

MEETING OF THE PARLIAMENT

Wednesday 30 April 2008

Session 3

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Scottish Parliament

Wednesday 30 April 2008

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

Time for Reflection

The Deputy Presiding Officer (Alasdair Morgan): The first item of business is time for reflection. I am pleased to welcome as our time for reflection leader the Rev Mark Malcolm, the minister of Ormiston and Pencaitland parishes.

The Rev Mark Malcolm (Ormiston and Pencaitland Parish Churches): The warmest of afternoons to you all, and thank you for the invitation, Presiding Officer.

Two summers ago, I went with my parents to visit my great-grandfather's grave in France. He was a soldier in the Black Watch and his grave was two hundred yards away from the very spot where he had lost his life. It was a moving time, as I understood for the first time that my father grew up without his grandpa, and my grandpa grew up without his dad.

And yet, as moving as his grave was, the grave beside his was equally moving. It looked exactly the same as my great-grandfather's grave, except for the inscription. There was no name at the top of the headstone, simply the inscription:

"A Soldier of the Great War".

The grave was of a young man, buried unknown. At the foot of the stone was the inscription, "Known unto God".

This week, in our village, Mary died. Mary was a character: an old-fashioned, fierce matron. In her later life, even her doctors were afraid to visit her. She had never married, as her fiancée had died in the war. She had little truck with politicians, or ministers, and had a laugh that made you think that this 80 year-old lady had had a more colourful past than she ever let on. She lived a life of service—a life lived for others—and yet, on passing her in the street, she looked like any other old lady. But Mary was known unto God.

God is a God who deals with people—a God who knows them, loves them, and cares for them. Psalm 139 expresses it like this:

I praise you, for I am fearfully and wonderfully made.
Wonderful are your works; my soul knows it very well.
My frame was not hidden from you,
when I was being made in secret,
intricately woven in the depths of the earth.
Your eyes saw my unformed substance;
in your book were written, every one of them,
the days that were formed for me,

when as yet there were none of them.
How precious to me are your thoughts, O God!

John chapter 3 takes it further: it says:

"For God so loved the world, that he gave his only Son, that whoever believes in him should not perish but have eternal life. For God did not send his Son into the world to condemn the world, but in order that the world might be saved through him."

Could not we say, "for God so loved the unknown soldier," or, "for God so loved Mary"—unknown maybe to the world, but not to Him? Unknown, and yet loved, but loved at a cost.

God is a God who deals with people. Is that not both a comfort and challenge to us—that we are known unto God who was willing to count the cost?

Every blessing to you in your work today.

Business Motion

14:34

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of business motion S3M-1804, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Glasgow Commonwealth Games Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Glasgow Commonwealth Games Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 3: 40 minutes.—[Bruce Crawford.]

Motion agreed to.

Vulnerable Witnesses (Scotland) Act 2004 (Implementation)

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a statement by Kenny MacAskill on implementing the Vulnerable Witnesses (Scotland) Act 2004. The minister will take questions at the end of his statement and there should therefore be no interventions.

14:35

The Cabinet Secretary for Justice (Kenny MacAskill): I was delighted to host a reception at Edinburgh castle at the beginning of last week to say thanks to the many people from throughout the country who have, through their dedication and commitment, ensured that the new deal for witnesses, the Vulnerable Witnesses (Scotland) Act 2004, is now fully in place. At the reception, I also took the opportunity to express my gratitude to the Lord Advocate, to my predecessor Cathy Jamieson and to Parliament for their efforts in putting right the wrongs against vulnerable witnesses.

April 1 was an important day for the modernisation of our justice system, because it marked the completion of the implementation of the 2004 act. I want to mark that moment by reminding members why we all, irrespective of party lines, wanted the legislation to go on the statute book in the first place. I will then update colleagues on the significant achievements that have been made so far in the justice system in putting the act into effect. Finally, I will highlight what I see as the future challenges that will face all those who work with and have a duty to support witnesses.

The origins of the 2004 act lie in the widely accepted view that the justice system was failing witnesses. Sadly, there were plenty instances of children and of particularly vulnerable adults breaking down in open court in the face of lengthy and uncompromising cross-examination in full view of the accused. As a result, cases fell, justice was not being done and witnesses were being left seriously traumatised and damaged by the experience. In response to the widespread call for change, the then Scottish Executive launched a wide-ranging review of how vulnerable and intimidated witnesses were being treated in the justice system and how they could be helped to give their best evidence.

The publication in 1999 of "Towards a Just Conclusion: Vulnerable and Intimidated Witnesses in Scottish Criminal and Civil Cases", followed by the response to the resulting consultation in 2002, "Vital Voices: Helping Vulnerable Witnesses Give

Evidence", formed the basis of the Vulnerable Witnesses (Scotland) Bill, which was introduced in 2003. We supported the bill's progress through Parliament and welcomed its successful passage in the spring of 2004. It remains, for us, a key building block in our programme of continued modernisation of our justice system. We stand by the previous Administration's commitment to make the system more accessible to witnesses who might otherwise be denied a voice.

The act was phased in over three years at the same time as other significant modernising laws, including reforms of the High Court and the summary justice system. The justice system is to be commended for the huge effort that it has made to accommodate so many vital changes in such a relatively short time. The 2004 act provides a comprehensive procedural framework for a more humane approach to witnesses generally. It puts them at the heart of the justice system, strengthens it and makes it fairer, as is entirely in keeping with the Government's strategic objective of creating a safer and stronger Scotland.

By codifying and widening the provision of special measures in court, we are enabling all children and adult vulnerable witnesses to give their evidence in ways that best suit their individual needs. That means that all child witnesses under 16, adults who suffer from mental disorder and those who are in fear and distress at giving evidence and where there is a significant risk that the quality of their evidence might be diminished as a result, can access special measures that best meet their needs. The act's coverage is comprehensive: it covers witnesses in all High Court and sheriff court criminal proceedings, in children's hearings court proceedings and in all civil proceedings in the Court of Session and sheriff courts, including fatal accident inquiries. In each of those settings, special measures such as screens, supporters, live television links from within and outwith the courts, giving evidence-in-chief by prior statement and giving evidence to a commissioner, are available to vulnerable witnesses whom the court agrees need them.

Of course, no act is worth the paper that it is written on unless it is put into practical effect. I know that charges have been levelled at the Scottish Government and others who are responsible for implementing the act that there is insufficient commitment from us in making the law work, and that we are apathetic about giving it effect. The evidence that I have seen of the tremendous effort by all the agencies involved—public, private and voluntary—shows that there is no lack of commitment to improving the welfare of vulnerable witnesses by making the act work.

As an example of that effort, I want to highlight the work that has been undertaken by the Crown

Office and Procurator Fiscal Service and the Scottish Court Service. The Crown Office and Procurator Fiscal Service has a significant and pivotal role to play in implementation of the legislation. It deals with the vast majority of witnesses in criminal trials and therefore uses the act's provisions the most. The main aim of the Crown Office and Procurator Fiscal Service is to avoid the need for children and vulnerable adult witnesses to give evidence in criminal proceedings where possible. I agree with that aim.

The phased implementation of the act has enabled policies to be reviewed and updated in relation to child and vulnerable adult witnesses, so that witnesses who are cited to give evidence now do so only when it is essential and appropriate. When they are required to give evidence, the Crown Office and Procurator Fiscal Service seeks to ensure that entitled witnesses are able to benefit from the act's provisions. To that end, extensive guidance has been developed for prosecution staff to assist practical implementation. The guidance is accompanied by a comprehensive training programme.

I am pleased to report to members that prosecutors have placed applications before the courts for the full range of special measures that are provided by the act. That has led to new approaches—such as taking evidence by commission and giving evidence by prior statement—being utilised successfully in court. For example, I am aware that evidence by commission was used for a young child witness in a murder trial in 2007. The evidence of the child was recorded in advance of the trial, and the recording was produced as evidence at the subsequent trial. That allowed the arrangements for and timing of taking the child's evidence to be focused on the child, as opposed to the child's being called to court as one of a number of witnesses on a particular trial day. The accused in the case was convicted. Learning from such experiences, the Crown Office continues to keep practices, policies and procedures under constant review to ensure continued improvement of the services that are provided to witnesses in the justice system.

The Scottish Court Service has also been instrumental in widening access for vulnerable witnesses to the special measures that have been made available by the act.

By the end of May 2008, 54 of the 58 dedicated court locations will have courtrooms that are capable of handling evidence by live television link. At locations without fixed cameras and screens, mobile TV equipment can be installed as required. Where, due to shortage of space, no dedicated rooms are available for providing the witness link from within the court premises, a TV

link can be made to another court, or to what are called remote sites.

I am pleased to confirm that there are now six dedicated remote sites, with a seventh about to start in Kilmarnock. Sites are operational in Aberdeen, Hamilton, Inverness and Falkirk, and it is planned that Edinburgh and Glasgow will come on stream in the next few months. The sites provide specially equipped facilities that, in effect, are part of the court although they are not located in any court building. Vulnerable witnesses, especially child witnesses, can give their evidence without the stress of coming to court. They can be linked through live TV to any court in the country.

In addition to those dedicated sites, the Scottish Court Service is working with a range of agencies to establish ad hoc sites across the country, with a view to having five to six in each sheriffdom to supplement the dedicated sites. I have no doubt that many witnesses will benefit from that excellent provision.

Implementation of the act has also been assisted by the production, by the Scottish Government's victims and witnesses unit, of an extensive range of guidance for practitioners, together with information material—including innovative use of DVD and CD-ROM technology—for witnesses themselves or, where appropriate, their carers. The development of the material, which has been widely praised, has been an excellent example of collaborative working between the Scottish Government and all those who work with witnesses.

Much has also been done to promote and raise awareness of the act through roadshows and training events involving judges and sheriffs, fiscals, solicitors, social workers, police officers, medics and volunteers.

So—that is where we have got to. For me it demonstrates the tremendous progress that has been made across the justice system to fulfil our commitment to vulnerable witnesses and to implement the 2004 act. However, the commendable effort does not stop here. I now want to ensure that the new provisions, and the policies and procedures that go with them, are applied at a consistently high standard throughout the country. I have agreed to the setting up of the multi-agency witnesses issues group to ensure that that happens. The group will find meaningful ways of promoting cultural and behavioural change among practitioners to ensure that all vulnerable witnesses are treated with dignity and respect, and that they all receive the support to which they are entitled.

We also need to be smarter at tracking the impact of the act. I am keen to ensure that all those who have a responsibility for implementing

the legislation continually improve the evidence base to show that the measures are reaching the people whom they are meant to help. I know that recent reports about how the justice system has handled cases involving vulnerable people have raised questions about the ability to identify and support their needs, but I am confident that effective application of the 2004 act can contribute significantly to improving the quality of service that is delivered to vulnerable people if and when they need to give evidence in court.

However, the act will work properly only if all those who work with children and vulnerable people are, for the purposes of ensuring that they get the right support when giving evidence, skilled in identifying their diverse needs. I assure members that the Scottish Government, in close collaboration with our partners, will continue to work hard to ensure that the Vulnerable Witnesses (Scotland) Act 2004 plays its full part in ensuring that witnesses remain at the very heart of the justice system.

We are on a journey: we accept that there are real challenges ahead and that we can expect some turbulence, but if we continue with our spirit to resolve difficulties and maintain our vision for vulnerable witnesses, we will be successful.

The Deputy Presiding Officer: The minister will now take questions on the issues raised by his statement. I intend to allow about 30 minutes for questions, after which we will move on to the next item of business.

Pauline McNeill (Glasgow Kelvin) (Lab): I thank the Cabinet Secretary for Justice for providing an advance copy of his statement and for his acknowledgement of the work that Cathy Jamieson and the previous Administration did in putting the treatment of victims and witnesses in our courts high on the agenda, which resulted in the Vulnerable Witnesses (Scotland) Act 2004.

Does the cabinet secretary agree that proper treatment of witnesses is fundamental to our justice system, given that it affects the outcome of criminal justice trials? Does he agree that our procurators fiscal face significant additional work in supporting that? Can he outline how witnesses will be informed of what special measures will be available to them? Is he satisfied that the Crown is already making adequate use of special measures?

Finally, will the cabinet secretary consider broadening out the work on vulnerable witnesses to include safety and protection of intimidated vulnerable witnesses as a precaution, given today's unconfirmed press reports highlighting the issue of protected witnesses?

Kenny MacAskill: Ms McNeill is right that protection of witnesses is fundamental. For too

long, witnesses were viewed as, at best, an encumbrance and, at times, a nuisance. They were viewed as being there simply to do what they were required to do. They were not always treated with the dignity and respect to which they are entitled, irrespective of whether their evidence was given as that of the victim, of a person doing their citizenly duty or of someone who has been cited. That attitudinal change had to be dealt with, so the member is quite correct to praise my predecessor for driving the matter forward.

Clearly, the issue is not simply about changing the system, given that we are dealing not simply with systemic failures but with individual failures. Therefore, we need to change the culture and attitudes not only within the Crown Office and Procurator Fiscal Service but among the general public. As can be seen in some recent tragic cases, it seems to be accepted that the issue is often not so much systemic failure as a failure of attitudes. We need to change those: that is what we are doing.

The position of the Crown is a matter for the Lord Advocate, although I am in regular discussions with her. Much of the information and data that we require to be satisfied about that issue are within the domain of the Crown Office rather than the Government, but Pauline McNeill can rest assured that we are seeking undertakings that appropriate monitoring will be carried out. We will look at other such matters and the member can rest assured that I will raise the valid point that she has made.

On broadening out the use of special measures to ensure the safety and protection of witnesses, some of those issues are matters for the police. Obviously, it is accepted that people who do their citizenly duty are entitled to the full protection of the law. I am more than happy to undertake to discuss the matter both with the Association of Chief Police Officers in Scotland and with the Scottish Crime and Drug Enforcement Agency, which deals with many aspects of the witness protection programme. Those who do what is necessary to uphold the law and who do their duty as good citizens by giving evidence must be treated with respect and dignity.

Ms McNeill makes the valid point that if there are any threats to or intimidation of witnesses, we have to ensure that the appropriate procedures exist to support them, whether by beefing up what is dealt with by the police or broadening the interpretation of the 2004 act. We are more than happy to consider that. We need to keep such matters under continuous review because witnesses are vital. Irrespective of who they are or how they get there, we have to ensure that we protect them.

Bill Aitken (Glasgow) (Con): I thank the cabinet secretary for early sight of his statement, which reveals a satisfactory situation. I pay tribute to the cabinet secretary, his predecessors, the Crown Office and Procurator Fiscal Service and others who have been instrumental in seeing the legislation on to the statute book by a unanimous vote of Parliament.

The cabinet secretary will be aware of my view that all legislation should be reviewed some time after its enactment. I listened to what he had to say about on-going studies of the legislation, but will he in due course carry out a review by consulting judges, sheriffs, prosecutors, the defence bar and victims organisations to ensure that the act continues to operate as we all wish it to?

Kenny MacAskill: Mr Aitken makes a valid point—it is important that we review the legislation. I undertook to speak to the Lord Advocate to ensure that the Crown Office was doing its bit. We, as a Government, are monitoring things and we intend to provide our findings to individual members and to the Justice Committee so that matters can be scrutinised and reviewed.

Mr Aitken is correct that it is about not simply what the Crown Office, the Scottish Court Service or others in the domain of the Government are doing, but about how solicitors are interpreting the act and how the judiciary is working with it. If my memory serves me well, I believe that we are due to arrange a meeting with all those involved—the buzzword is “stakeholders”—to discuss what is happening. I am more than happy to share that discussion with the convener and members of the Justice Committee. We all have to learn. It is not just about the Crown Office and the Government; we are all involved. We have to review the legislation regularly to ensure that we are getting it right. Part of that is about changing attitudes and part of it is about reflecting changes that occur in society. Such changes occur regularly and we therefore have to monitor how the act is working out to ensure that it delivers what we voted for four years ago.

