" that

"protection of the historic environment is not about preventing change"

and that, rather,

"change in this dynamic environment should be managed intelligently and with understanding, to achieve the best outcome for the historic environment and for the people of Scotland."

The Scottish Conservatives support any moves that will streamline the relationship between local authorities, Historic Scotland and stakeholders. We look forward to hearing the Scottish Government's proposals in that regard. As has been recognised, Historic Scotland can be a powerful enabler for voluntary heritage organisations, network bodies and local authorities. It can allow them to deliver successful, locally based, locally supported outcomes for the historic environment.

I support the amendment in my colleague Ted Brocklebank's name.

16:43

Malcolm Chisholm: I am happy to support Iain Smith's amendment, with its emphasis on effective engagement with local communities in relation to listed buildings. More generally, we should emphasise the importance of engaging with local people on a range of issues to do with the historic environment. For example, Iain Smith talked about adapting buildings to new uses and functions. When we do that, and when we get involved in regeneration initiatives more generally, it is important that we involve local people.

Iain Smith also talked about the importance of buildings as a way of promoting the year of homecoming. The theme of tourism and its relation to the historic environment was also emphasised by other speakers. We all look forward to next year. Historic Scotland is working closely with the National Trust for Scotland on the year of homecoming, as I found at a recent meeting with the NTS.

I cannot give full support to Ted Brocklebank's amendment, so I think that we will abstain from the vote on it. It implies that Historic Scotland should be responsible for funding some, if not all, of the work on relevant buildings, which is a step too far. He spoke about several buildings and an airfield of which I have no knowledge, so I will pass over that.

I have, of course, acquainted myself with Castle Tioram, which was mentioned by John Farquhar Munro and Jamie McGrigor—and perhaps others whom I have forgotten. I do not want to get involved in the specifics of the issue, but I suppose that, as I have looked into it, I have become aware of how exceptional Castle Tioram is, in a way. The local public inquiry into Castle Tioram was the only such inquiry in Scotland that year. In the same year, Historic Scotland approved more than 200 applications for scheduled monument consent. When there are complaints about particular examples, it is important that we maintain that perspective.

John Farquhar Munro called for the abolition of Historic Scotland, which I am in total disagreement

with. It is vitally important that we have a national body to oversee the historic environment. Indeed, I had that thought in mind when I included in my amendment the need to maintain

"strong safeguards ... to protect heritage assets".

Whatever new powers may be given to local authorities, we certainly cannot do without Historic Scotland.

Christopher Harvie reminded us, with his typical and helpful historical survey, why we need a body such as Historic Scotland. In that regard, I certainly need look no further than Princes Street on the edge of my constituency and what was done there in the 1960s. I am sure that Historic Scotland would not allow anything similar to happen today.

Christopher Harvie also picked up the theme of public engagement with civic architecture, which is an important new dimension. The Edinburgh World Heritage Trust held a debate in Edinburgh last week during which there was some dispute between the newly appointed director, who said that the public should be involved, and some architects who thought that it should all be left to them. I am happy to side with the newly appointed director and Christopher Harvie on that issue.

James Kelly spoke eloquently of his constituency and the refurbishment of Rutherglen town hall in particular as a model of how to move forward. That was one of many examples given in the debate of Historic Scotland's positive contribution, working in partnership with local authorities and developers.

Helen Eadie emphasised the important theme of disability rights, which I only touched on in my opening speech. It was important that she highlighted that theme in more detail, pointing out the importance of having a guide on access to historic buildings. She also pointed out that Historic Scotland should be sensitive to meeting disability rights requirements when there are applications for changes to historic buildings.

Willie Coffey, too, was positive about Historic Scotland—unlike his colleague from Ayrshire, in a parliamentary question last week. Willie Coffey reminded us of examples of Historic Scotland's positive role in relation to a conservation area in Kilmarnock for which the council won a planning award, with Historic Scotland giving money to support the work. I may have picked him up wrongly, but he also referred to the historic environment audit as a new initiative. I say gently that sometimes the new Government has a slight tendency to speak of things as if they are new; in fact, that audit was initiated several years ago by, I believe, my colleague Patricia Ferguson, to whom I now come.

I paid tribute to Patricia Ferguson's work in my opening speech, and it was helpful that she spoke in the debate today. She emphasised the obvious importance of having checks and balances in relation to local and national work. She also asked questions about resources for local authorities for the pilots and about the monitoring of the pilots, which I hope the minister will answer in her closing speech.

Patricia Ferguson also emphasised another dimension to the green side of the debate, pointing out that reusing buildings is one of the greenest things that we can do. She picked up on Rob Gibson's excitement about the word "concordat"—perhaps that is another example of what I was talking about a moment ago, given that the new Government did not invent concordats. Indeed, I think that the review of Historic Scotland in 2004 talked about concordats and that Patricia Ferguson ensured that they began to happen.

Rob Gibson, like Patricia Ferguson, emphasised the importance of community planning, which is another dimension of the involvement of local people. In my opening speech, I referred to the HEACS report, which said that there is little recognition of the historic environment in community planning. I ask the minister for the second time to address the HEACS recommendation on developing a set of qualitative and quantitative indicators for including the historic environment in community planning.