Mike Pringle (Edinburgh South) (LD): I thank the minister for the advance copy of his statement. I also thank all those who were involved in putting the 2004 act on the statute book. It has made a big improvement to the treatment of witnesses in Scotland, although the Liberal Democrats acknowledge that more can and should be done to support and protect vulnerable witnesses throughout the legal process. In fact, there is a story in the newspapers today about a key trial witness—Jeanette Cooper—who was murdered while she was in a safe house in a block of flats in Glasgow. That shows just how vulnerable witnesses are.

At the pre-trial stage, witnesses are asked whether they would like special measures, which Pauline McNeill mentioned. Some witnesses do not understand what special measures are and cannot imagine what giving evidence will be like, so when they are first asked whether they need special measures, they say no. Later, when the time comes to give evidence or the witness sees the court room on their familiarisation visit, they change their mind and say that they would like special measures. Some witnesses are under the impression that they can ask for special measures at any time and they will be granted, but if they have previously turned down the offer of special measures—which were the nub of the act—it might be difficult for them to get them later.

The Deputy Presiding Officer: Is a question coming, Mr Pringle?

Mike Pringle: Yes. I am sorry, Presiding Officer.

Some judges are reluctant to approve any late applications for special measures. How will the minister ensure that that difficult issue is addressed?

Kenny MacAskill: Mr Pringle raises a variety of points. I cannot comment on the particulars of the case to which he and Pauline McNeill have referred, but it is clear that the act aims to deal with situations that involve people who are perceived to be vulnerable, whether through age, mental incapacity or whatever.

Those who seek to interfere with the due process of law by intimidating witnesses or anything like that must be dealt with, because they are attempting to pervert the course of justice. As I said in response to Pauline McNeill, we will not hesitate to broaden the view, if that is necessary. Mr Pringle can rest assured that this Government will take a dim view of anyone seeking to interfere at any stage with anyone doing their citizenly duty of giving evidence in a court of law.

A lot of the broader matters come down to common sense. We have to ensure that the system is implemented. I have long known of individuals' declining special measures that a procurator fiscal has offered them and then, at a later stage, seeking to access those measures. My experience has always been that the door was never closed, and that the fiscal or sheriff would go out of their way to do their best. In certain circumstances, however, procedural difficulties arise and it is very difficult for them to do something—for example, a video link cannot be created at the last moment, as a technician cannot be found at such short notice.

The system that we have was created without the appropriate regard for the rights and dignity of the vulnerable individuals that the act is concerned with. Sometimes, we must leave matters to the

common sense of the procurator fiscal and the judiciary. Occasionally, of course, common sense flies out of the window, but that happens as much with politicians as it does with procurators fiscal or the judiciary. We have to learn from such instances.

The intention of the act is that the door should never be closed. My understanding, based on discussions with the Crown Office, the courts and so on, is that people understand that some vulnerable witnesses have a predilection for making late changes, and that that must be factored in.

I assure Mr Pringle that the act makes it clear that there is not a cut-off date as such and that we hope to drill home the message—perhaps at the meetings that Mr Aitken suggested we hold—that people should recognise the difficulties that vulnerable individuals face, whatever their age or capacity, and that we must go out of our way to ensure that the way in which we treat them at every stage allows them the dignity that the act seeks to enshrine.

Gil Paterson (West of Scotland) (SNP): I welcome today's statement and pay tribute to the work that was done by members of all parties in the first two sessions of this Parliament to ensure that measures such as those that we are discussing stayed on the agenda and that progress was made. Today is a good day for everyone here, and for our former colleagues.

The cabinet secretary will be aware that there is sometimes a breakdown in the courts because of the way in which vulnerable witnesses, particularly children, are asked questions—they sometimes become confused or fail to understand the questions they are asked. Will the cabinet secretary consider introducing some form of chaperone or assistant—I think that the correct term is "intermediary"—who can be on hand to interpret for the child or the vulnerable witness so that they know exactly what is being asked of them? The intermediary could also ensure that the evidence is understood correctly.

Our system is flawed in that it is so high-powered and confrontational that it can put children off and lead to their not answering properly. It would benefit from the introduction of intermediaries.

Kenny MacAskill: The use of an intermediary is not a statutory special measure in Scotland. The response to a recent consultation on the matter is the subject of a detailed analysis, which we will publish at a later date and discuss with members.

At present, under common law, the court has the discretion to allow a specialist to be present to aid communication between the witness and the court. In the case of an adult with learning difficulties,

that might be an appropriate adult; in the case of a foreign national or someone who speaks a language other than English, the court might bring in an interpreter, based on a judgment call about whether their level of English comprehension required it.

As I said to Mr Pringle, some of these issues come down to common sense. There are times—in regard to a child or in regard to a vulnerable adult—when an intermediary is appropriate, irrespective of the seriousness of the case. There are serious cases when that would be appropriate and there are other cases in which, frankly, it would probably not be necessary: if a child who is quite mature has seen a gentleman go into a shop, steal a bottle of wine and disappear, and they are being asked only to identify that individual, they might view it as quite insulting to have someone there to hold their hand.

We must ensure that the law is in place and that we have the necessary additional facilities to deal with particular individuals and with particular difficulties, such as the nature of the accused, but in some instances we should trust the common sense of the judges, the sheriffs, the court clerks and the procurators fiscal.

Paul Martin (Glasgow Springburn) (Lab): I, like other members, welcome the Cabinet Secretary for Justice's supportive comments in connection with the previous Executive and his support for taking the 2004 act forward, but the important issue is to ensure that the additional resources that are necessary to do that are in place.

The financial memorandum to the 2004 act indicated that there would be additional running costs of £3.95 million and a one-off cost of £1.2 million. Can the cabinet secretary provide members with the details of how the financial memorandum has been taken forward and the expenditure that has been committed to date and will be committed in the future?

Kenny MacAskill: I am not in a position to give the member an immediate answer, but I am happy to write to him with that information. A significant amount has been delivered. There are 50 or 54 sheriff courts and the applications have been processed. We must also remember that with some of these things it is not so much a matter of fixed or capital costs, because they are already paid for in the courts or other public buildings. For example, the technology is already used for other links, because we are considering how to create links to enable evidence to be given from prisons or elsewhere.

As usual, Mr Martin asks about resources. We are happy to write to him with the specifics, but the issue is about more than just resources.

Regarding the tragedy involving Miss A, which was announced by Norman Dunning of ENABLE Scotland, it is not so much the law that is at fault or a matter of the money that is spent as changing attitudes. The real, fundamental change that the Vulnerable Witnesses (Scotland) Act 2004 introduces is not in relation to fixed accommodation or fixed links; it is about treating people with dignity and respect. We will, nonetheless, provide information about the finances.

Christopher Harvie (Mid Scotland and Fife) (SNP): I offer many thanks to the cabinet secretary for his statement. The vulnerable witnesses legislation is largely concerned with accidents and family and personal problems, but many of those can stem from social conditions in which vulnerability reflects criminal activity and associated pressures. Will the cabinet secretary assess the impact of the existing legislation on changing crime patterns, with a view to increasing its effectiveness?

Kenny MacAskill: As Mr Harvie knows—Mike Pringle and Pauline McNeill touched on this—vulnerable witnesses are to be dealt with differently from those who seek to interfere with the duty of witnesses to give evidence. We live in a world in which there is a growing problem with serious crime. The Government has acknowledged that by setting up a serious organised crime task force. We have to recognise and deal with the danger that the tentacles and links that are part of serious organised crime pose, not simply to our society, but to individuals. I am happy to indicate that we will examine that, not just in relation to how we deal with the Vulnerable Witnesses (Scotland) Act 2004, but in how we tackle serious organised crime.

I realise that the problem also hits at a lower level. It is quite easy, in most cases, to give evidence if one lives in a nice leafy area of Edinburgh, as I do, but if a person lives in some peripheral housing scheme in the city of Edinburgh or elsewhere it can be very intimidating if those against whom they are giving evidence are close by. That is something on which we have to do more and better work. It is not so much a matter for the 2004 act, but I am happy to consider the ways in which it might interface with that.

It is certainly the Government's, the police's and procurators fiscal's task to come down hard on anybody who seeks to pervert the course of justice and to ensure that we do everything to protect witnesses from those people. That is under way. Cathy Jamieson introduced that legislation too.

We have powers to ensure that, operating through the Scottish Crime and Drug Enforcement Agency, we have witness protection programmes and can move people, if we wish, not simply

outwith the jurisdiction of Scotland to other jurisdictions in the UK, but outwith the UK. It is simply a matter of cost and, indeed, whether they want to go that far.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): The cabinet secretary can be assured of my support to ensure that the 2004 act makes a difference, particularly to the people we have probably all come across in our constituency work. We should remember, too, that some vulnerable witnesses are also the victims of crime.

The cabinet secretary said that implementation of the 2004 act has been assisted by the production of an extensive range of guidance, which he claimed has been widely praised. If victims are to remain at the heart of the justice system, why were the victim of the vicious Foy attack and her family not notified prior to the publication of the Scottish Prison Service inquiry, which was called for by the Parliament? I am told by the First Minister that it was because the Scottish Prison Service did not hold contact details for the victim or her family. Is the SPS exempt from the much-needed 2004 act? Does the cabinet secretary agree that that was a feeble excuse and a disgraceful way to treat that family? Will he ensure that something like that never happens again and that all witnesses and victims are treated with dignity and respect?

Kenny MacAskill: On the latter point, that is the desire of the Government and the 2004 act, but things occasionally go agley. On the Foy situation, Ms Craigie will know that I gave a statement on it and publicly apologised for the failings that affected the victim and her family. I met the victim and her parents, who were highly impressive; the victim is an incredible young woman, and I reiterated my apology to her.

Ms Craigie can rest assured that the Government is on the case when we have to address matters in which there have been failings; whether they are within our department, the SPS or elsewhere, we will seek to tackle them. No jurisdiction or system can ever be foolproof, but we must ensure that we have the laws to ensure that we get things right. We must try to ensure that everybody acts according to proper procedures and uses their common sense, and that we monitor and learn—that was raised by Mr Aitken—to ensure that the number of tragic incidents is limited. However, I can reassure Ms Craigie, as the constituency representative of the victim of Robert Foy and her parents, only that we sought to make it clear to her and them how sorry we were and that the door is open to them if they wish to come back on that or any other matter.

John Lamont (Roxburgh and Berwickshire) (Con): Like others, I welcome the cabinet secretary's statement on this important issue and I

am pleased to hear of the progress that has been made. How many times has the new procedure for taking evidence been used? What percentage of cases does that represent?

Kenny MacAskill: We understand that, since 2005, there have been 506 applications on behalf of witnesses to give evidence by TV link. Since April 2005, there have been 149 applications to enable witnesses to give evidence via a live TV link from a remote site. That represents 30 per cent of the applications for TV links.

Hugh O'Donnell (Central Scotland) (LD): The cabinet secretary rightly commented on the training and expertise of those who work with young people. I apologise for following the same line as Paul Martin, but how will the Government support Victim Support Scotland's assessment toolkit, which is designed to assess the needs of potential witnesses, and its roll-out across Scotland?

Kenny MacAskill: Victim Support Scotland is a standalone organisation that the Government is happy to contribute to substantially. I meet VSS representatives regularly. I hosted a reception for VSS at our recent party conference and I went to meet VSS staff at their office to learn from them, face to face, about various problems. We must recognise that victims come in a variety of ages and with different problems. That is why we have provided support in a variety of ways. For example, with regard to those with a mental health problem, we were the largest financial contributor to a DVD produced by ENABLE Scotland and Lanarkshire ACE, entitled "What Happens Next?", which is designed to help people with learning disabilities and mental health problems navigate the justice system.

When we deal with youngsters, we do so in a variety of ways. Victims of a sexual offence will have different views or attitudes. All that we can give is the assurance that we seek to ensure that resources are adequate. The letter to Mr Martin will also be sent to Mr O'Donnell, to provide what assistance we can. We will keep on everybody's tail, so to speak, to ensure that they do what they can.

We in Scotland did not set out to treat witnesses in a hostile or undignified way; it was just one of those things that occurred far too often—it had just aye been. Just because something has aye been does not mean that it aye must be. We did not treat witnesses with the dignity and respect to which they were entitled and we must change that. That means changing attitudes, which involves providing resources—members are correct to raise that—and legislating, but what is ultimately required is that people put the legislation into practice.

John Wilson (Central Scotland) (SNP): I, too, welcome the Cabinet Secretary for Justice's statement and the work of the previous Executive and the Parliament to put in place the 2004 act. What action is being taken to protect vulnerable witnesses in and around court buildings? Will the Crown Office collate details and report on any witness harassment?

Kenny MacAskill: The member raises a valid point. Vulnerable witnesses are distinct from witnesses who give evidence in the normal course of events but face harassment or an attempt to pervert the course of justice. I pronounced on the issue in opposition and I maintain a watchful eye on it.

Going to court can be scary for many individuals. A person who is adopting a child, for example, may see people whom they are not used to bumping into hanging around corridors in courts. That can be intimidatory. The Government believes that the best solution is a visible police presence, which can mean such a presence in courts as well as on the streets. The Scottish Court Service and the Crown Office and Procurator Fiscal Service deal with such matters, but a valid point is that people who go to court are entitled to be treated with dignity and respect in proceedings and that they should not be routinely harassed or feel intimidated. Some duties are for private security operators, but there should always be some police vigilance in our courts. That is not simply for the safety of witnesses, but because—sadly—assaults on the judiciary and on Crown Office and Procurator Fiscal Service staff have occurred. That is entirely unacceptable and we must protect them adequately.

The Deputy Presiding Officer: If all remaining questions and—preferably—answers are relatively brief, we should fit everyone in.

Bill Butler (Glasgow Anniesland) (Lab): I thank the cabinet secretary for his statement, which acts as a welcome update. I agree with Mr MacAskill that the Government needs to be—in his words—

“smarter at tracking the impact of the act.”

I note the commitment that he gave Bill Aitken, to review the act with stakeholders. Will Mr MacAskill also commit the Government to providing such an update to the chamber, regularly, to allow members to monitor the act's implementation as it develops, so that any amendments—on witnesses who are subject to intimidation, for example, which Ms McNeill mentioned—that are thought necessary to improve further the protection of vulnerable witnesses may be introduced expeditiously?

Kenny MacAskill: I do not intrinsically oppose that suggestion, but it is more for the

Parliamentary Bureau and business managers than for me. In principle, I am more than happy and see no difficulty with the proposal, which is a matter of sharing the available information.

Roseanna Cunningham (Perth) (SNP): The cabinet secretary is aware of my concerns about vulnerable witnesses, following a recently reported case in my constituency. I wrote to him about that and I thank him for his response, which I received just today. Does he agree that a further issue to tackle is the plea-in-mitigation aspects of cases that involve vulnerable witnesses and complainers when a plea of guilty has been made and therefore no trial has been held? In such circumstances, few controls appear to apply to comments that might be made, however adverse they are.

Kenny MacAskill: That is a valid point. We have had discussions on that matter with the Law Society of Scotland and the Faculty of Advocates. To some extent, such matters are best dealt with by the judiciary. We are on a learning curve. Miss Cunningham makes a valid point. The tendering of a plea in mitigation should not be used as an opportunity to besmirch or defame an individual. People should not go down that route if there is no basis for doing so, and people who are presiding over the matter should take measures to curtail such action.

Kenneth Gibson (Cunninghame North) (SNP): I thank the cabinet secretary for his statement, which is welcome. Has an assessment been made of the impact that vulnerable child witnesses giving evidence via advance statements or videolink has had on conviction rates?