It would be useful to know the minister's thinking on several other HEACS recommendations, although she will probably not have enough time to talk about them today. For example, HEACS recommended that local authorities and other public bodies and agencies should have a statutory duty of care for the historic environment. That seems a good suggestion to me.

HEACS also recommended the creation of a set of key performance indicators for local authorities for dealing with the historic environment, and it suggested exploring specific grant mechanisms to fund specialist posts in local authorities to support the development of a quality historic environment service. All those recommendations seem to be good, but the minister did not respond to them with absolute approval.

If she has enough time, it would be interesting to hear about the minister's thinking on the HEACS report on the need for legislation. Did she abolish HEACS because she did not like that report? Of course, HEACS supported something in the Scottish National Party's manifesto that has since been ditched.

16:51

Linda Fabiani: The most sensible thing that I have heard Malcolm Chisholm say today is that I

will not have enough time. He is right: in the eight minutes that are available to me, I will not have enough time to respond to everything that has been said.

It is clear from the debate how much our historic environment and our heritage mean to everyone. Examples have been given across the chamber. There is competition. Liam McArthur spoke about the beauty of Orkney, and Malcolm Chisholm spoke about his constituency having the most listed buildings. Rutherglen town hall, Mackintosh buildings in the west of Scotland, the urban and the rural have been mentioned. Christopher Harvie gave a history lesson on the importance of preservation and how we previously nearly lost so much. He talked about the world heritage site at New Lanark, which is a fine example of the fact that our heritage is about more than buildings—it is about our identity, culture and sense of community, which New Lanark has had and continues to have.

Many members mentioned particular Historic Scotland cases. I would like to put things in context. Between 2005 and 2008, Historic Scotland received 798 applications for scheduled monument consent, of which 797 were approved; only one was refused. In the same period, 7,094 applications for listed building consent were made, of which 99.84 per cent were approved; only 11 cases were called in. There will always be a few cases that concern people, and some of those cases were mentioned in the debate.

I do not have enough time to respond to all the concerns that were expressed, but I would like to say where matters lie with Castle Tioram. Ministers refused an application relating to Castle Tioram following a public inquiry. Since then, the owner has stated his intention to submit a fresh proposal. No new proposal has been lodged yet, although I understand that Historic Scotland would be happy to consider one. If members want further information on other cases, I am happy to provide that.

Malcolm Chisholm commented that I previously said in response to the HEACS report that the balance between local authorities and Historic Scotland was about right. It is indeed about right in respect of basic legal duties, but our joint working agreement is about day-to-day administrative working. No extra work is involved in the new arrangement. Historic Scotland is happy to provide support throughout the country to assist authorities, but the aim is to prevent duplication.

Willie Coffey mentioned the audit of local authority resources. I did not see the point in holding up work on moving forward to clear duplication. I am conducting the audit as a pilot rather than undertaking it in all local authorities, as John Farquhar Munro said, because I believe that

it is worth seeing how it works initially without going into it wholesale. The idea has been welcomed by local authorities generally and in particular by the three local authorities in which we are piloting it. The work that will be subject to delegation is already being done, so it will have a limited impact on resources. It could even have a positive impact. I am pleased to confirm that, of course, an effective monitoring regime will be an important part of that work.

It is important that I address Helen Eadie's point that there is a feeling that Historic Scotland is not taking disability issues seriously. I assure her that it is. Historic Scotland has been working hard to make its properties as accessible as possible to the widest range of people. Nevertheless, as she recognised, many of the monuments are difficult to access even for the fittest of us, so there is a fine balance to be struck. Historic Scotland has conducted audits of access to its sites and has a programme of work to deliver better access. She will be pleased to hear that Historic Scotland is drafting its equality policy, which builds on the Scottish Government's policy and will cover disability issues. As is required by law, that work will involve stakeholders.

Malcolm Chisholm asked about battlefields. A SHEP on historic battlefields is due to be issued for public consultation on 30 April. We look forward to receiving contributions on that.

Skills training is hugely important. Christopher Harvie talked about the necessity of training up people with specialist skills to ensure that we preserve our built heritage properly. Recently, I was happy to launch the national progression award scheme, which includes Scottish vocational qualifications in building craft skills. Stonemasons are hugely important in the work that needs to be done to preserve our built heritage, and Historic Scotland will have apprentices on the first scheme, which starts on 28 April.

Another issue that was raised concerns the Royal Commission on the Ancient and Historical Monuments of Scotland. I assure members that I am considering carefully the future of the RCAHMS. However, I feel strongly that the issue requires more time, as it is absolutely critical that we get it right.

Members will know—some have mentioned this—that, as part of a concordat that is doing the rounds, we are discussing the new single outcome agreements with local authorities. Our discussions with individual councils are at a relatively early stage, so it would not be appropriate for me to say any more about the matter right now. Nevertheless, I welcome the positive way in which local government has engaged with the whole process to date, recognising the opportunity that it offers to reshape completely relations between

central Government and local government. Historic Scotland, as a Government agency, is part of that process, and I am pleased to say that officials from Historic Scotland are working closely with their colleagues across the Scottish Government in that regard.

A big concern that is addressed by Iain Smith's amendment, which I have said that I am happy to accept, boils down to a communication issue—how well Historic Scotland communicates with its partners and the wider public. I am happy to schedule a meeting with Historic Scotland on that point and to take input from parliamentary colleagues on how I should move the discussion forward. That is vital because our heritage affects every one of us, and every one of us has the right to contribute to anything that is going on around our place.

Statute Law (Repeals) Bill

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-1654, in the name of Kenny MacAskill, on the Statute Law (Repeals) Bill, which is United Kingdom legislation.

Motion moved,

That the Parliament agrees that the relevant provisions of the Statute Law (Repeals) Bill, introduced in the House of Lords on 27 February 2008, relating to Statute Law Repeal, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*Fergus Ewing.*]

Business Motions

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motions S3M-1763, S3M-1764 and S3M-1765, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme, a completion date for stage 2 of the Public Health etc (Scotland) Bill, and a completion date for stage 1 of the Scottish Register of Tartans Bill.

Motions moved,

That the Parliament agrees the following programme of business—

Wednesday 30 April 2008

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement: Implementing the Vulnerable Witnesses (Scotland) Act

followed by Stage 3 Proceedings: Glasgow Commonwealth Games Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 1 May 2008

9.15 am Parliamentary Bureau Motions

followed by Scottish Conservative and Unionist Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
Health and Wellbeing

2.55 pm Scottish Government Debate: Impact of the UK Budget on Scotland

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 7 May 2008

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 8 May 2008

9.15 am Parliamentary Bureau Motions

<i>followed by</i>	Scottish Labour Party Business
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time Rural Affairs and the Environment; Justice and Law Officers
2.55 pm	Scottish Government Business
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Business Motion
<i>followed by</i>	Members' Business

That the Parliament agrees that consideration of the Public Health etc. (Scotland) Bill at Stage 2 be completed by 23 May 2008.

That the Parliament agrees that consideration of the Scottish Register of Tartans Bill at Stage 1 be completed by 13 June 2008.—[Bruce Crawford.]

Motions agreed to.

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are five questions to be put as a result of today's business. The first question is, that amendment S3M-1751.2, in the name of Malcolm Chisholm, which seeks to amend motion S3M-1751, in the name of Linda Fabiani, on Historic Scotland and local authorities, 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McArthur, Liam (Orkney) (LD)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 100, Against 0, Abstentions 16.

Amendment agreed to.

The Presiding Officer: The second question is, that amendment S3M-1751.1, in the name of Ted Brocklebank, which seeks to amend motion S3M-1751, in the name of Linda Fabiani, on Historic Scotland and local authorities, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 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)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (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)

ABSTENTIONS

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)
 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)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, 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 18, Against 44, Abstentions 54.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S3M-1751.3, in the name of Iain Smith, which seeks to amend motion S3M-1751, in the name of Linda Fabiani, on Historic Scotland and local authorities, be agreed to.

Amendment agreed to.

The Presiding Officer: The fourth question is, that motion S3M-1751, in the name of Linda Fabiani, on Historic Scotland and local authorities, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the unique relationship between Historic Scotland and local authorities in the protection of the nation's historic environment and welcomes initiatives to modernise and simplify that relationship to the benefit of local authorities, Historic Scotland and stakeholders, always ensuring that strong safeguards are maintained to protect heritage assets, that the skills required to maintain historic buildings are available and that, in protecting the historic environment, proper account is taken of disability rights and climate change objectives, and encourages Historic Scotland to work with local authorities to improve the consultation with local communities on the designation of listed buildings and scheduled monuments.

The Presiding Officer: The final question is, that motion S3M-1654, in the name of Kenny MacAskill, on the Statute Law (Repeals) Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to.

That the Parliament agrees that the relevant provisions of the Statute Law (Repeals) Bill, introduced in the House of Lords on 27 February 2008, relating to Statute Law Repeal, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

Bathgate Business Improvement District

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-1596, in the name of Mary Mulligan, on yes to Bathgate business improvement district. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the hugely successful outcome of the ballot to establish the first Business Improvement District (BID) in Scotland in Bathgate, West Lothian; further notes that out of 205 votes cast by local businesses, 190 were in support of the BID proposals and congratulates the BID steering group chairperson, Sam Crawford, his implementation group colleagues, Amanda Finlayson and Pat Kerr, and all others involved in developing the Bathgate BID on their amazing success; acknowledges that the ballot result is an overwhelming endorsement by the business community of the BID concept, and hopes other Scottish towns may follow in Bathgate's footsteps.

17:05

Mary Mulligan (Linlithgow) (Lab): I thank those members who signed my motion and those who have stayed for this evening's debate.

I welcome the opportunity to open a debate on the role and importance of the business improvement district initiative not only because Bathgate, which is in my constituency, will be the first town in Scotland to establish a BID—I will say a little more about that later—but because of the need to ensure that the Scottish Government is fully committed to the existing and future BIDs. I want to make a case for a more strategic role for the Scottish Government in the economic and social regeneration of Scotland's towns and cities through the BID structure.

Most of Scotland's traditional town centres are a source of great pride for the local community, but some are a source of civic concern and too many are seen as tired and run-down. Such places mark the heart of our communities. They contain core features that give a unique identity and beauty to our towns and villages. They provide a gathering place for civic expression in good times and bad. Equally important, they are places where people choose to raise their families and to set up businesses. They are places where people go to work and where they spend their leisure time.