Kenny MacAskill: That information is coming out. One reason why there has been low usage of such means is that people have pled guilty before giving evidence. We will happily discuss the matter with the Crown Office on the member's behalf. Such information is more readily in the Crown's domain than that of the justice department, but it is clear that the purpose of the Vulnerable Witnesses (Scotland) Act 2004 was to get convictions by allowing victims the dignity to which they are entitled. I undertake to make investigations and get back to the member on the matter.

Glasgow Commonwealth Games Bill: Stage 3

15:16

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is stage 3 proceedings on the Glasgow Commonwealth Games Bill. Members should have the bill as amended at stage 2—SP Bill 4A—the marshalled list and the groupings, which the Presiding Officer has agreed. The division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. The period of voting for that division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. The voting period for all other divisions will be 30 seconds.

Section 10—Ban on advertising in the vicinity of Games locations

The Deputy Presiding Officer: Amendment 1, in the name of Jamie McGrigor, is grouped with amendments 2 and 3.

Jamie McGrigor (Highlands and Islands) (Con): The purpose of amendment 1 is to allow ministers, in the run-up to the 2014 Commonwealth games, to exempt advertising that appears in

“newspapers, magazines and cinemas, on television and radio and by means of mobile telephony or any other electronic media.”

One of the purposes of the advertising regulations that can be issued under section 10 is to ensure that advertisement hoardings outside games venues are not inadvertently covered by cameras that are covering events or the spectators who are watching them. We understand that, but there is real concern that it is likely that newspapers or magazines that spectators might take into the games, or through the vicinity of games locations, will contain advertisements that have been sponsored by people other than the official games sponsors. Therefore, there is a risk of people inadvertently falling foul of the regulations unless an exemption is provided to cover such a scenario. The same applies to the users of mobile phones or laptops who might source advertising by non-sponsors inside a games area. What would happen if a local person within the official vicinity of a games venue tuned into their commercial radio station or into an advertising-funded television station? That person could be breaking the rules if they saw or heard advertising by a non-sponsor, which is why exemptions are needed.

It has been pointed out that a cinema that is within the vicinity of a games venue might show

adverts by non-sponsors and might therefore, in theory, break the rules. Some might say that such concerns are far-fetched, but that is not the opinion of the Scottish Daily Newspaper Society or the Advertising Association, which represents the Scottish Newspaper Publishers Association and several other organisations. The organisations responded to the 2007 consultation on the draft bill and made the points that I have made. They are worried about the matter. While the Olympics legislation south of the border was going through Westminster in 2005 and 2006, ministers in both houses recognised the validity of such concerns and offered reassurances that the advertising regulations would contain the necessary exemptions.

I ask the minister to support my amendment, which would deal with the legitimate concerns that I have raised. If he does not want to do so, will he provide, on the record, reassurances relating to the Commonwealth games in Glasgow that are similar to those that his counterparts at Westminster provided for the Olympic games in London? It is hardly enough to say that the Government will take a commonsense approach to enforcement, as that would not provide the necessary reassurance to people who are frightened of breaking the rules by accident rather than by design.

I look forward to hearing what the minister has to say on amendment 1.

My colleague Bill Aitken will speak to amendment 2.

The purpose of amendment 3 is to state, in section 11, the maximum period during which advertising regulations issued under section 10 could apply. We agree with the principle that official sponsors should be protected from ambush marketing by non-sponsors. Nevertheless, we consider that the measures that achieve that should be proportionate and should provide the wider advertising industry in Scotland with the greatest degree of certainty. In our view, the bill as it stands does not do that.

We think that the bill should indicate the maximum duration of advertising regulations that could be issued under any eventual statute. The purpose of the amendment is to provide the advertising industry in Scotland with the greatest degree of certainty now about how any regulations issued under section 10 are likely to impact on the sector come the summer of 2014.

The opening and closing dates in the amendment are calculated on the basis that the games are scheduled to open on 23 July 2014 and close on 3 August in that year. The Commonwealth Games Federation appears to require that the restrictions be in place a fortnight

earlier, which would be 9 July 2014, and that is what is in the amendment. The closing date in the amendment is the day after the official end of the games. Unless the Government has come to an agreement with the Commonwealth Games Federation of which we are not aware, we think that the regulations should continue only for the 24 hours following the official closure.

The minister will know that there is nothing in the bill that specifies the dates on which the regulations will be in place. Understandably, advertisers would like those dates to be clarified if possible.

I move amendment 1.

Mr Frank McAveety (Glasgow Shettleston) (Lab): We would like further clarity from the minister on the issues that Jamie McGrigor has raised—specifically on how we can ensure that we have a similar process to that which has been adopted by the minister in the United Kingdom Parliament with responsibility for the 2012 Olympics. If we can get reassurance or further clarity from the minister on that, we would be happy to accept that.

Bill Aitken (Glasgow) (Con): I do not think that there is too much difficulty here, but we require some clarification, as has been outlined by Mr McGrigor and Mr McAveety.

The purpose of amendment 2 is to introduce a statutory defence for breaches of any regulations that are made under section 10. Paragraph 5 of the revised explanatory notes explains that, on summary conviction, an individual could be fined up to £20,000. That, plus the creation of a criminal record, is a fairly substantial penalty.

It is notable that, in drawing up the equivalent sections for the London Olympic Games and Paralympic Games Act 2006, which contains similar penalties, the Government saw fit to incorporate a statutory defence over and above the commitments that it made in respect of providing exemptions, which have already been debated by Mr McGrigor. It may come as no surprise that amendment 2 is modelled on a defence contained in section 21(2) of the 2006 act. At present, no equivalent defence to cover circumstances in which the advertising regulations might be breached inadvertently by an individual is contained in the Glasgow Commonwealth Games Bill. Frankly, we do not understand why there should not be some consistency in approach, albeit that different Governments are involved.

It is, perhaps, significant that the Local Government and Communities Committee noted the omission of a defence in its stage 1 report, having had its attention drawn to the fact by the Advertising Association. The association clearly

has an interest to defend; nevertheless, it seems that there is potential for injustice.

The minister might rely on the principle in Scots law that, in order for the commission of an offence to occur, there must be a demonstration of *mens rea*—namely, evil intent. That might be the basis on which the minister feels it unnecessary to incorporate amendment 2; we will listen to what he says with interest. It is quite possible, given the way in which the advertising industry operates, that someone, through the actions of an agent or on an unauthorised basis, might find themselves subject to prosecution under the bill as it stands. As I see it, the only basis upon which a defence could be sustained in a court would be that of the absence of *mens rea*. It may be that the minister is in a position to elaborate on that and to tell us something that I do not see. I await his comments with interest.

The Minister for Communities and Sport (Stewart Maxwell): I thank Jamie McGrigor for raising those issues and I also thank Frank McAveety and Bill Aitken for their contributions.

Amendment 1 would allow the advertising regulations to exempt certain types of advertising. It has always been our intention for the advertising regulations to be capable of exempting types of advertising from the advertising offence. Section 10 already allows the regulations to do just that. I assure Jamie McGrigor and other members that it is our intention to use the regulations to exempt, where necessary, the types of advertising that are mentioned in amendment 1. For example, if a cinema falls within the vicinity of a games location—that is one of the examples that Jamie McGrigor used—the regulations will exempt that cinema from committing an advertising offence by showing its regular pre-feature film adverts.

Amendment 2 would introduce a statutory defence to the advertising offence if the person could prove that the offence occurred without their knowledge or despite the fact that they had taken all reasonable steps to prevent it from occurring or continuing. Such a defence is contained in the London Olympic Games and Paralympic Games Act 2006. However, the offence to which that defence relates is framed very differently, in that it is to contravene the regulations. In our case, the offence specifically relates to advertising

“in the vicinity of a Games location at a prohibited time”.

Advertising, within the meaning of the bill, is

“a communication to the public ... for the purpose of promoting”

a product or service. The act of advertising is a positive act and each case would need to be considered on its own merits in order to determine who was actually advertising. It is therefore almost impossible to conceive of a situation where a

person could commit an offence without their knowledge.

There are some problems with amendment 2 as it has been drafted. As well as the defence being available where the person is in ignorance of the fact of advertising, the proposed provisions could be interpreted as affording a defence based on ignorance of the law. Clearly, that should be avoided.

Regulations may make further provision in relation to advertising. In this context, consideration will be given to the different scenarios that might arise. If it is considered appropriate, it would be possible to include an exemption or a defence.

Amendment 3 would introduce a defined period during which the advertising regulations would apply. As I am sure that Jamie McGrigor is aware, the games are expected to take place from 23 July to 4 August 2014. However, we cannot say with any certainty that those dates will not change. I understand that there has been some concern in the advertising industry about the duration of the advertising regulations. We are committed by the host city contract for the games to control advertising from up to two weeks before the games begin. We may also need to control advertising for a short period after the closing ceremony. I would not expect that to last for more than a few days. Indeed, I would anticipate that it will last for no more than four or five days.

It is worth noting that the street trading and advertising regulations protect games locations. Those are defined as places in which events are held as part of the games, or other places specified by ministers and used in connection with the games. It is unlikely that any place could be described as having a connection with the games more than a few days after the closing ceremony.

I hope that that provides Jamie McGrigor and other members with the assurances that they have been seeking.

Jamie McGrigor: I am grateful to the minister for giving those assurances on amendments 1 to 3. I am prepared to accept what he has said, which allays our worries.

Amendment 1, by agreement, withdrawn.

Amendment 2 not moved.

Section 11—Advertising activities, places and prohibited times

Amendment 3 not moved.

Section 43—Orders and regulations

15:30

The Deputy Presiding Officer: Group 2 is on trading and advertising regulations etc: procedure, consultation and public notice. Amendment 4, in the name of Jamie Stone, is grouped with amendments 5 to 8.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I speak as the convener of the Subordinate Legislation Committee and on the committee's behalf.

I will speak first to amendment 4, which is grouped with amendments 5 to 8. The amendments address concerns expressed by the Subordinate Legislation Committee, which exists to ensure on Parliament's behalf that there are adequate checks and balances in relation to powers such as those for which the bill provides. At earlier stages, the committee expressed concerns about the broad powers that ministers are taking in sections 2(3) and 10(3) to create exceptions and to make such further provision as they think fit in relation to street trading and advertising offences in the vicinity of games locations. The committee was also concerned about the power that is being taken under section 19 to make regulations concerning use of the internet in relation to what constitutes a ticket touting offence.

Under the bill as it stands, the substance of what will amount to such offences will be contained in regulations. Given the significance of criminal law, it is generally thought proper that offences be set out in primary legislation. However, we accept that, to some extent, the games are a special case and that the details of offences should be set out in subordinate legislation, subject to safeguards to provide adequate scrutiny of the exercise of ministers' powers. When the bill was introduced, those powers were subject to negative procedure. The committee suggested to the Government that a higher degree of parliamentary scrutiny was appropriate, as the regulations will set out the key elements of street trading, advertising and internet ticket touting offences. The street trading and advertising regulations will set out exemptions to offences and the times and places in which they will apply. The internet ticket touting regulations will specify what an offence is.

The Government accepted our view in part and amended the bill at stage 2 to require affirmative procedure to be applied to the first use of each power. However, the committee remained concerned that the Government's amendments did not go far enough. It is foreseeable that the Government might need to exercise the powers several times in order to achieve the results that

are required by the host city contract or for other reasons. The regulations that are in force when the games take place might differ substantially from the first set of regulations. The penalties for the offences that the regulations will set out are potentially high. Although it may be the Government's intention for the substantive use of the powers to be in the first regulations, best intentions are not always fulfilled because of error or matters beyond the Government's control. After all, the games are still six years away and it is clear that the powers will not be exercised until much closer to their start.

The effect of amendment 4 is to make the regulations subject to affirmative procedure—a higher level of scrutiny—unless the Government needs to act urgently to comply with obligations that are imposed by the host city contract or any request or guidance from the Commonwealth Games Federation, or to secure the effective operation of the games. In such cases, negative procedure may be used. The availability of the option of using negative procedure in cases of urgency means that there need be no delay in bringing necessary provisions into force, as negative instruments can be brought into force during parliamentary recess, if required. The committee considers that the amendment achieves the right balance between Parliament's role of monitoring the Government's exercise of the powers and the Government's need to react quickly to events. If there are urgent circumstances requiring the Government to make regulations quickly, we doubt that it will have difficulty justifying to Parliament the use of negative procedure.

I turn to amendment 7. At stage 2, the Government lodged an amendment to section 44, the effect of which was that ministers were required to consult relevant bodies only the first time that they made street trading or advertising regulations. The minister's view was that the power would be used on a subsequent occasion only in urgent circumstances, where consultation was not feasible.

In our view, it is foreseeable that further street trading or advertising regulations might be made in circumstances that are not urgent. Consultation with those bodies whose functions will be affected is an important check and balance on the exercise of the delegated powers. The committee thinks that the default position should be that ministers are obliged to consult before making any street trading or advertising regulations, unless they do not have time to do so, by reason of urgency. In evidence last week, officials told the committee that they intended to consult wherever possible, so our respective positions are not very far apart.

Amendment 7 requires ministers to consult the relevant councils, the organising committee and other appropriate persons before making any trading or advertising regulations, unless the regulations require to be made urgently to comply with obligations imposed by the host city contract or any request or guidance from the Commonwealth Games Federation, or to secure the effective operation of the games. Amendments 5 and 6 are consequential to amendment 7.

I turn to amendment 8. Section 46 currently requires ministers to give public notice of the general nature of the first trading and advertising regulations no later than two years before the games begin. Ministers must also give public notice of the detailed provisions of the first trading and advertising regulations no later than six months before the games begin. The regulations will set out the key elements of the offences of trading and advertising in the vicinity of the games. Such offences attract considerable penalties of fines of up to £20,000 on summary conviction or unlimited fines on conviction on indictment.

Public notice of those offences is important. The Government's intention, as explained to the committee last week, is to deter wrongdoing rather than to prosecute for wrongdoing. Public knowledge of the detail of the regulations appears to be essential in order for them to act as a deterrent. Amendment 8 would provide that the public notice would not be restricted to the content of the first trading and advertising regulations; it would also be required for the detailed content of any subsequent regulations where that is possible.

Amendment 8 would therefore amend section 46 to place an additional requirement on ministers to provide notice of any subsequent street trading or advertising regulations no later than two weeks before the games begin unless ministers consider that it is impractical to give such notice. I await the minister's response with great interest.

I move amendment 4.

Stewart Maxwell: I thank Jamie Stone for lodging his amendments. We are grateful to the Subordinate Legislation Committee for its detailed scrutiny of the bill. It has made a number of recommendations that we have implemented during the parliamentary process and which have undoubtedly improved the bill.

Amendment 4 would place a subjective test of urgency on ministers' ability to use negative procedure when amending the advertising, street trading or internet regulations. The advertising and street trading regulations will specify where and when such activities will be prohibited during the games and will define activities that might be exempted from such controls. The internet regulations will specify circumstances in which

making internet facilities available is or is not to be capable of constituting the touting offence contained in the bill. We understand the intention of amendment 4, but we have legal concerns that it would be detrimental to the effective running of the Commonwealth games.

The amendments that have been lodged by the Subordinate Legislation Committee offer an opportunity for me to clarify how I expect the regulation-making process to operate in practice. It is the Government's intention that the first use of the regulations, which will be their substantive use, will require affirmative procedure—they cannot be made unless approved by Parliament. The Government will also be required to issue public notice of the general nature of the advertising and street trading regulations two years before the games and the detail of those regulations six months before the games.

As the Local Government and Communities Committee noted in its stage 1 report, the Government

"may need to react quickly to unforeseen circumstances in advance of the Games ... and when the Parliament is in recess."

For example, emergency road works could force a change in the marathon route or we could find that an organisation or individual was exploiting a loophole in our regulations. Ambush marketing is innovative by nature and those seeking to exploit the games for commercial gain have used methods at previous major events that could not have been predicted. In such circumstances the Government would have to react immediately, given the unique nature of the games, which are expected to last 11 days from 23 July to 3 August 2014.

If the Government were required to use affirmative procedure in such circumstances, it would require the recall of Parliament, which would be in recess during that period. That is not a practical proposition. Negative procedure would allow the Government to respond quickly without having to recall Parliament. Introducing a subjective test, such as the requirement to demonstrate urgency, creates legal uncertainty and could cast doubt over the validity of the regulations. They could be challenged on the ground that the matter was either not urgent or not required for the purposes set out in the amendments. The difficulty of determining urgency would be particularly acute if, near the end of the parliamentary term, the Government discovered that a change to the regulations was required, but there was a lack of available parliamentary time to enable a debate to be had on the affirmative instrument. Were negative procedure to be used in such a case, the question would be whether the case was urgent or whether parliamentary time

was not available. One does not necessarily equate to the other.

Legal certainty is particularly important when dealing with regulations that specify criminal offences and we should aim to avoid introducing any grounds for challenging either the basis on which the regulations were made or whether there has been a reasonable exercise of judgment. These amendments would require the Government to consider whether the specific circumstances met such a test. If a person affected by the regulations were to raise a challenge in the courts, it might delay or prevent any action. Given that the games are expected to last only 11 days, serious damage might be done to their image and to our reputation as a major event destination before the Government could react effectively. Moreover, a challenge to the regulations after the event could have the same effect and could be financially damaging.

Under section 44, before they make the first trading or advertising regulations, ministers will have a statutory obligation to consult

"the councils for the areas where it is proposed that the regulations apply",

the organising committee of the games and

"other persons whom Ministers consider appropriate".

Amendments 5 to 7 seek to require ministers to consult those persons before any subsequent trading or advertising regulations are made, unless the regulations have to be made urgently for the specified purposes. The Government is committed to consultation, unless it is not practical to do so because of time constraints such as, for example, in the event of a venue becoming unusable a week before the games. This provision is particularly relevant given that the projected games are a specific, one-off, two-week-long event.

Because the requirement to consult is a precondition for making the regulations, introducing a subjective test on whether the duty to consult applies carries with it all the problems inherent in imposing the same test on deciding which procedure to use in the first place. Given that such a move opens the regulations to legal challenges on exactly the same basis, the Government takes the view that the Subordinate Legislation Committee's proposed amendments to section 44 are as detrimental to the bill as those proposed for section 43.

In its consideration of the matters that have led to these amendments, the Subordinate Legislation Committee has expressed concern that use of the power after it is first used could be substantive and has highlighted as an example the possible need to correct errors. Although errors are always possible, we should not lose sight of the fact that

the first regulations will undergo considerable pre-legislative scrutiny and that there will be parliamentary scrutiny of the draft regulations. If any errors arise, it seems rather unlikely that the necessary corrections will have any substantive effect rather than simply address technical points.

Amendment 8 seeks to impose a duty on ministers to give notice of subsequent regulations at least two weeks before the games, unless that is impractical. Unlike the duty to consult in section 44, giving public notice is not a precondition to making the regulations but is intended to assist those who will need to comply with them. Ministers will make every effort to ensure that members of the public are made aware of such changes. As Jamie Stone suggested, our aim in the bill is to prevent unlawful acts, not to prosecute offenders. As it is in our interest to make the contents of the regulations widely available, amendment 8 merely reflects a commitment that the Government has already made.

Agreeing to the Subordinate Legislation Committee's amendments would introduce a subjective test of urgency, the determination of which could leave the regulations open to legal challenge. That would reduce the Government's ability to react to events in the period leading up to and during the games and could significantly damage Scotland's reputation as a major events destination.

Jamie Stone: I welcome the minister's acknowledgment of the improvements made to the bill as a result of the Subordinate Legislation Committee's scrutiny.

The debate on these amendments illustrates the balancing act between the committee's role in safeguarding the Parliament's interests by ensuring that subordinate legislation receives the best possible scrutiny and the Government's role in delivering the best possible games. I am sure that the entire chamber agrees that that is what the Government is doing. That said, the minister's point about recalling Parliament in recess is not technically correct, because during the recess subordinate legislation can be passed under negative procedure.

It has been important to debate this matter and to have the minister's response on record. It would have been nice if we could have taken things a bit further. However, given the minister's commitment to being as flexible as possible and providing the maximum amount of information; given that the committee has made its point, put its view on record and demonstrated the value of its work; and given that we all want to make the games the best possible success story for Scotland, I seek leave to withdraw amendment 4—unless other committee members are minded to press it.

Amendment 4, by agreement, withdrawn.

Section 44—Consultation

Amendments 5 to 7 not moved.

Section 46—Notice

Amendment 8 not moved.

15:45

Section 48—Interpretation

The Deputy Presiding Officer: We move on to group 3, which is on the meaning of "vicinity". Amendment 9, in the name of Jamie McGrigor, is the only amendment in the group.

Jamie McGrigor: Once again, I have managed to lose—*[Interruption.]*

The Deputy Presiding Officer: Order.

Perhaps the amendment will speak for itself, Mr McGrigor.

Jamie McGrigor: I apologise.

Amendment 9 attempts to provide a definition of "vicinity" in section 48. Although many sections of the bill refer to "vicinity", the Government has failed to define the concept anywhere in the bill. I make my comments in the context of the advertising regulations, but it is clear that a definition of "vicinity" is important for many people.

It is notable that both the Local Government and Communities Committee, in its stage 1 report, and fellow members who spoke in the stage 1 debate at the end of February commented on the lack of a definition of "vicinity" and called on the minister to define the concept at the earliest opportunity. Thus far, the Government has committed only to stating that any restrictions on advertising will be designated in legislation that is to be issued nearer to 2014, and that the meaning of "vicinity" will be defined then. In practice, that could mean that the concept will not be clearly defined until early in the year of the 2014 games, when, as section 46 requires, ministers must have set out the detailed provisions of the advertising regulations.

Without a definition of "vicinity", the advertising sector in Scotland will not know what it can and cannot do. That will be most important for the owners of outdoor advertising sites. Advertisers sell their space months in advance, so there must be clarity on which sites will be in the vicinity of a games location and which will not.

Even if the minister is not prepared to accept my amendment 9, I ask him at least to do what the relevant minister at Westminster did in relation to the Olympics, when, in the context of games venues, he said:

"When we talk about vicinity, we mean a few hundred metres."—[*Official Report, House of Commons, Standing Committee D*, 18 October 2005; c 78.]

That would at least provide a welcome steer to those who will be affected by the restrictions that are likely to be contained in the advertising regulations that are eventually issued.

In the consultation, Glasgow City Council expressed concerns that legitimate businesses in Glasgow might suffer from the impact of restrictions in their day-to-day commercial activity. Perhaps the council was thinking of as innocent a matter as the status of commercial signage on shop fronts and newspaper stands. Ministers responded to that concern by stating that the advertising regulations would provide for such businesses to continue to conduct their ordinary, day-to-day business, provided that there was no direct conflict with the games. I put it on record that I wish the parliamentary draftsmen some years hence luck in arriving at a suitable form of words that will succeed in achieving the differentiation that is sought.

I would be interested to hear the minister's thoughts on the contractual implications for existing branded venues that do not happen to be used for Commonwealth games events but which find themselves in the vicinity of such events.

I move amendment 9.

Mr McAveety: For Jamie McGrigor, who had difficulty finding his papers, the meaning of "vicinity" might be "here or hereabouts".

The fundamental issue that has been raised, both at committee and in the debate today, is the definition of "vicinity". As Jamie McGrigor said, when Dick Caborn was pressed in the House of Commons in October 2005, he seemed reasonably comfortable on the issue. He said:

"When we talk about vicinity, we mean a few hundred metres."—[*Official Report, House of Commons, Standing Committee D*, 18 October 2005; c 78.]

I hope that the minister will reflect on that and make a similar response today. That would address the concerns of the Advertising Association and others who lobbied members on the definition of "vicinity". If he does that, I am sure that people will be reassured.

I turn to Glasgow City Council's concerns, on which it would be useful for the minister to clarify his views. A number of major commercial enterprises are in discussions about advertising sites at major event locations and the council is concerned about its advertising sites. Everyone would welcome clarity.

Stewart Maxwell: I thank Jamie McGrigor for raising the issue, which relates to the physical

space in which unauthorised advertising and street trading will be prohibited in 2014.

The proposed advertising and street trading regulations will define the places in which and times at which such controls will take effect. It is likely that restrictions will be applied for different periods in different ways for different events. That will allow the unique characteristics of each venue to be taken into account.

I am aware of the advertising industry's concerns about the definition of "vicinity". I assure Jamie McGrigor that the flexibility to which I have referred will be used to ensure that the restrictions are proportionate and comply with the requirements of the host city contract. In the stage 1 debate, I said:

"The issue is not as simple as drawing a line a set distance around a building. Further, as the final games programme will not be finalised until closer to 2014, it makes sense to define 'vicinity' in the regulations, which will use affirmative procedure for their first substantive use."—[*Official Report*, 27 February 2008; c 6334.]

I turn to what happened in the House of Commons. Clearly, events move on. I am aware of an incident at a senior cricket game. Some distance from the event, an energy company that was not the match sponsor placed large banners on gasometers that were in clear line of sight of the ground—they could be seen not only by people at the event but by those watching on television. The siting of the banners did not fall within the definition of "vicinity" as meaning 200m or 300m, but nonetheless their siting impinged on the sponsorship arrangements for the match. That shows the use of ambush marketing. Clearly, the definition of "vicinity" is not as straightforward as drawing a circle or a line around the location of an event.

As I said, the games programme will not be finalised until closer to 2014. For that reason, we would prefer to define "vicinity" in the regulations. Public notice will be given and consultation on the substantive regulations will take place before the games, and the Parliament will be required to approve the regulations' first use. I hope that Jamie McGrigor accepts our position on the matter and will therefore seek leave to withdraw amendment 9.

The Deputy Presiding Officer: I ask Jamie McGrigor to wind up and indicate whether he will press or seek leave to withdraw amendment 9.

Jamie McGrigor: Obviously, the definition of "vicinity" is not straightforward: I understand that. I hope that what the minister said allays the concerns of those who raised the matter. I am sure that he will keep his word. I seek leave to withdraw amendment 9.

Amendment 9, by agreement, withdrawn.

The Deputy Presiding Officer: That concludes consideration of stage 3 amendments.

Glasgow Commonwealth Games Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-1716, in the name of Nicola Sturgeon, on the Glasgow Commonwealth Games Bill.

15:54

The Minister for Communities and Sport (Stewart Maxwell): We are in the chamber today to consider and, I hope, pass the bill that will enable Glasgow to host the Commonwealth games in 2014.

It is less than six months since we were all on tenterhooks, waiting to hear whether Glasgow would be given the opportunity to host the 2014 games. It was a tense time, which resulted from a great deal of hard work, much of the credit for which must go to all those who were involved, across all parties, in the Parliament and Glasgow City Council, as well as those on the bid team and the Commonwealth Games Council for Scotland.

It is fitting that the bill has passed through the Parliament in a spirit of co-operation. Its progress, and the speed at which we have been able to reach this stage, shows what can be achieved when Scotland comes together around one objective.

We have made a lot of progress in those few, short months. Since 9 November, we have established the organising committee as a company to run the games. The company now has a chairman in Sir Robert Smith and a chief executive in John Scott. The company board met for the first time last week. We have published a legacy consultation and set up a legacy board to ensure that the games provide lasting benefit for the people of Glasgow and people throughout Scotland. We have also made significant progress on the bill. When it was introduced on 9 November, there was broad consensus in the Parliament and in Scotland on the policy aims, but some issues still needed to be addressed. The policy aims remain unchanged. The bill will protect the games from ticket touting, so that everyone in Scotland can enjoy the events at a fair price. The games will be commercially attractive, but they will not be cluttered by unofficial or unsuitable trading and advertising.

Mr McGrigor raised a point earlier about branded venues near games venues, with which I do not think I dealt. His point is a matter for the regulations. I am sure that he realises that the regulations will be developed pragmatically, with a view to dealing with the circumstances that he

mentioned. We will take the same approach to those venues as we will take to shop signs and other such matters.

The bill will ensure that a games transport plan is developed and implemented. Athletes and spectators will be able to travel efficiently to and from Glasgow and between venues. The bill will allow land to be bought if it is needed for the games. It is worth saying that, if the bill is passed today, we intend to commence early sections 41 and 42, which are on compulsory purchase and financial support to the organising committee.

As I did at stage 1, I thank those who have been involved in the bill process so far, including members of the Local Government and Communities Committee, the Finance Committee and the Subordinate Legislation Committee; those who gave oral or written evidence; and everyone who responded to our consultation on the draft bill during the summer of last year. We have tried, as far as possible, to incorporate the views and wishes of the committees and those who offered evidence to them.

Concerns were raised at stage 1 about the enforcement provisions. We responded and introduced amendments at stage 2 to address those concerns. We clarified the role of enforcement officers by setting out who may be designated as an enforcement officer and by making it clear that the police will have recourse to the same powers that enforcement officers will have if those powers go above and beyond the normal powers of the police. We also made it clear that, although enforcement officers will at times need to be accompanied by police officers, the police will be able to enforce games regulations independently.

Today, we have had a debate about the scrutiny procedure for regulations. The Subordinate Legislation Committee had concerns about the scrutiny of any amendments to the regulations. It is worth pointing out that the committee played an important role in strengthening the scrutiny that will apply when substantive regulations are made for the first time.

Other issues were raised during the consideration of the bill. It was suggested that we might extend the ticket touting provisions to cover other sports and events. Unfortunately, that was not possible, as the scope of the bill extends only to the Commonwealth games. I have sympathy with the organisers of sporting and cultural events who regularly find tickets for their events being touted. We are considering the United Kingdom Government's response to the Culture, Media and Sport Committee report on ticket touting, which was published on 21 April. I will make an announcement soon on how we intend to respond.

Briefly, on lottery funding, we have gone on record to express our concern that £150 million is being diverted from Scotland to help pay for the London 2012 Olympic games. That is manifestly unacceptable and Parliament can be assured that the Government will continue to fight with passion for a fair deal for Scotland from the lottery.

During stages 1 and 2, questions were asked about equality and access to the games. Although access to the games will be a matter for the organising committee, we have conducted a full equality impact assessment of the bill, which has been published on our website. The message from the assessment is that care will need to be taken to ensure that the transport plan, when developed, takes full account of the needs of people with mobility issues. Section 37 places a requirement on the organising committee to consult widely before developing the transport plan, and I expect that to include organisations and groups that can offer information and advice on equality and access issues.

Since the bill was introduced, public comment has been made on the risks that human traffickers will hide behind the influx of visitors to Glasgow. Detailed work will be needed nearer the time to find ways to stop the Commonwealth games being used in that way. We will be able to draw directly on the experience of the London Olympics in 2012 in that regard.

The bill sets a foundation on which we will deliver a successful games.

I move,

That the Parliament agrees that the Glasgow Commonwealth Games Bill be passed.

15:59

Mr Frank McAveety (Glasgow Shettleston) (Lab): Like others, I thank those who contributed to all the committee meetings at stages 1 and 2. I also thank those who provided evidence to committees and supported some of the issues that have been highlighted in contributions this afternoon, in particular in the Minister for Communities and Sport's speech.

This is an historic day for the development of one of the major commitments that Scotland has made in recent years to use sport effectively and, I hope, use the benefits of 2014 to make a substantial difference to people in Scotland.