The challenge for Scotland is to renew and reinvigorate our traditional town centres to realise their potential economic and social benefits. For our traditional town centres to be all that our local communities want them to be, the Scottish Government, local authorities and local businesses must work in partnership to promote a common agenda for their betterment. That

common purpose has been the guiding principle that has underpinned the success story that Bathgate has become over the past few years.

A successful partnership between West Lothian Council—officers and councillors—and the business community through the Bathgate traders forum, by working together on a shared agenda, provided the foundation from which the pilot BID company first emerged. The BID company—Enterprising Bathgate Ltd—has developed the area into Scotland's first fully fledged BID.

I add my congratulations to the many that have already been received by all those who worked so hard to achieve the outstanding endorsement of the BID proposal. Too many are involved to highlight everyone's contribution, but I will mention several. Those who have been at the heart of the BID project from the outset include John Masson and Alistair Shaw from West Lothian Council; Gordon Blair and Caroline Burton, who are also from the council; Councillor John McGinty, who ensured that the vital link between the council and businesses was maintained; Ian Davison Porter, who provided not only expertise but a vital link between businesses and the Scottish Executive; and David Stein who, as chairperson of Bathgate traders forum, helped to modernise the approach to business in the town and who personally worked with businesses to generate support for the BID proposal.

I should also mention the three amigos, who are sometimes called—or perhaps describe themselves as—Jack, Victor and Isa, after the three loveable characters from the television show "Still Game". They are more commonly known as Sam Crawford, who is the Bathgate BID chairman, and Amanda Finlayson and Pat Kerr, who are his two colleagues at the heart of the steering group. They are all in the public gallery this evening. If anyone can claim the lion's share of the credit for the successful outcome of the Bathgate BID, it is unquestionably those three. Their hard work and commitment ensured that the many barriers to a successful BID ballot outcome were overcome. The massive yes vote that they achieved owed much to their dedication and drive. Having a local businessperson such as Sam Crawford leading the BID initiative and other local businesspeople in prominent roles supporting it gave the Bathgate BID an authenticity and credibility that it would otherwise have lacked.

I hope that the chamber will join me in celebrating the achievement of Bathgate and the other two BID pilot areas—Inverness and Clackmannanshire business area—that have now established full BID status. BIDs are in Scotland to stay. With three BID areas now established, three areas to ballot before the summer and in excess of 30 areas considering an application for BID status,

it is essential that the Scottish Government does its bit to promote BIDs and to encourage a more strategic role for BID areas.

I welcome the Scottish National Party Government's belated conversion to the cause of BIDs—everyone rejoices at the salvation of a repentant sinner. I welcome the fact that the chamber will no longer hear Government support for BIDs described—as it once was by Mr Ewing—as, “bungs of public money.”

Repentance is welcome, but the Government is still some way short of being able to claim that it is the saviour of Scotland's traditional towns and villages. I am increasingly concerned that, having converted on the surface to the cause of BIDs, the Scottish Government is in reality damning them by faint praise. Providing a one-off payment of £15,000 to prospective BID areas falls somewhat short of what Bathgate's experience shows is needed. The development of the Bathgate BID, from outset to ballot result, cost more than £170,000, including a contribution of £105,000 from the previous Scottish Executive. The Scottish Government cannot will the future of BIDs and not ensure that it has provided the means for them.

The Bathgate experience shows that local business and local authorities are willing to do their bit, but the Scottish Government must step up to the plate. It must also play a role in providing strategic support for communities that are seeking to improve the economic and social value of their towns. Without the aid of the Scottish Government, it is still beyond the capacity of BIDs and most local authorities to tackle redundant and derelict buildings, areas that require substantial environmental improvement and major traditional town centre regeneration schemes. The Scottish Government must respond to that challenge and become the third strategic partner in developing meaningful solutions to the challenges of improving Scotland's traditional town centres, by supporting the existing efforts of local government and local businesses.

The establishment of a fund to which bids for additional resources could be made would act as an incentive to communities to encourage the creation of more BID candidate areas, and would provide existing BID areas and their partner councils with the incentive and resources required to make the much-needed breakthrough in regenerating our traditional towns and villages. I ask the Minister for Enterprise, Energy and Tourism to consider my proposal and look forward to hearing his initial thoughts on it when he sums up.

17:13

Angela Constance (Livingston) (SNP): I thank Mrs Mulligan for securing today's debate. The motion rightly celebrates the achievements and aspirations of the Bathgate business community in establishing, with overwhelming support, the first business improvement district in Scotland. The motion urges other Scottish towns to follow in Bathgate's footsteps. I make my contribution to tonight's debate with that point in mind.

For those who do not know, Bathgate is in the West Lothian constituency, which neighbours mine. Consequently, it has much in common with West Calder and Broxburn, which are in my constituency. Those smaller West Lothian towns have a shared history and heritage and share the challenges of co-existing as near neighbours to the ever-growing and ever-successful Livingston new town—in an ever-changing local and global economy. We must therefore enable the business communities in those small towns to flourish and thrive. In that respect, the business-led BID concept, which is supported locally and nationally by the SNP, is a shining example of how the needs of local businesses and the wider community can be met.

When the Cabinet Secretary for Finance and Sustainable Growth, Mr Swinney, visited Bathgate, he was bowled over by people's commitment to making the BID concept work. Moreover, last night, at an economic debate in Livingston, Mr Mather, the Minister for Enterprise, Energy and Tourism, emphasised the importance of economic partnerships and the need to get everyone in the same room and talking to each other. If we can—to use his words—cross-fertilise and pollinate, we can all move up together, and the BID concept is an excellent example of economic partnership.

The BID team's business plan, which is based on the business community's views and needs with regard to improving its trading conditions and environment, clearly demonstrates that the benefits are more than economic; I have no doubt that it will also deliver environmental, social and cultural dividends. Although the concept is about creating a recognisable brand, its pragmatic focus takes in accessing additional funds and services that will make a difference and will, crucially, enable communities to devise town centre strategies that will keep the heart of our smaller communities pumping.

I am pleased that West Lothian Council's current administration will continue to match-fund the Bathgate BID levy over the next five years. Indeed, the very concept complements the SNP Government's support for small businesses, including the reduction in and scrapping of business rates. *[Interruption.]* With the recent announcement in West Lothian of job losses at

Bausch and Lomb, HSBC and Mahle Engine Systems, the success of the Bathgate BID is a timely reminder of what we can and should be doing to ensure our communities' economic viability.

I, too, thank, commend and send best wishes to Sam Crawford, who chaired the BID steering group; implementation officers Amanda Finlayson, who is one of my constituents, and Pat Kerr; and David Stein as well as the wider Bathgate business community. I, for one, believe that their determination to succeed will make Bathgate and wider West Lothian a better place to work, live in and visit.

The Deputy Presiding Officer: I remind members that their mobile phones and BlackBerrys, BlueBerrys, GreenBerrys or whatever they are should be switched off.

17:18

Gavin Brown (Lothians) (Con): I, too, congratulate Mary Mulligan on securing this important debate. Although they have been around since the 1960s in Canada, BIDs are an entirely new concept in Scotland, and we will have to monitor the results of the BID in Bathgate and the other five pilot areas to see whether they do what they say on the tin. I certainly wish the Bathgate BID team, who seem to have built up a good degree of momentum in the area, the very best of luck in what they do between 2008 and 2013. Anything that genuinely helps businesses, local communities and the local economy has to be welcomed, which is indeed why this side of the chamber fought so hard for the reduction in business rates that was introduced at the start of April.

It is no secret that the Scottish Conservatives voted against the BID proposal during the passage of the Planning etc (Scotland) Act 2006. We opposed it for two reasons. First, we were against the imposition of a mandatory levy on businesses. Given that businesses can vote for or against the introduction of a BID—or, indeed, not vote at all—we found it difficult to accept that all businesses, particularly those that had voted against the concept, should be forced to pay the associated levy. Indeed, in the current economic climate, some businesses will find it difficult to sustain the levy.

Our second difficulty was that we felt that there was a danger that some services that should be provided by local government would be provided by the BID. Deep down, I hope that both objections turn out to be wrong. If they do, we will be happy to support the concept. The key will be serious monitoring of what happens over the next five years. I know that the BID team has a strong

annual monitoring system to put in place, the robustness of which is impressive.

According to the figures in the Bathgate BID's business plan, it is thought that the BID levy will generate about £75,000 a year, certainly in year 1. It could be argued that some of the services that that sum will go towards providing should be provided by local government. The BID will contribute £20,000 towards closed-circuit television monitoring and £3,000 towards lighting, which should surely be funded by the local authority, and £6,000 will be spent on information boards for the town plan, which, again, the council ought to provide. The collection of the levy will cost £3,000 and legal and auditing costs will account for £2,000. That shows that some of our concerns were justified.

Although some of the BID's proposals for expenditure are extremely good, such as those that relate to shop-front improvements and improvements to vennels, including better vennel signage, and will be welcomed by all businesses, I would strongly argue that some of the proposed expenditure should be met by the local authority. Monitoring what happens in Bathgate and in the other BID areas will be crucial. If BIDs provide additionality and do what people hoped they would at the outset, they will make a positive contribution to Scottish business—but they must do that. If they do not succeed in doing that over the five-year period, I strongly believe that the BID concept must be reviewed.

17:22

Elaine Murray (Dumfries) (Lab): I, too, congratulate Mary Mulligan on securing the debate, and the business community of Bathgate on its successful ballot to establish the first of the three business improvement districts that now exist in Scotland.

BIDs were enabled under the Planning etc (Scotland) Act 2006, as Gavin Brown said, and are being piloted in six local authority areas. They are led by local businesses, which decide how the funds that are raised will be used to support the local economy. They are not a substitute for local authority services; rather, they operate through additional partnership arrangements.

I hope that Mary Mulligan will keep Parliament apprised of the progress of the Bathgate BID and, as she does, I hope that other Scottish business communities—they do not have to be in town centres, but could be in rural communities—will follow Bathgate's example. I am sure that many business communities will watch the progress of Bathgate and the other two BIDs with great interest.

Although I am happy to congratulate Bathgate and to support the development of BIDs across Scotland, I remind members that many forms of investment can and should be used to regenerate towns and business communities—the Scottish Government seems to have a strategy of placing all responsibility for regeneration of our communities on the business community. The Government is relying on business rates relief and its somewhat tentative continuation of the BIDs programme.