I thank those individuals who raised issues at stages 2 and 3. I put on record our appreciation of the fact that the minister has taken on board some of the issues that were raised at stage 2. It can be difficult to achieve consensus in a debate on sport, but there is a willingness across the chamber to make the 2014 games work effectively—it is

important that we do that. It is necessary to pass the bill to put the legal framework in place. At stake are fundamental issues that are critical not just to the success of the 2014 games but to the role that sport can play in the lead-up to them and, more critically, the games' legacy post-2014.

It is important that we have in place a legal framework to deal with issues such as land assembly. I put on record the good work that has been done in recent years, particularly the developments that affect my constituency. Much work has been done there in preparation for the M74 extension, to which the former Executive made a commitment and the Government has agreed. The Commonwealth games also provide opportunities for new transport facilities, not just for the east end of Glasgow—welcome as they will be—but for other areas that will connect to parts of Glasgow and Scotland that will benefit from 2014. That is an important message.

Concerns remain about a number of issues. Although a heated discussion took place about the chair of the merged sportscotland and the Scottish Institute of Sport, an appointment has not yet been made. The minister has suggested that an appointment might be imminent. Previously, he said that it would be made soon. I hope that "imminent" means much earlier than "soon". The appointment is important in practical terms, as leadership is necessary in the form of the chief executive and the chair of the national sporting agency to facilitate some of the demands, on which I will now focus.

We have had a fairly honest report from Audit Scotland this week—"A performance overview of sport in Scotland"—which includes critiques of recent history and the present direction of sport in Scotland. We have a shared agenda to address the issues. No one in the chamber would disagree that we should use sport more effectively and as one of the major tools for self-improvement. I was involved with a local authority that tried to use sport as part of its strategy. The statistics in Audit Scotland's report—chilling as they are in terms of participation levels—indicate that if one gets infrastructure investment right, other major investment in sport is required to make the difference.

We must address the critical issue of whether the outcome agreements contain a clear commitment to sport. I understand that there is a general commitment about healthier lifestyles in the outcome agreements, but that there is no reference to sport. Has the minister had any meetings with the Convention of Scottish Local Authorities on that issue? If so, what was discussed, and if not, how does he intend to address that issue? The Audit Scotland report identified that 90 per cent of the spend on sport in

Scotland—£511 million—comes through local authorities. Sportscotland contributes only £26 million. Our debate should focus as much on local authorities as on sportscotland.

Has the minister discussed with his Government colleagues the commitment to a minimum of two hours access to physical education per week? What is the Government's position on that, and how is it committed to ensuring that, through the outcome agreements, that can be delivered? Unless we get those legs moving in terms of sports activities for youngsters, we will not get the benefits from the 2014 commitment that we all seek.

Finally, I ask the minister to address the overall level of resources that were pledged by the previous Government, which made a commitment to national sporting facilities. I seek clarification on the additional moneys that the new Government might make available for those facilities. The minister might not be able to provide the sum that Christina McKelvie mentioned in her legendary performance on "Newsnight Scotland", when she said that £0.5 trillion had been made available to previous Scottish Governments, but even a mere fraction of that sum would solve all our sporting problems. It is important that we hear from the minister about that this afternoon.

I hope that the minister will address those points in his summing up. We need a shared, common agenda to ensure that sport is used to improve the lifestyles and wellbeing of people in Scotland by getting people to be more rather than less active. More fundamentally—this is a particular constituency concern of mine—we need to utilise the 2014 games to change the recent direction of travel on participation rates, especially in some of our most disadvantaged communities.

I support the broad principles of the bill and wish it well.

16:06

Bill Aitken (Glasgow) (Con): A cohesive, united and positive campaign brought about a terrific result. In the years ahead, we will see the benefits of that result in the city of Glasgow.

I was interested to hear the minister talk about the transport plan—we look forward to seeing further details in due course—but, of the several outstanding issues, perhaps the most important is the budget and the ancillary funding for the games. We need to ensure that we maximise input from all sorts of sources. I am sure that the Government will work in that direction. We certainly cannot have an overspend.

I also noted with interest the minister's comments on ticket touting, which is a particularly

disagreeable pursuit for those of us who are interested in football. Ticket touting not only cheats those who run the sport but denies genuine fans the opportunity to attend large-scale sporting events. We look forward to seeing the Government's proposals on that in due course.

The games will be of enormous benefit to the city of Glasgow. The capital injection itself will be significant. As Frank McAveety correctly said, the benefits to Glasgow's east end will be enormous. A part of the city that has suffered more than its fair share of hardships over the past half century will be given a tremendous fillip as a result of the money and investment that the games will provide.

As I look around the chamber, I see a number of us—the Deputy Presiding Officer Trish Godman included—who have worked long and hard in serving the city of Glasgow. Glasgow is simply the best city in the world, with the best people in the world. However, despite the tremendous improvements that have been made, one thing that Glasgow has perhaps lacked for many years is confidence. When Glasgow hosts this massive international event, the prestige that the games bring should immeasurably improve Glaswegians' confidence in their city and themselves. That will be another enormous benefit.

The image of the city will improve beyond recognition. As members well know, Glasgow is not the city that it was 40 or 50 years ago—the improvements have been very significant. Perhaps the crowning glory will come when we see the improvements that the games bring and when we see how the city's international standing improves.

The games will reignite a more general interest in sport. It is perhaps a little unfortunate that, in Glasgow, sport equals football, pure and simple. As a well-known frequent attendee of football matches, I know that the interest that people in Glasgow have in football can become a little bit obsessive and include a negative aspect. If a situation develops whereby the interest in sport goes beyond football to a great deal of the other activities that will be showcased by the games, that will have beneficial consequences, including social consequences, which is no bad thing.

The process has been good and has presented the Parliament and the current and previous Scottish Governments in the best possible light. Much can be done when we all work together. Today is the culmination of a great deal of effort by a great number of people, who can be satisfied.

16:10

Jim Tolson (Dunfermline West) (LD): Just the thought of the Commonwealth games in Glasgow in 2014 is wonderful. For many of us, it will be a chance to attend such an event for the first time.

For Scottish athletes, it will be the once-in-a-lifetime chance to compete on home territory. We hope that the games will inspire a whole new generation of Scottish athletes and help raise awareness of sport throughout the country. We need the games to be a springboard for our future athletes and success stories.

We welcome Audit Scotland's report "A performance overview of sport in Scotland", which found that elite athletes' performance has improved in recent years, with 283 Scots winning medals in international competition in 2007, which was well over the target of 250. However, it is concerning that the level of adult participation in sport is declining quickly.

Investment is needed in community sports facilities throughout the country to encourage and support the country's interest in sport. It is from the grass roots that athletes of the future will come—the ones who will be our representatives at the Glasgow Commonwealth games. Scottish schoolchildren will have their imagination gripped by the very idea of taking part in an international competition. What better inspiration can there be than the thought of competing for Scotland in Scotland? The current cuts to community groups and sports facilities, with a tight local authority settlement imposed by the Government, are hurting those at the grass roots. If the sports facilities are not available, an interest in sport cannot be nurtured.

The Glasgow Commonwealth Games Bill passed stage 2 with the unanimous agreement of the Local Government and Communities Committee. Now we need commitment to the organisations that will allow us to not only host the games but compete successfully along with all the other nations that attend. Earlier this year, the Liberal Democrats campaigned to retain sportscotland, and we are delighted that the Government will retain not only its name but all its key functions. Sportscotland is the organisation with the expertise to look after the needs of our elite athletes and promote sport at grass-roots level. The loss of the expertise of sportscotland's staff would have tragic consequences: it would be a loss to the sporting world that could not be replaced within a generation.

It is worrying that the planned move of sportscotland from its headquarters in Edinburgh to Glasgow will take place in two stages: there will be an initial move to an as-yet-undetermined site in Glasgow in 2009, and a further move to the national indoor sports arena in 2011. We share the minister's enthusiasm for ensuring that sportscotland is in the right place to help maximise our winning potential at the games. However, what thought has he given to minimising the disruption to sportscotland staff? How can he be certain of

the cost of the move, given that the interim site is yet to be identified? If the cost rises above the £7.9 million that was quoted earlier, how will he ensure that the money allocated to sporting facilities will not be reallocated to relocation costs? Will the minister confirm that the £7.9 million includes the proposed interim move? If that is not the case, can he justify that and tell the Parliament just which sporting facilities and athletes will lose out?

We support the bill. We need to ensure that in Scotland we have the imagination and whole-hearted enthusiasm that are required for this major event. We need to see the bigger picture for Scotland. The games will present a wonderful opportunity, not only in respect of the event itself but in respect of the legacy for Scotland.

16:14

Bob Doris (Glasgow) (SNP): I begin by expressing my appreciation for all those who helped to secure the Commonwealth games for Glasgow and Scotland and all those who have been involved in the scrutiny of the bill. I welcome the Scottish Government's positive response to that scrutiny. A vital aspect of the bill that came up at committee and which I am pleased that the Government has taken seriously is the idea of the legacy of the games. I will be making a submission to that consultation, along with others, I hope.

I want to explore two aspects of the legacy: first, the idea of how the sporting legacy can interact with a social legacy; and, secondly, the creation of a legacy for Glasgow and Scotland that will live on.

The sporting legacy is not just about getting a clutch of medals in 2014, although we all want that to happen. Rather, it is about building on a raised awareness of sport in general and the inspiration that will be taken from cheering on our sporting heroes on their home turf. I hope that that leads to our young sportsmen and sportswomen getting an extra lift and to the seeds being sown for more sporting success, and that it encourages those who do a bit of sport and exercise to do even more.

Far more important, however, is the need to reach out to those who do little or no exercise. All too often, they can be on the fringes of society, in some of our most deprived schemes and housing estates. Getting youngsters from such backgrounds to participate is our real challenge and would be a true legacy. A clutch of gold medals might go almost unnoticed in some communities or might seem to be of another world. We must ensure that the games are real to all our communities in Glasgow and Scotland. It will take community projects, youth workers, sports

coaches, local facilities and long-term funding if we are properly to engage with people who appear uninvolved in or excluded from the process and the celebration of 2014. That presents us with a challenge and an opportunity.

Operation reclaim, an initiative that is run by the police in Glasgow, is an example of the sort of opportunity that I am talking about. The initiative, which involves people participating in local sports in order to reclaim our streets, gives troubled youngsters in our communities a chance to be involved in sporting activities. It has resulted in a 37 per cent reduction in crime in the areas in which it runs and has led to young people becoming healthier. The initiative has received money as a result of the Proceeds of Crime Act 2002, which I welcome.

Ending violence and territorialism and impacting on grim health statistics in one fell swoop is a challenge for our nation, and operation reclaim is a perfect model on which to build a legacy for Glasgow and Scotland following the Commonwealth games. Sporting projects can be used as a springboard for social progress. The Commonwealth games give us a once-in-a-generation opportunity. Legacy funding must use sport as a catalyst for tackling serious social issues.

There is massive scope for inclusion. For example, with regard to volunteering, we should mobilise and involve Glasgow's grey power—the generations of Glaswegians who have contributed most to giving Glasgow its friendly reputation and image. We should also ensure that there are apprenticeships to fill the skills gap and give youngsters who need a job a leg up. That would be a real legacy of the Commonwealth games.

I will use my remaining time to suggest another legacy: a festival of Glasgow. Glasgow is a city that is known for festivals, and its artistic credentials precede it. The panoply of world-class festivals that complement the dozens of local fêtes and galas give a flavour of what Glasgow is all about. However, I think that we should go for a biggie. Can those individual events use the games to work towards a common, world-class arts festival and carnival that would draw in all Glasgow's communities? Celtic Connections might want to feature the links that it has within the Commonwealth. The Aye Write! festival might want to have a poetry section that celebrates the poetry of Inuits, Maoris and other indigenous Commonwealth peoples. The possibilities are endless.

We should have such a festival of Glasgow the year before the Commonwealth games, in 2013, as a lead-in to the games. I can just see a parade of floats winding its way to Glasgow green in the sun. The diverse nature of Glasgow's communities

can be reflected in any festival and the social benefit that the arts can provide for Glasgow will be immense, if they can touch those in our most marginalised and excluded communities.

If the festival is successful, why not have one every four years, and use that to build a special relationship with whichever country is holding the Commonwealth games?

I am excited at the thought of the games coming to Glasgow, and at the thought of the world seeing Glasgow in its best light. I am also very much looking forward to the party.

16:19

Patricia Ferguson (Glasgow Maryhill) (Lab):

When we pass the bill today, as I am sure we will, we will have passed another milestone on the journey to the Commonwealth games in Glasgow in 2014. The bill is, of course, a requirement of the Commonwealth Games Federation, and a commitment that was made in the bid document. It deals, as we have heard, with the technical issues around ambush marketing, land acquisition and ticket touting.

I congratulate the Minister for Communities and Sport on the successful passage of the bill; it makes him one of a very small band within the current Executive who have actually had the experience of taking a piece of legislation through to completion. There have, of course, been many hurdles on the journey to this point, and we have been able to proceed at each stage only because of the strength of the partnership behind the bid: the Commonwealth Games Council for Scotland, Glasgow City Council and the Scottish Executive—or the Scottish Government, depending on which title one subscribes to. Although all the partners will continue to play a role in the future, the team that is led by Sir Robert Smith will obviously have the main responsibility for organising the games.

The minister can perhaps advise us in his closing speech how Parliament will be kept informed of progress between now and 2014. Perhaps he can also outline the efforts that are being made to secure the private sector commitment to funding the games that is a requirement of the funding package.

I have had the privilege of attending both a Commonwealth games and a Commonwealth youth games, and I have experienced the pride and pleasure of seeing Scottish athletes compete and win medals for their country. As other members have said, we know that athletes do better in front of a home crowd, and we can therefore expect our athletes to do even better in 2014 than their record-breaking colleagues in 2006.

However, the intention was always that the games would have a legacy: that the performance at elite level would be accompanied by an increase in participation in sport, particularly among our young people, and by an overall increase in physical activity among the general population.

My colleague Frank McAveety mentioned that 90 per cent of the current spend on sport in Scotland comes from local authorities. In light of that, can the minister outline in detail how he will ensure that that spend continues and is targeted appropriately, given the current concordat with local government and its lack of focus so far on sport and physical activity? I realise that that is a new initiative, but it would be helpful to hear something about it.

The Melbourne Commonwealth games were described by many as the best yet. I cannot comment in that respect, because they were the only games that I have attended, but they certainly were a spectacle. The games, and the cultural spectacle that always accompanies a Commonwealth games, were spectacular; so, too, was the effort that the 12,000-plus volunteers put in around the city, working not just with those of us who were delegates at the games, but with tourists and with others who were in the games capital on business. Those volunteers made a significant contribution to the games, and I am sure that Glasgow's 15,000-plus volunteers will make an even bigger contribution, given our city's reputation for hospitality and friendliness.

The Melbourne games also gave the young people of Australia new opportunities. Every school in Victoria state was twinned with a Commonwealth country, so that every single child in Victoria was rooting not just for Australia but for another country. I had the pleasure and the privilege of meeting pupils from schools around the Bendigo and Ballarat areas in particular, which were twinned with Scotland. The children proudly flew the saltire as well as the Australian flag while the games were taking place.

I am sure that, great though Melbourne's games were, the New Delhi games will be better, and Glasgow 2014 will be better still. I congratulate Louise Martin, the former chair of the Commonwealth Games Council for Scotland, who was involved at the very beginning, before the bid idea even became public. I also thank my two colleagues who are sitting on my right: Charlie Gordon, who, as leader of Glasgow City Council, announced Glasgow's desire to bid for the title; and, of course, Jack McConnell, whose commitment to and confidence in his country persuaded many that Glasgow could host the games.