However, the scenario in the rest of Scotland is not as positive as it is in Bathgate. I will give some examples from my part of the country. Two weeks ago, Centros Miller Dumfries Ltd told Dumfries and Galloway Council that it intends to pull out of a proposed £50 million joint investment in Dumfries town centre, as a result of concerns that commercial property prices will fall.

In the Presiding Officer's constituency of Galloway and Upper Nithsdale, it seems that the Stranraer waterfront development is to be abandoned. Although responsibility for that regeneration project has been transferred from Scottish Enterprise to the council, the £5 million that was originally allocated to the project is no longer available and the council will not be able to find the money on its own. Dumfries town centre has been left with empty properties on the High Street, which will discourage tourists from returning, increase the likelihood of locals using out-of-town shopping malls and make it more difficult for the retail businesses that are still based in the town centre to attract customers. Stranraer might get its casino, but there will not be the additional investment that the town needs. Other members have commented on the problems of other town centres in Dumfries and Galloway—somewhat controversially in the case of Lockerbie, which needs a great injection of investment if it is to pick itself up.

My plea to ministers is that they should not rely on business rates relief as the sole blunt instrument with which to tackle town centre dereliction. We need public sector investment in infrastructure to create vibrant and lively town centres in which local businesses can flourish. BIDs can contribute and I am sure that they will do so, but they were never intended as a substitute for public sector investment. National support, for example through the creation of a town centre regeneration fund, to enable co-investment with local businesses, is also necessary. I am sorry that the Tories did not feel able to support such an approach during the budget process, but I retain the hope that we can achieve cross-party consensus that such national investment is needed. As Mary Mulligan said, the Scottish Government should play a more strategic role in the regeneration of Scotland's town centres.

17:26

Kenneth Gibson (Cunninghame North) (SNP):

I, too, congratulate Mary Mulligan on securing the debate and on her excellent speech. The previous two speakers were somewhat pessimistic; in this debate we are celebrating the BID projects that are being developed and particularly the Bathgate BID.

There has been much talk about whether business community expenditure will be a substitute for local authority expenditure. I do not think that will happen. It is clear that a BID is set up through a partnership agreement between a local authority and businesses in order to secure additional services that will improve the business environment.

I am keen to explore the concept in my constituency, where it is more likely than not that the local authority will be enthusiastic about providing additional support for a community that is seen to be doing something for itself and dragging itself up by its bootstraps. It is about helping businesses and communities not just to survive but to thrive and to adapt to ever-changing circumstances. Small towns in particular need to be much more innovative in encouraging more specialist businesses, given the threats from supermarkets and out-of-town malls to which people drive.

Empty businesses and shops in our towns are an eyesore that we have all experienced. In some small towns in my area 10 to 15 per cent of properties lie derelict, which has a severe effect on morale and makes towns less attractive not only to investors but to people who might go to live there.

I hope that the pilot BIDs will be extremely successful. BIDs were first set up in Canada in 1973 and there are now 1,400 BIDs throughout the world, so I see no reason why the approach should not be successful in Scotland.

I understand Mr Brown's point about a mandatory levy. However, if everyone gains, everyone should contribute. If businesses will have an increased footfall and do more trade, it is not unreasonable to expect them to contribute after the democratic process has taken place.

My sister lives in Canada and I have witnessed BIDs in operation there. BIDs can install closed-circuit television cameras. I know that we want local authorities to provide cameras, but they do not always have the money and doing so is not necessarily their top priority. A wee nudge might push them in the right direction, which is all to the good. BIDs can remove graffiti, reduce vandalism, provide benches, put up hanging baskets and keep places spruce and nicely painted. Many things can be done to make the public realm more attractive and to attract people into a town, which

will help it to thrive. BIDs can help to make a town not just vibrant and viable, but safer. There is an important opportunity to create civic pride by reducing empty properties and unemployment.

Mary Mulligan was right to commend Ian Davison Porter. He said:

"Having a collective vision and a strong partnership, particularly one where the private sector has real input and responsibility, can help provide the drive and energy needed to deliver projects over an extended period of time and ultimately deliver a viable and vibrant town which benefits everyone."

I support that.

I hope that the Scottish Government will re-examine the £15,000 ceiling, which Mary Mulligan mentioned. We should try to enhance conditions and we should try to reduce the timeframe for BIDs. Frankly, 18 months to two years is too long to go through the process—people want to see results much more quickly. Along with the small business bonus scheme, BIDs could go a long way towards helping to restore some of our small towns.

17:30

Sarah Boyack (Edinburgh Central) (Lab): I add my congratulations to Mary Mulligan on securing the debate and introducing the subject in an expert manner. It is excellent that she also managed to introduce some humour into such a difficult concept.

I join Mary Mulligan in welcoming the success of the Bathgate business improvement district. It is no mean outcome. Having considered the issue in the context of the essential Edinburgh BID, I think that it was an absolute triumph to reach the level of endorsement that Bathgate managed to achieve. It is a real endorsement of the hard graft that clearly went in over months in support of the proposal.

The achievement lay not just in winning the final vote, but in ensuring that the contents of the proposal hit the issues that local businesses wanted to be acted upon. That is a crucial lesson. If we are to get the proposals right, they need to be worked up. The businesses that will be affected all need to be brought to the table. People's views need to be taken on board and acted upon. I very much welcome the experience that we have gained thanks to the success of the Bathgate vote. It will be very good to see how the project rolls out in practice. I hope that, over the coming months and years, Mary Mulligan will be able to talk about the lessons that have been learned as the project beds down and begins to deliver results.

Mary Mulligan's motion is clever in many ways. In particular, its last sentence suggests that

"other Scottish towns may follow in Bathgate's footsteps."

I am sure that, in using the word "towns", Mary means cities as well—including Edinburgh.

I support the mood around the chamber on the key issue of urban regeneration in towns that have been left behind in the fantastic economic progress that we have experienced over the past few years, but there are challenges in our cities, too. Even in Edinburgh, there is a real danger in our being complacent about the quality of the infrastructure of the city centre. Businesses in Edinburgh feel strongly that we need a high-quality public environment and high-quality service delivery. That is a key driver behind the essential Edinburgh project. It involves some of the best-known major companies and retailers in the city, as well as many independent supporters.

We, too, have an ambition like the ambition that Mary Mulligan outlined for Bathgate: to ensure that the city centre meets its full potential as a workplace, as a place to shop and as a place to do business. That requires high-quality services that meet businesses' needs. That is where the consultation process—and the fact that it is business led—is so crucial.

I very much welcome the City of Edinburgh Council's commitment to essential Edinburgh and to continuing to provide baseline services at similar or higher levels. That is a very good message—I refer to the fears that Gavin Brown expressed. The context is one in which current services will be continued or developed, and the BID process will bring additional quality and services on top of that. According to the estimates that I have been given, the project is to last five years, and the levy alone should raise just under £1 million a year. That is not an insignificant amount of money. If it is targeted properly, it could deliver real improvements for business in our city.

I strongly agree with the comments that Mary Mulligan and Kenny Gibson made about getting the level of support right at the start. The successful project in Bathgate has drawn such a high level of support only through people taking their time, talking to businesses and ensuring that the proposal is right. I hope that, in his winding-up speech—or, if not, at a future date—the minister will think about upping the £15,000 ceiling. The message that I have received from people in Edinburgh is that it is not enough to get the right sort of high-quality bids; it is a matter of leveraging in substantial additional private sector investment. That can be achieved only if projects are put together properly and if they can engage all the key players.

I very much welcome Mary Mulligan's motion. I hope that we will hear more from the Scottish Government on the subject in the future, and that it has been listening to the tone of the debate and to the range of speeches this evening. There is a lot more mileage in the BID process, but it needs to be funded properly.

17:35

Peter Peacock (Highlands and Islands) (Lab):

I join other members in congratulating Bathgate on its success and Mary Mulligan on securing the debate.

I was a deputy finance minister for a while, and I was responsible for part of the early work on developing the BID policy. I was always attracted to the idea of BIDs because of the international experience, to which Kenny Gibson referred, and because of the capacity of BIDs to improve town and city centres, as other members have described. The good thing about BIDs is that they are a co-operative enterprise. They do not happen without the consent of the local business community and they provide it with more power and influence over its environment. BIDs add value to that environment, and therefore add value to trading and the local economy as a whole. Gavin Brown made an important point when he said that the finance raised by the BID process should be additional to the expenditure that the local authority would otherwise have incurred. If that is not the case, we will simply overtax business to replace current expenditure.

The acid test for the process was always going to be whether the business community voted for it. When I was considering the early policy on BIDs, it was not clear that that would be the case in all circumstances. However, that was a good thing, because it meant that the business community could exercise power over the situation. Equally, if businesses did vote for BIDs, it would liberate them to do more in support of their communities.

I was pleased that Inverness was the second area—but the first city—in Scotland to vote for a BID, which it did on 14 March, with a 75 per cent endorsement by the business community. That BID will see work in a number of themed areas, such as a safer Inverness, a cleaner Inverness, a more accessible Inverness and a more active Inverness. I wish the city well in that regard.

However, I also have some concerns, which reflect points that other members have touched on. Inverness was previously eligible for the cities growth fund, which contributed significantly to city centre regeneration. The Government was wrong to end ring fencing of that fund, although it had a right to do so. The local council is yet to decide what to put in its place. It would be wholly wrong,

just when the business community is prepared to puts its hand deeper into its pocket for extra funds for the city centre, if the council reduced the previous commitments that were enabled through the fund. I hope that that will not happen. Indeed, I support what Kenny Gibson said, and hope that local authorities will add to the fund and not in any way diminish support. There is a lesson there for the Government.

Another member made the point that it is important that the Government does not see what I hope will be increasing acceptance of BIDs as a reason to withdraw in any way from city or town centre regeneration. Indeed, I hope that the opposite will be the case, and that the Government will advance a town centre regeneration fund, which my party advocated at the previous election. Many other areas have expressed interest in town centre regeneration, including, in my region, Oban, Dunoon, Wick, Thurso, Tain, Dingwall and Elgin. Fort William has expressed particular interest in pursuing town centre regeneration. I hope that it will have that opportunity.

Having seen the experience of Inverness in preparing a bid, and knowing the challenge that that presented—a challenge that I am glad to say has been successfully overcome—I endorse the point that Kenny Gibson, Mary Mulligan and Sarah Boyack made about the £15,000 threshold. It is simply not enough adequately to support communities in preparing and making a success of their proposals. I hope that that will be revisited by the Government.