During the time that the bid has been in the public eye, the staff and volunteers of many sports agencies, Government bodies and sports governing bodies have lobbied and worked hard when they could. I thank them, and of course the one million people who logged on to the website to back the bid. I am looking forward to 2014—the only thing that cannot come quickly enough for me is the day that the tickets go on sale.

16:25

Michael Matheson (Falkirk West) (SNP): The passing of the bill has been described in the debate as an historic milestone. I regard it as something of a landmark that establishes the foundation for the games.

One of the real strengths of Glasgow's bid was the way in which it harnessed support across the country; it was regarded as something in which everyone had a stake, and it was very much Glasgow's and Scotland's bid. Schools in Glasgow stopped to watch and cheer the television announcement that Glasgow had secured the bid for the 2014 games, but schools and children right across the country also celebrated. There is still a considerable level of good will across the country towards making the 2014 Commonwealth games in Glasgow a success.

As we move away from the post-celebration stage to the delivery stage, it is clear that we will meet a number of challenges. For example, we must ensure that the venues are in place and up to standard, that we have the team in place to be successful in 2014 and that we retain the broader picture of increasing levels of participation in sport, which was set as one of the clear objectives of securing the games for Glasgow.

As Glasgow moves towards the delivery phase of the games, it is important that we ensure that we retain the broad base of support across the country that was secured when the bid was launched. Bob Doris talked about the idea of a Glasgow festival, and I wish Glasgow City Council success in developing that.

However, we must ensure that we retain the important "Scotland's bid" element of the games. We do not want to find ourselves in the same situation as the organisers of the London 2012 Olympic games, whereby the games have become London-centric and have been sucking in resources from the rest of the country. We must ensure that, as the Glasgow Commonwealth games move towards the 2014 opening, they do not have an adverse effect on support for sporting organisations and facilities across the rest of the country, which will be equally important to individual local communities. I hope that the minister and the Government will do everything

that they can to ensure that we retain the broad base of support that has been there since the outset.

Much of the debate so far around the games has been about their legacy. I commend the Government for moving quickly to make a considerable legacy a clear objective of the games. I believe that the games can leave such a legacy, as far as facilities and wider benefits are concerned. However, the Health and Sport Committee has received interesting evidence on the legacy of major sporting events that demonstrates that there is often a poor legacy in terms of driving up participation levels in sport. The Sydney and Athens Olympic games did not achieve greater participation levels, and neither did the Manchester Commonwealth games, although they left fantastic facilities for the benefit of communities. Similarly, I have no doubt that, with 80 per cent of the facilities for the 2014 games already in place and the additional 20 per cent to come on stream, the Glasgow games will leave fantastic facilities. I believe that a considerable amount of work must be done to ensure that we create a legacy of involving more children and adults in sporting activity. It will take a lot of work to actualise that legacy after the games end.

In that context, if we need some 15,000 volunteers to help ensure that the Glasgow games are successful, we should consider the experience of the Manchester games. The volunteers for those games tended to be self-selecting and were young kids from white, middle-class families who were engaged in sporting activity. Groups of people on the west coast of Scotland, such as young females who do not engage in sporting activity, might not volunteer for the games. I hope that the Government takes from the debate the need, if we are to harness the benefits of increasing participation in sport, to target when recruiting the 15,000 volunteers people who are not engaged in sporting activity, who live in deprived communities and who are unlikely to become involved in sporting activity. If we tackle the issue in that way, I am sure that we will provide a lasting legacy.

16:30

Rhoda Grant (Highlands and Islands) (Lab): The bill gives the Government the power to make grants and to attach conditions to those grants. That power is crucial to the games' planning and success. It is important to set the right conditions to ensure that the games' positive impact reaches beyond Glasgow and that a legacy is available for future generations.

In setting conditions for funding, the Government needs to keep those aims at the forefront. The

Government has said that it will discuss with the lottery how it can use lottery funding to encourage the achievement of those outcomes. That is welcome, but the Government needs to consider its own funding, too. If funding organisations do not work together towards joint goals, there is little hope of achieving the aims.

When the Health and Sport Committee took evidence on the Commonwealth games' lasting legacy, it became apparent that previous hosts had not achieved a lasting legacy. We have no hope of achieving what others have not if we do not have a consistent goal.

I represent the Highlands and Islands and I believe that the games can have a positive impact not only on Glasgow, but on the whole of Scotland and the rest of the United Kingdom. We need to develop good sporting facilities throughout Scotland so that teams can base themselves outside Glasgow to prepare for the games, and we need good transport links to ensure that more remote parts of Scotland are not excluded.

We need to work with the London Olympics organising committee to bring facilities and funding north, to capitalise on both events and to ensure the best use of public money. The Government fuelled jealousy of the funding for the London games, but we need to stop posturing and ensure that Scotland reaps the benefits of working with the London committee. Health and Sport Committee members met representatives of that committee today and had an excellent discussion in which we exchanged ideas about how to share and build on best practice. Rather than considering London only, that committee is reaching out to all the UK's nations and regions. We must learn from that.

People who live in some parts of Glasgow suffer the poorest health in Scotland, and women in west central Scotland are the least likely to participate in physical exercise. Volunteers who helped with previous hosts' games normally came from sporting backgrounds. Many people from all walks of life offered to volunteer, but it has become clear that those from sporting backgrounds tended to be chosen. We need to change that for Glasgow. If we are to make that change, we must start to work on it now. When time is short, training a volunteer who knows something of sport is easier, as they have a head start, but we need to reach out to our communities now to tell them about the opportunities to volunteer and to begin to build confidence and train them. In that way, we can attract volunteers who will gain a lasting benefit from the games for themselves and their communities.

We can learn another lesson about that from the London committee, which is targeting the long-term unemployed through its volunteering

programme—at least 10 per cent of volunteers are to be people who have never been employed. That will ensure that a lasting benefit is reaped from the Olympics.

Glasgow has shown that it can host international events and has used those successes to provide a lasting legacy. Glaswegians are known for their hospitality—that alone gives us a head start. We must ensure that the communities in Glasgow and throughout Scotland that need to benefit most from the games achieve that benefit.

16:34

Robert Brown (Glasgow) (LD): The debate has been high quality and many relevant speeches have been made. I hope that we will continue in the spirit of the Commonwealth games as we progress with the bill, which is the technical enabling mechanism for the games.

The bill deals with several important issues. It sets the framework and provides the necessary powers to ensure that the games run smoothly and to make the Glasgow games the best ever and the most memorable for all who take part in or engage with them.

My speech will echo what one or two members have said. I emphasise the importance of those who engage with the games and who are not athletes or sportspeople or who are not particularly skilled or talented at running, swimming or other sports—people like me, like most of us, like most people in Glasgow and like most people in Scotland.

Many ordinary people—not least young people—will engage with the Commonwealth games. Michael Matheson made a point, as did Rhoda Grant and other members, about the need to ensure that a broad range of volunteers participates in the games. However, getting people to participate does not apply only to volunteers. Shop workers, transport workers and hotel workers will provide services to celebrity visitors from across the globe. Partisan supporters will cheer on not only Scottish competitors, but athletes and sportspeople from the many countries across the globe from which Scotland's foreign-born residents hail in our increasingly multinational country. People will meet the cream of the world's sporting talent or see them on television in familiar local settings, which is important.

We all like to see our competitors performing well and winning medals, but the opportunity—which no Scottish Government could afford to buy—to make a step change in popular attitudes and participation in athletic pursuits is much more important. Michael Matheson was right to warn that such a change has not always followed previous games, which shows the challenge that is

involved. We have a long way to go. Indeed, there was a record of failure in building on the opportunities provided by the Commonwealth games that were held in Scotland in 1970 and 1986.

This week's Audit Scotland report, which Frank McAveety mentioned, is a wake-up call. It identifies the lack of council sports strategies and the high level of investment—£110 million a year for 25 years, if we accept what it says—that is needed to bring sports facilities across the nation up to scratch. It also says that, despite the significant efforts of many people, the level of participation in sport is declining while the challenges of obesity and underactivity are getting greater.

The minister made an important and valuable point about lottery funding, but that must not be an excuse. It must be considered in the context of what we are trying to do.

The Government is, of course, rightly consulting on the games' legacy. I do not know what the bulk of responses to that consultation will say, but I hope that they will identify the need for a framework of timely progress and risk reporting to ensure that key objectives are met and vital projects are delivered. I also hope that they will mark the need to support community businesses and social enterprises. Above all, I hope that the Government will make some specific commitments. First, I hope that it will commit to supporting the expansion of local sports clubs of all kinds—I have touched on that before in debates at which the minister and I have been present. Secondly, I hope that it will commit to helping to build the capacity and expertise of those clubs. Thirdly, I hope that it will commit to linking clubs with the development of modern, purpose-built facilities that have vital links to schools and with the effective recruitment of young people, so that they do not miss out on life-enhancing activities when they leave school.

The Scottish Government could not pay for the wall-to-wall media coverage that the Commonwealth games and the London Olympics will bring. That those events will happen within two years of each other is important; there can be a build-up from one to the other, with other events to come. There will be personal engagement with the events and participants in those games.

It is entirely good that the Commonwealth games will take place in the city that has Britain's worst health, mortality, morbidity, poverty and deprivation statistics. It is not too much to say that the games could play a significant part in changing and banishing those things for ever. There is amazing potential that the Government and its successors up to and beyond 2014 must not lose

sight of. If I may coin a phrase, we must not drop the baton.

I welcome the passage of the Glasgow Commonwealth Games Bill and, as we move towards 2014, wish the games success.

16:39

Jamie McGrigor (Highlands and Islands (Con): As my party's spokesman on sport, I am pleased to sum up for it in the debate, which represents another significant milestone as we prepare for the games in 2014 by fulfilling one of the key conditions of the host city contract. Since it was introduced in the Parliament on 9 November last year, the bill has made rapid progress. Credit should be given to everybody in the bill team.

I thank the minister again for responding to the amendments that I lodged on behalf of a number of business interests in Scotland. From the outset, the Scottish Conservatives said that we would work closely and constructively with the Government on the bill, but that we would raise concerns that had been put to us. I am pleased that we have followed that approach and that we have a bill that has been improved and which now genuinely enjoys widespread support.

I take the opportunity to put on record how pleased our party is with the recent appointment of John Scott—not John Scott, our famous MSP—as the chief executive of the Glasgow Commonwealth games organising company. His experience in the 1994 Victoria and 2002 Manchester Commonwealth games, as well as his experience in the London 2012 Olympics bid, will prove invaluable to Glasgow. With that appointment, and with Sir Robert Smith as chairman of the organising company, we have a strong and tested leadership right at the top of the project.

The Scottish Conservatives look forward to seeing the results of the consultation on the games' legacy, which we hope will guide ministers, local authorities, sportscotland and other bodies as we move on to 2014.

We all hope that having the games in Glasgow will boost participation in sport among people of all ages in that city and across Scotland. The games are a massive opportunity to raise the profile of sport. This week, Audit Scotland released figures on the number of adults who take part in sport at least once a week, which show a drop of 7 per cent from the 2001 figure to 42 per cent in 2006. That shows just what a challenge we face in getting more people to become actively involved in sport. Robert Brown made an important point when he said that to have two events so close together is a big thing for Great Britain.

I recently visited some schools in my region, in Grantown-on-Spey, Fort William and Lochgilphead. The excitement among the young people and children there is mounting. If it can be felt in those places, it must be mounting even more in Glasgow. Athletes and would-be young athletes in Scotland should be setting their sights on representing their country in the games. Scottish athletes did so well in Melbourne; let us do even better in Glasgow.

On the subject of great athletes, I remind members that we will be visited by Lord Sebastian Coe this evening in committee room 1 at 5.30—my colleague, Bill Aitken, is hosting a reception for the London 2012 organising committee. Lord Coe will address the meeting along with the First Minister. Sebastian Coe is someone who really made me proud to be British.

I welcome the bill and look forward to enormous Scottish achievements in the Commonwealth games.

16:43

Mr McAveety: Jamie McGrigor ended with a reference to a great middle distance runner, Seb Coe. I, too, was a middle distance runner—contrary to the public perception of me now. The key issue for middle distance runners is that they have to put in the necessary training early doors to get the benefit later, in competition. If there is a metaphor for the way in which we want the Government to approach the 2014 games, it is that it should put the building blocks in place now to get the maximum opportunities from the big event. That requires it to address the many issues that members have raised in the debate in a genuinely constructive way to get a unified view on sport in Scotland.

We may have different views about how we represent Scotland or the UK in sporting activities, but the critical issue is how we can inspire our youngsters such as those whom Jamie McGrigor spoke about visiting in his part of Scotland and the youngsters whom I met at an event yesterday evening at Hampden Park, who were genuinely enthused about all the things that were happening at that event. The greatest cheer came for a reference to Glasgow having won the right to stage the 2014 Commonwealth games, which gives those youngsters something to look forward to. They are also able to look forward because of the commitment that the Labour-led local authority has made to use apprenticeships and the opportunities presented by regeneration to provide them with genuinely life-changing opportunities in the future, which addresses some of the issues that have been raised by members.

To paraphrase Mario Cuomo, we have had the poetry of the Commonwealth games campaign; the prose is turning that into the delivery mechanisms in terms of the chief executive's role and the role of the Commonwealth games 2014 committee, while putting in place the kind of measures that will genuinely make a difference.

There are a number of issues in relation to the games that I think the minister is conscious of and which, as minister for sport, he will have a central role in addressing. One of those is the need to ensure that there are no hurdles in our way as we travel towards the fixed deadline. Secondly, are we getting the right governance and delivery mechanisms in place? I believe that that has been happening over the past few months. Thirdly, there are serious procurement issues to discuss primarily with the major local authority, as the co-sponsor of the games. There is an opportunity to shift the dynamic of the opportunities that arise from the games in favour of companies at both city and Scottish level.

From the games comes a legacy, and not just in infrastructure. I concede the intellectual point that members have rightly raised about how to break the trend of having big events but not necessarily getting from them the participation that was hoped for. I return to the issue of commitment at local and national levels, through leadership at council and national Government levels. I hope that we can focus on that aspect much more effectively.

I noted Bob Doris's speech with interest. In terms of a cultural contribution, perhaps we could have an honorary Bud Neill championship for the champion windae hinger in Glasgow. Perhaps we could find a winner for the Glasgow banter championship—from which we would exclude MSPs.

The fundamental issue is to use the games, not just for Glasgow but for Scotland. When we go abroad and when we meet folk from elsewhere, we all hear that friendliness is perceived to be a key defining characteristic of Glasgow and Scotland. We need to utilise the people skills that are available and we should ensure that, through volunteering, all the diverse voices of Glasgow—those of the people who have been there for a long time and those of newcomers to Glasgow—can share in that pride about the city. We should realise that we can genuinely make a difference through the games.

The commitment to the 2014 Commonwealth games was made by a prior Executive. Jack McConnell saw the opportunity and made a commitment in 2002, following the Manchester experience. His commitment to the bid, which has resulted in Scotland winning the 2014 Commonwealth games, needs to be put on record.

The aspiration and the commitment, which we have heard about from members both here and in committee, is to make the games genuinely different, with infrastructure investment to transform some of our most blighted communities. More important, every citizen, young and old, will have a sense of pride, and people will also have the opportunity to change their lifestyles. If we can get those things right, we will end up with a much better, more confident Scotland, and we will presumably be able to meet some of the objectives of the new Scottish Government.

16:48

Stewart Maxwell: This afternoon's debate has been interesting and stimulating. I have been encouraged to hear such enthusiasm for the Glasgow Commonwealth games from all sides of the Parliament and, as many members said, from all parts of the country. That augurs well for a successful games, which will be a credit to, and leave a lasting legacy for, the people of Scotland. As many members have said, this is fundamentally why we want to hold the games. It is not just for the games themselves but for the impact that they will have for young people throughout the country.