17:38

The Minister for Enterprise, Energy and Tourism (Jim Mather): I agree with all members about Mary Mulligan—she deserves great credit for securing the debate. It is a timely debate, and it has been a measured one, creating much greater awareness about the BID concept and contributing to encouraging it to evolve.

First and foremost, however, I congratulate the Bathgate BID team on getting the second highest ever approval rating for a BID. It sold the idea brilliantly, and in doing so gained endorsement and commitment, loading the dice massively in favour of not only the Bathgate BID but the concept of BIDs throughout Scotland. I am delighted that a traditional Scottish town such as Bathgate has proved that it can lead the way.

I am also delighted to recognise that the regeneration of local economies can stimulate greater partnership working among the public sector, the private sector and the voluntary sector. I want to fold them all in at some point, because an important thing is happening with our family

businesses—there is a high failure rate at the point of generational change.

As others have said, the debate is not just about Bathgate. We have a solid framework of BIDs across Scotland, backed by practical and financial support. BIDs include Inverness city centre and Clackmannanshire business park. There is an interesting new sense of community collaboration in Clackmannanshire, where people are working together to cut operating costs. In both places, the BIDs are pioneering the involvement of property owners. More ballots are in the pipeline: in Falkirk and Edinburgh in May; and in Glasgow, Alloa and Dunfermline later in 2008. I know that the enthusiasm will grow further.

I take Elaine Murray's point to an extent—the small business bonus will have a material impact. I just got my 80 per cent reduction, which has made it much easier to put my cost centre code on the papers and push things through. That money has now been released, and it is important that we have removed the impression that there could be any double taxation in the process.

The message is out that BIDs are moving. We need to gear up to work with Ian Davison Porter, the project director of business improvement districts Scotland, to broadcast the fact that the process is working, and if more business districts work together to improve themselves, we will take it even further. I want BIDs to boost the local economy, create more employment, create a feel-good factor, reinvent civic pride and trust locally and boost tourism. I also want them to boost mentoring, with people helping other businesses to come forward. The towns that Peter Peacock mentioned are dear to my heart. They are up for more collaboration and also for cross-selling one another. People who visit one town should be encouraged to visit others.

BIDs give us the welcome prospect of seeing our town centres regenerate, with a particularly strong role for local firms that can help Scottish towns to recover their distinctiveness and personality, making them more compelling to visit and revisit. I know that that will happen because I have been impressed by the proposers' commitment. They are breaking new ground and are building a better future with ambition and with a degree of altruism, which will be rewarded by each of their individual towns being made more pleasant, more relevant and more rewarding for their customers.

There is a sense of liberation, with people getting a chance to use their ingenuity. The process proves Margaret Wheatley's theory that when people have a unifying goal, reinvented trust and co-operate and there is a sensible element of personal enlightened self-interest, miracles can happen. Good results can become the norm, there

can be investment flow, and inhibitors can be overcome.

What more can be done? Town centre management is evolving, and we are seeing its democratisation in Falkirk, Edinburgh and Inverness. Many more stakeholders are becoming involved, and local authorities are now sharing the burden with others. There are many other examples. We recently listed all the entities that deliver services to, or draw revenues from, Argyll and Bute: we reached 78, and there are more to come. We need to get more of them involved in helping us with this work.

This is not all about Government putting money into projects, although that is important. We are not being dogmatic about the money—we will keep the situation under review, but we want to ensure that we leverage in the investment. I take Elaine Murray's point that lower business rates are a massive help, but we must also facilitate investment, attract regeneration money, enable the intelligent use of public sector assets, attract the private sector and bring in the public sector. In that process, government should become more effective and more focused.

There has been a big dividend for me in being involved in BIDs and thinking about them. The work that we have done to activate the industry sectors gives me the view that we have been working with business improvement sectors in the construction industry, the drinks industry, life sciences, textiles, tourism and so on. We now see the doubling up of physical business improvement districts, improvement sectors and more effective government. As a result, we are starting to move to a better place and a higher level where the Government's economic strategy on building Scotland's brand and improving the life chances of the people of Scotland becomes a reality. That is happening because the people are involved in the process and because local government, in particular, is now fully involved and integrated in it through the single outcome agreements. The fact is that much more of a team game is happening, involving Government, the enterprise agencies, local government, the public sector more widely, the private sector and the voluntary sector. That will massively increase our chances of making things happen—and of making them happen better.

I return to my point about family business. Martin Stepek of the Scottish Family Business Association tells us that 70 per cent of family businesses do not survive the generational leap. We want to ensure that we are creating a climate in which their survival is more likely, with support from the social enterprises. We want to build on the work that the councils, businesses and communities are doing and take that forward.

The timing of the debate is great. The small business bonus is a help. This week, I had a wonderful example of a one-man BID. Andy Willox, the Scottish policy convener of the Federation of Small Businesses, spoke about the saving that he was making from the small business bonus: this year, he will invest in double glazing, and next year he will invest in a better heating system. It would be very easy to flag him in.

For me, the issue is that we must move on. The stasis in the fitness landscape is a recipe for extinction. BIDs offer us a way to adapt, innovate, co-operate and align our communities, businesses and high streets with the needs of their customers. I very much welcome them.

Meeting closed at 17:45.

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