I will try to address the specific points that members have made. There have, unfortunately, been a number of clichés, including dropping the baton, clearing the hurdles, running middle distance races and even a mention of the marathon. That was inevitable, I suppose, given the subject of the debate.

I will start with Frank McAveety's contributions. He was one of the few members who touched on the regeneration opportunities that the games bring to the east end of Glasgow. That is a very important point. The debate is not just about the sports facilities and the cultural events around the games; it is also about the opportunity to turn a particularly blighted bit of Glasgow into a stunning area of the city. Many members who come from Glasgow, like me, know the area well. I am looking forward to the changes that will take place there—the new industrial developments, the new games facilities and the new housing that will be part of the games village before becoming available to the people of Glasgow, especially the east end of Glasgow.

Frank McAveety started his speech by talking about the willingness of members from all parties to work together to ensure the success of the 2014 games. That has been evident today and throughout both the bid process and the bill process. Many members talked about the legacy of the games. The Scottish legacy board has now been established and it has had its first meeting in the past week. The board includes members from

a range of sectors and will be vital in pushing forward the legacy that we all seek.

The appointment of the new chair of sportscotland will be announced very soon.

Mr McAveety: That is progress.

Stewart Maxwell: That is the word that I was thinking of. Members are right to regard the appointment as critical, because the person concerned will have an important role in increasing the professionalism of many governing bodies over the next six years, in preparation for the 2014 games.

A number of members mentioned the Audit Scotland report on sport in Scotland, which highlighted many major challenges that we face. It also highlighted the fact that our elite athletes have been doing well, but clearly there are great difficulties relating to participation rates and some of our facilities. The Government intends to address those problems as quickly as possible, but I am sure that members from all parties accept that it will take us many years to do so.

Jamie McGrigor: The minister mentioned elite athletes. Does he accept that such athletes, especially the elite swimmers who did so well for Scotland at the Melbourne games, owed a tremendous amount to the Scottish Institute of Sport? Will he acknowledge that fact, given that the institute has now amalgamated with sportscotland?

Stewart Maxwell: Absolutely. At the time of the announcement of the merger, I praised the work of the institute, and I have done so again since. The institute's staff have done a tremendous job in a range of sports. Linking the institute and sportscotland gives us the opportunity to establish a clear pathway from the top to the bottom of sport, which is important. I know that the institute is keen to get on with the work of developing our athletes for the 2012 and 2014 games.

A couple of members mentioned outcome agreements. We have engaged with COSLA on the issue. I have not yet met COSLA representatives specifically to discuss sport, but such a meeting has been set up and will take place in the near future. In the meantime, officials have met COSLA on a regular basis to discuss a number of issues. I have also met the education ministers to ensure that we work together across the Government to make sport happen.

In the past couple of weeks, the First Minister has made it clear that there is no change to the target of providing two hours of physical education a week in schools. It is clear that we are determined to increase the level of physical activity in schools. Soon we will launch the obesity action plan, which will cover issues such as

physical activity and healthy eating. The national and regional facilities strategy has been mentioned. Not only is the strategy still in place, but we have made the first announcements concerning the legacy of the 2014 Commonwealth games for other parts of Scotland. We have announced £5 million to assist the development of a 50m pool in Aberdeen and an additional £1 million for the refurbishment of the royal Commonwealth pool in Edinburgh. Many further announcements will be made in the coming years.

Bill Aitken asked specifically about the budget. The big difference between the situation in Glasgow and the situation in London, where the 2012 Olympics will be held, is that less than 20 per cent of the budget for the 2014 Commonwealth games is for capital expenditure. The budget is robust, has been developed over time and includes a substantial contingency element, so spending is on target. The chamber, parliamentary committees and others will be kept informed as we progress. The organising committee of the games, which has been formed as a company, is responsible for reporting annually, at least, to the Parliament on its activities and progress.

Bill Aitken and other members mentioned ticket touting. The UK Government has only just made public how it intends to deal with that issue; we will respond to its announcement shortly. The point that the member made about other sports was important. A number of sports besides football are important to a large number of people. I am particularly pleased that rugby sevens will play a part in the 2014 Commonwealth games and look forward to attending that event.

The only discordant note this afternoon was struck by Jim Tolson, who I thought would never get to the bill in his speech. He hit a sour note when he talked about so-called cuts in local government budgets. Let us go over the figures. The fact is that local government has secured not only an increased amount of money but an increased share of the Government budget during the next few years—its share is going up, whereas it had been going down during the past few years. Jim Tolson's remarks were unfortunate and inaccurate.

The total relocation costs for sportscotland are £7.9 million. I gently point out to Jim Tolson that if his party had still been in power along with the Labour Party, Lib-Lab plans for the relocation of sportscotland would have cost £15 million, which would have come out of money for sport. The £7.9 million costs represent a huge saving for sport in Scotland.

Patrick Harvie (Glasgow) (Green): The minister said that he is keen to talk about the bill and not other issues. I encourage him to do so by asking for a point of clarification. In the section of

the policy memorandum that deals with restrictions on advertising, there is a reference to

“branding, signage, advertising, commercial and/or other propaganda”.

Can the minister reassure us that legitimate restraints on commercial advertising will have no impact on ethical or political messages that are appropriately put out, such as messages from organisations that are campaigning for a boycott of a company that is involved in the games, or messages that highlight the human rights record of a participating country? I am sure that none of us wants freedom of speech to be undermined by legitimate restraints on commercial advertising.

Stewart Maxwell: I thank Patrick Harvie for his helpful intervention. We will publish draft regulations, on which there will be full consultation. I am sure that Patrick Harvie and others will submit their views and that the points that he made will be taken into account when the regulations are developed.

Bob Doris made an interesting suggestion about a festival for Glasgow, which I am sure he will pursue with his usual vigour. I hope that Glasgow City Council takes up the idea and I look forward to hearing more about it.

Patricia Ferguson asked that the Parliament be kept informed. As I said, the Parliament will be kept informed, in particular by the organising company, but also by me, to ensure that not only parliamentary committees but the Parliament as a whole are aware of progress.

I join Patricia Ferguson in paying tribute to the people whom she mentioned, including Louise Martin and the former First Minister, Jack McConnell, for their efforts in bringing the games to Scotland. I also pay tribute to Patricia Ferguson's work to bring the games to Glasgow when she was Minister for Tourism, Culture and Sport—I do not think that any other member mentioned that.

Patricia Ferguson made an important point about the need to learn lessons from previous games. The idea of schools being twinned with particular countries is interesting and well worth consideration.

Michael Matheson made a good speech about the importance of securing a broad base of support in the country, to ensure that we have a fantastic games in 2014. He was right to point out that participation levels were not raised after a number of games, and I do not underestimate the challenge that we face in that regard. He also made an important point about how volunteers are self-selecting. He was right to say that we must target many individuals who would not obviously be volunteers.

If members pass the bill today, our next steps will be to work with the UK Parliament to ensure that the ticket touting provisions extend to the whole of the UK. That will be done through an order made under section 104 of the Scotland Act 1998.

I thank members for their speeches, for their work throughout the passage of the bill and for their work to secure the games for Scotland. As I said, that shows what we can achieve in Scotland when we come together behind a common purpose. The countries of the Commonwealth placed a great deal of trust in us to deliver on the commitments that we gave in our bid for the games. The bill is the first instalment in repaying that trust; there will be others.

I urge members to come together to pass the bill and pave the way for a Commonwealth games in Glasgow that will be worthy of remembrance.

Business Motion

16:59

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of business motion S3M-1085, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 7 May 2008

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement: Free Personal Care

followed by Scottish Government Debate: International Framework

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

followed by 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 Debate:
Effective Public Services

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 14 May 2008

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate: Judiciary and Courts (Scotland) Bill

followed by Financial Resolution: Judiciary and Courts (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 15 May 2008

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time
 Finance and Sustainable Growth
 2.55 pm Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business—[Bruce
 Crawford.]

Motion agreed to.

Parliamentary Bureau Motions

17:00

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of three Parliamentary Bureau motions. I ask Bruce Crawford to move motion S3M-1806, on approval of a Scottish statutory instrument; S3M-1807, on the office of the clerk; and S3M-1808, on parliamentary recess dates.

Motions moved,

That the Parliament agrees that the draft Mental Health (Cross-border Visits) (Scotland) Regulations 2008 be approved.

That the Parliament agrees that between 1 September 2008 and 31 August 2009, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 28 November 2008, 24 December (pm), 25 and 26 December 2008, 1 and 2 January 2009, 10 and 13 April 2009, 4 May, 22 and 25 May 2009.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 20 December 2008 – 4 January 2009 (inclusive), 14 – 22 February 2009 (inclusive), 4 – 19 April 2009 (inclusive) and 27 June – 30 August 2009 (inclusive).—[Bruce Crawford.]

The Deputy Presiding Officer: The question on the motions will be put at decision time.

Decision Time

17:00

The Deputy Presiding Officer (Alasdair Morgan): There are four questions to be put as a result of today's business. The first question is, that motion S3M-1716, in the name of Nicola Sturgeon, on the Glasgow Commonwealth Games Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Commonwealth Games Bill be passed.

The Deputy Presiding Officer: The second question is, that motion S3M-1806, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Mental Health (Cross-border Visits) (Scotland) Regulations 2008 be approved.

The Deputy Presiding Officer: The third question is, that motion S3M-1807, in the name of Bruce Crawford, on the office of the clerk, be agreed to.

Motion agreed to.

That the Parliament agrees that between 1 September 2008 and 31 August 2009, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 28 November 2008, 24 December (pm), 25 and 26 December 2008, 1 and 2 January 2009, 10 and 13 April 2009, 4 May, 22 and 25 May 2009.

The Deputy Presiding Officer: The final question is, that motion S3M-1808, in the name of Bruce Crawford, on parliamentary recess dates, be agreed to.

Motion agreed to.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 20 December 2008 – 4 January 2009 (inclusive), 14 – 22 February 2009 (inclusive), 4 – 19 April 2009 (inclusive) and 27 June – 30 August 2009 (inclusive).

The Deputy Presiding Officer: I am not surprised by that result.

Fenwick Weavers Society

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-1580, in the name of Willie Coffey, on the Fenwick Weavers Society and the co-operative model. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that the Fenwick Weavers' Society is increasingly being acknowledged as the world's first formally incorporated co-operative society; recognises that having been founded on 14 March 1761 to promote and maintain high standards in the craft of weaving, it also became involved in the bulk purchase of oatmeal for resale to its members and in lending money to needy members and their families, setting examples followed in the development of both the retail co-operative sector and credit unions; notes that the deed of incorporation and the minute book of the society covering the period 1761 to 1783 are in the safe-keeping of the National Library of Scotland; welcomes the decision of the library to make the deed of incorporation and minute book available to the residents of Fenwick who, under the inspired leadership of John Smith and John McFadzean, have re-established the society to develop a heritage centre in Fenwick to value and build on the work of the society, and records its support for the co-operative model of working, which has the potential to make a significant contribution to the economic and social development of Scotland and the wider world.

17:02

Willie Coffey (Kilmarnock and Loudoun) (SNP): The year is 1761; Robert Burns is a two-year-old living in Alloway; and, just up the road, the Fenwick Weavers Society, the world's first recorded co-operative, is born.

I am very pleased to open this debate on the Fenwick Weavers Society, its place in the history of the co-operative movement and the movement's continuing importance to Scotland and the wider world. I welcome to the Parliament members and supporters of the society, particularly the two Johns—Smith and McFadzean—who have done a tremendous job in researching and publicising the society's history and working towards establishing a heritage centre in Fenwick. I thank the members who have stayed behind for the debate and the Minister for Enterprise, Energy and Tourism, Jim Mather, for being present to respond. There will be an opportunity to meet over refreshments in committee room 5.

Those who have had the opportunity to speak to members of the society will be aware of the high regard in which they hold the original founders, who were a group of self-employed hand-loom weavers. In the middle of the huge social and economic changes that were taking place in 18th century Scotland, that group decided that their best hope for prosperity lay in working together in

a properly constituted society. Those were dangerous times, when a charge of sedition could follow any attempt to organise for one's rights; nevertheless, the society was born on 14 March 1761. The 250th anniversary of that event will take place in 2011, and I hope that members agree that we should mark that milestone in the history of not only Scotland, but the co-operative movement.

In preparing for the debate, I was struck by the lack of a cross-party group in the Scottish Parliament on co-operatives, and I will circulate an invitation to all members in order to gauge support for such a group. I certainly hope that it will find support.

Increasingly, historians of the co-operative movement recognise the Fenwick Weavers Society as the first incorporated co-operative society. It is certainly the oldest society for which there is a physical record of incorporation—the document in question is held in the National Library of Scotland. Members might be interested to note that, in 1968, Andrew Faulds MP presented the society's earliest minute book to the National Library of Scotland. As some members might know, Mr Faulds was the great grandson of another notable Fenwick figure, the centenarian weaver Matthew Fowlds. Through that remarkable suite of documents, knowledge of the society has been kept alive. It now serves as inspiration for a new generation, not just because of its academic interest, but by offering a means of reinvigorating the village and providing a basis for action by local people.

Over the years, the society demonstrated one of the key strengths of the co-operative model—a clear focus on the needs of its members and the local community. In response to those needs, the society moved on from supporting the work of the hand-loom weavers. It opened a shop and made bulk purchases of essential goods, which it resold to members and their families. It also loaned money to members at preferential rates. I was interested to note that, according to one of the account records from 1764, a shilling was loaned to a Margaret Mitchel of Fenwick. If that was an ancestor of Margaret Mitchell MSP, who is in the chamber, I hope that the shilling was paid back. Since then, through the work of retail co-operatives and credit unions, such activities have become key features of co-operative action.

The society appears to have paid a dividend to members when its activities generated a surplus and, in 1808, it opened a subscription library. Although recognition of the Rochdale pioneers has overtaken recognition of the Fenwick Weavers Society in the chronicles of co-operatives, the principles that were set down in Rochdale are well reflected in the much earlier work of the Fenwick society. By building on those principles, the co-

operative model has become an important part of the social and economic fabric of Scotland and beyond. For example, the European Union has an estimated 132,000 co-operative enterprises, which have 83 million members and more than 2 million employees.

One of Europe's leading co-operatives, which is based in Mondragón in the Basque Country, was recognised by the United Nations as one of the 50 best social economic innovations in the world. The Mondragón Cooperative Corporation, which is almost 50 years old and has more than 100 companies and tens of thousands of worker owners, is an illustration of co-operation in action. Along with other examples, it shows that the co-operative model has made a tremendous impact on our society. Co-operatives can help Scotland to tackle the social and economic challenges that it faces and to take advantage of the opportunities that lie ahead.

I understand that Ian Hughes, who is the chief executive of Co-operative Development Scotland, and Ivan Broussine, who is chair of its advisory board, are in the public gallery. Research that has been carried out on behalf of CDS estimates the turnover of co-operatives in Scotland to be roughly £4 billion, which amounts to more than 4 per cent of gross domestic product. Although that is significant, there is every expectation that, with the right support from the Parliament, the Scottish Government and Westminster, the co-operative sector can grow in the years ahead.

The Fenwick weavers committed to be

"honest and faithful to one another ... and to make good and sufficient work and exact neither higher nor lower prices than are accustomed".

That is a fitting objective, which has underpinned the work of co-operatives down through the years. It would be fitting recognition indeed of the role of Fenwick in the development of the co-operative movement if tonight's debate were to encourage the Parliament to step up its support for the work of that vital sector.

I commend the motion to Parliament and invite members to follow the example of the Fenwick weavers in working to build a wealthier, fairer and more co-operative Scotland in the years ahead.

17:09

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I declare an interest as a Labour and Co-operative member of the Parliament.

I congratulate Willie Coffey on securing the debate and welcome to the Parliament John Smith and John McFadzean, who have researched a thorough history of the Fenwick Weavers Society

and have been the driving force behind the new Fenwick Weavers Co-operative Society. I also recognise the efforts of Jim O'Neill, who is in the gallery. Jim is the former Labour and Co-operative Party councillor for Stewarton and is now the secretary of the Ayrshire Co-operative Party and a member of its Scottish executive.

As Willie Coffey said, the period when the Fenwick Weavers Society was established was an important time for Ayrshire and Scotland. Indeed, it was the era when Robert Burns lived in my now adopted home village of Mauchline. As Willie Coffey pointed out, Burns was in his early years. As we all know, a few years later, he produced some of his most beautiful and memorable work. Nearby, in Stewarton, the period also saw the birth of David Dale who is associated with the Catrine mill—although Catrine is pronounced differently in my part of the world—and New Lanark mill.

As a long-standing co-operator, I always enjoy reminding friends from the south that we were ahead of Rochdale in giving birth to the co-operative ethos. Again, as Willie Coffey mentioned, although many believed that co-operation began in 1844 in Lancashire with the Rochdale equitable pioneers, we can now say, with confidence and some pride, that it began on 14 March 1761 when that group of Fenwick weavers came together to sign their charter.

Shortly after 1761, the society began to purchase in bulk provisions such as oats, flour, fat and potatoes and to distribute them in smaller quantities to its members at the profit-free wholesale price. Shortly afterwards, similar societies began to be set up throughout Scotland—and, indeed, England—to organise the specialist distribution of coal, fish, meat, dairy products, bread and flour. Later societies added shoes and clothes to the items that they distributed. Ultimately, that expansion led to present-day societies meeting diverse modern day needs, for example for fridges and pharmaceutical products.

Nowadays, co-operation involves developments such as the credit union movement, worker co-ops, and even football supporter trusts. Of course, we also have Co-operative Development Scotland, for which the Labour and Co-operative Party group of MSPs in the previous Administration pushed hard. In the current climate of rising food prices, it is worth remembering that the 18th century flour societies thrived when prices soared in the 1790s. Their work was a way of undermining the profiteers who adulterated their products and sold them for the maximum price.

Those of us of a certain age are able to quote our grandparents' or parents' divvy number. As members know, the only shareholders of such dividend-paying societies are the individual

members. As I understand the history, the Fenwick weavers did not introduce the concept or practicalities of the dividend, which is defined as a distribution to the members of a society of the surplus, based on how much they have spent in the year. As the Inland Revenue famously defined the dividend in the early part of the 20th century, it was

"a return to members of the money they had overpaid for their own goods".

The concept is interesting. Yet again, it is a Scottish co-op—the Lennoxton society, in 1812—that lays claim to the dividend. That said, the Fenwick weavers were the first organisation to capture formally the essence of co-operation, the definition of which is a group of like-minded people who come together with the object of helping each other. After a gap of 134 years, it is typical of the values of the co-operative movement that, instead of choosing to remember the Fenwick weavers only as a historical relic, we are celebrating the establishment of the new Fenwick Weavers Co-operative Society.

In the charter that the Fenwick weavers signed in 1761, they set out the principles on which the organisation should be founded: honesty, faithfulness to one another, fair pricing, majority decision making, and regular contributions to the poor fund. Those may have been radical values for any organisation in the 18th century, but one can argue that the principles are just as relevant today. Indeed, a number of 21st century organisations would do well to look at those founding principles.

For 250 years, co-operation has thrived and grown in Scotland and I believe that it will continue to do so. Some of the old names may be gone, including the Auchinleck Economical Society, the Carrick Providential Co-operative Society, and the Dalmellington Working Men's Co-op, but co-operatives live on. I look forward to the Fenwick Weavers Co-operative Society continuing to play an active role in that process.

17:14

Margaret Mitchell (Central Scotland) (Con): I congratulate Willie Coffey on securing the debate, which is important. I commend the outstanding work of the amateur historians John McFadzean and John Smith, both of whom are in the public gallery. They have researched the history of Fenwick and provided evidence that the world's first co-operative was started there. They have recognised the potential tourism and economic benefits that East Ayrshire could secure by establishing a Fenwick weavers heritage centre, which would attract visitors from throughout the world.

Their book on the subject, "The Co-operators: A History of the Fenwick Weavers", makes fascinating reading. If Willie Coffey was interested to note this, I was downright alarmed to read that original records that are now in the National Library of Scotland show short-term loans at a flat rate of 5 per cent and that a certain Margaret Mitchel borrowed the princely sum of one shilling in 1764. Although I assure members that she was not a relative, nonetheless I hope that the loan was repaid, as the interest that would have accrued in the intervening 240 plus years would be, to say the least, prohibitive. I suppose that a loan from Northern Rock is totally out of the question.

Those record books provide documentary evidence that, through their money-lending activities to the needy, the Fenwick weavers were responsible for setting up the earliest credit union. Today, thanks to Andrew Faulds, a descendant of one of the original weavers who gifted the books to the National Library of Scotland, which made them available to view, it has been possible to establish that the society's founding charter was signed by 15 weavers on 14 March 1761. The charter set out the principles of the society, which were honesty, faithfulness to one another, fair pricing, majority decisions, regular contributions to the poor fund and an admission charge of two shillings and sixpence to be used for the good of the society and the people whom it aimed to help. As Cathy Jamieson said, it is significant that those values and principles are just as relevant in the modern co-operative movement as they were then.

When the society closed in 1873, following the success of an immigration society that it had set up in response to the decline of the weaving trade some 34 years earlier, only 500 of Fenwick village's original 2,000 villagers remained. The others had all settled abroad, in New Zealand, Australia, Canada, South Africa and the United States. It is through their descendants, and because of the society's unique history, that the proposed weavers heritage centre will flourish. I hope that the minister will add the Scottish Government's tangible support for the venture, which has the potential to create tremendous economic benefit, not only for Fenwick, but for Ayrshire and the whole of Scotland.

17:18

Christopher Harvie (Mid Scotland and Fife) (SNP): Why did we forget the weavers of Fenwick, until we were reminded of them by our honoured guests tonight? Perhaps because, ironically, the success of a movement tends rather to bury and obscure its pioneer efforts, whereas failures tend to stand out in an otherwise totally empty

landscape. The Fenwick weavers in turn influenced many of the men who responded to that mighty force of the 1820s and 1830s, Robert Owen, who was, according to his biographer Leslie Stephen,

"one of these great bores without whom no progress is possible".

New Lanark and its satellites and the men who taught and worked there became the laboratory of benign social change, which Karl Marx summed up as reactionary socialism—members may construe that however they will. Many of those social scientists—Owen coined the phrase—went on to become leaders of other movements. They include remarkable Scots such as the veteran Sandy Campbell, who was in action until the end of the 19th century.

The rise of co-ops after 1850 was remarkable. Victorian liberals such as John Stuart Mill, as well as socialists, regarded co-ops as the best way to organise production as well as retail. They had limitations in accessing capital but had greater wealth in responsibility and solidarity.

The co-operative movement led, with Owen, to a curious religious innovation—the rise of spiritualism. Owen ended up becoming a spiritualist, which he regarded as the really democratic religion, because any working man could be placed in contact with the greatest minds that had ever existed. There were séances at which Shakespeare and Milton would appear to the people of New Lanark, and the message was always the same: "Carry on, Owen. You're doing a great job."

The co-op legacy continues to this day. In fact, the legacy is probably richer now than it was, because of all sorts of other movements. As many members have, I have been involved with co-ops practically all my life—not just with the Co-ops where I have usually shopped, but with universities and further afield. The Open University—probably the greatest achievement of British government in the 1960s, could not have worked but for co-operative principles that went far beyond the "cash nexus". The money that I made from probably my only book to run to a circulation of six figures went towards the building of a crèche—a nice Owenite idea—for the university.

Co-operation was also the basis of the remarkable transport preservation movement. Starting in the 1950s, the movement has kept several hundred miles of railway in the United Kingdom functioning as tourist attractions, and it saved the Waverley—the last sea-going paddle steamer—more than 30 years ago. We should think, too, of voluntary bodies such as the National Trust and its Scottish counterpart, or the Scottish

Youth Hostels Association. Again, those bodies are organised on mutual principles.

We are presently facing a contest between giantism and businesses with a human face. A few years back, it seemed that the solution to all commercial ills was to hand things over to the whizz kids. Members may remember that a whizz kid called Andrew Regan nearly bought out the Co-operative movement itself back in 1997. However, what whizzes in can all too easily whizz off again to the next tax paradise. "Demutualised", a word that was easily swallowed two years ago, could now be translated as "almost out of control".

If people wanted to sneer at the old Co-op in the 1950s and 1960s, they asked, "Would you buy a shirt from the Co-op or from Marks and Sparks?" Would they sneer in that way now? It is interesting that, as the big boys such as Tesco or Sainsbury's run into trouble schlepping tax liabilities to dodgy tax havens and fixing up retailing cartels, the Co-op ideal remains.

It is necessary for us—all these years after the Fenwick weavers, in this epoch of carbon reduction and renewable energy—to hold to the ideals that the weavers held to, in which real mutuality will be of the essence in the manner of our survival.

17:23

James Kelly (Glasgow Rutherglen) (Lab): I declare an interest as a Labour and Co-operative Party MSP. I welcome the opportunity to participate in this evening's debate on the Fenwick weavers, and I congratulate Willie Coffey on securing the debate and on his opening speech.

It is important to focus on the work of the Fenwick weavers—not just because they were the first formal co-operative, blazing the trail in 1761, but because so many of the ideals from Fenwick all those years ago still burn brightly in 21st century Scotland.

As other members have said, it is fascinating to look at the story of the Fenwick weavers; and as other members have done, I want to pay tribute to John Smith and John McFadzean for the research that they have done. I also pay tribute to the work of East Ayrshire Council and, in particular, to the work of Jim O'Neill.

The story is really interesting and has many different aspects. The Fowlds family grew up in Fenwick and among their descendants were the first education minister in New Zealand and a member of Parliament in the United Kingdom House of Commons. That shows the quality of people who were about in Fenwick at that time. The quality of the ideals in which they grew up was such that they were able to go forward and

occupy such positions of responsibility and leadership both in the UK and in New Zealand.

Such history is important not just because it is interesting, but because it is relevant to today's Scotland. Lessons that we can learn from the history of the Fenwick weavers can be applied in modern Scotland. In fact, when I look round my constituency, I see links that go all the way back to those events of 250 years ago. When I see the Co-op retail stores in Halfway and Cathkin and consider the foundation of the Co-op retail group, I see a sound business model that includes strong ethics. The Co-op is very much recognised as taking a strong moral stand even to this day, but that stretches all the way back to Fenwick. When I see such examples in my constituency, I am very much reminded of that.

The Fenwick weavers also set up a savings scheme to look after fellow members of the community. That community-based scheme was perhaps a forerunner of today's credit unions. In my constituency, credit unions in Cambuslang and Rutherglen give help to the community just as the Fenwick savings scheme gave help to the community all those years ago.

Another outstanding example of how the people of Fenwick sought to advance the wellbeing of the community is their setting up of a library in 1808. They recognised the importance of education. That struck me last night as I attended a local school meeting, which happened to take place in the library, during which I thought about the importance of education. In Parliament, we often talk about how education can be used to grow the economy. Back in 1808, the people of Fenwick set up a library to educate the community better so that people could advance their knowledge and go on to do better jobs. That was demonstrated by the fact that so many of them emigrated to take on more skilled jobs. We still see the benefit of that approach in the work of the Co-operative Education Trust Scotland. CETS is an excellent example of how co-op ideals are still being taken forward.

To sum up, the co-operative model in Fenwick is an excellent example that has carried all the way through to modern Scotland. I see examples of its effect in my constituency. In finishing, I wish the co-op movement well and I hope that it continues to flourish.

17:28

The Minister for Enterprise, Energy and Tourism (Jim Mather): This has been an inspirational debate. I have really enjoyed it and I have learned a lot. I congratulate Willie Coffey on securing the debate, but I especially congratulate him on framing the motion in a way that captures

the impressive scope of the historical and ground-breaking achievements of the Fenwick Weavers Society.

Like members all round the chamber, I am indebted to John Smith and John McFadzean not just for their custodianship of the society's deed of incorporation and minute book, which contain the memory of its past achievements, but for reminding Fenwick, Ayrshire, Scotland and the world of an important first. The Fenwick Weavers Society was not just a role model for co-operative societies and a precursor of the co-operative movement—although that alone would make it of monumental, society-changing and global significance—but Fenwick made the enlightenment real in practical terms while Edinburgh conceptualised about it. That is absolute proof that, in any era of change, we need a blend of people: those who see a need and can theorise about it and those who actually do something. There is no doubt that the weavers played their part well and were driven by a multifaceted and noble purpose.

I was struck by members' contributions on the principles of honesty, faithfulness, fair pricing, majority decisions and support for the poor, which drove the weavers. Successful companies around the planet have the same key components: they have a noble unifying purpose, sound and virtually altruistic core values to which they stick, and ambitious goals.

I also like James Kelly's idea about the virtuous circle of ideals and quality people, which can reinforce each other. I buy 100 per cent into the point about the modern applicability of the society. The community was educated by reading, by doing, by pioneering and by adhering to principles. That gave its members the confidence in tough times to make the hard decision to emigrate from Scotland.

I was particularly taken by Chris Harvie's comment that we forgot the weavers because they succeeded. That resonated well with me. They generated a contagious idea that gave birth to what Chris Harvie described as "democratic religion". There is a new emphasis on that now in the business arena, which can be linked back to the Fenwick Weavers Society.

The society achieved much more than just establishing the co-operative movement. Its members were early adopters of continuous improvement, which comes over in the motion. W Edwards Deming, the guy who gave birth to all that, has created a philosophy that will move on and become, if not a religion, then a practical ethical guide to how to run a business and create cohesion. The ideas of continuous improvement in the modern and more complex workplace can bring capital, management and people together in

a common purpose and help us give people back their pride in their work.

I turn to the development of the retail co-operatives and custodianship of the sound values that I mentioned. There is a role for frugality. I kind of like frugality, because it worked for me in business. It works in that it allows people to make the most of their resources and to maintain a level of dignity, which might be harder in tough times.

I considered these issues in detail just last week. I was the recipient of a book from John Lewis about the noble experiment that it put into play at the turn of the 20th century. There is no doubt that the co-operative movement, and Co-operative Development Scotland in particular, is doing a fantastic job. I understand that CDS will be reviewed internally by Scottish Enterprise later this year. The outcome of that work will inform future decisions on the funding and activities of CDS. I believe that the issues that we have put on the record during the debate will help to inform that and drive it forward.

In essence, the situation now is that we have been given a gentle prompt. How do we handle the legacy as archivists? How do we pull resources together to make things meaningful on the ground? How do we learn from that inheritance and adapt it? How do we honour that inheritance by restating its values, maintaining a long-term frugal approach, and rediscovering continuous improvement and bringing it into government such that we can then wash it back into the private sector and other elements of Scottish life? How can we rediscover and enhance our sense of community and society and bring altruism into our efforts so that we offer people a better blend of motivations—intrinsic as well as extrinsic?

Arguably, in modern society there is too much jumping for the financial jelly bean, when it is healthier to have a business, a co-operative or a Parliament that works for a more noble purpose. Today, Mervyn King, the governor of the Bank of England, is challenging city bonuses and asking people to return to more sensible remuneration.

Today's debate is extremely timely as it gives us a wake-up call, reminds us of the era of the enlightenment, which the Fenwick weavers straddled, and gives us a nudge in the direction of how we might have a second enlightenment in Scotland, if those values and that approach can be fed into the new Scotland that we all want.

Meeting closed at 17:34.

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