

MEETING OF THE PARLIAMENT

Thursday 15 May 2008

Session 3

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Scottish Parliament

Thursday 15 May 2008

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

Equality and Diversity

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a statement by Stewart Maxwell on equality and diversity. The minister will take questions at the end of his statement, so no interventions should be made.

09:15

The Minister for Communities and Sport (Stewart Maxwell): In November 2007, we accepted an amendment to motion S3M-928 that asked us to make a statement on how our commitments on equality and diversity would be delivered through the Scottish budget. I am pleased to make that statement today.

The Scottish Government's investment and activity are geared around one central purpose: to create a more successful country that offers opportunities for all of Scotland to flourish. That means striving for a fairer and more equal Scotland. Addressing the inequalities in our society is essential if we are to meet the challenges of globalisation and demographic change and to ensure the wellbeing and cohesion of Scotland's communities. The spending review and budget are integral to enabling us to deliver that purpose and driving forward the changes that are needed to ensure equality of opportunity and outcome.

We have no doubts that Scotland will benefit from greater equality and that it is wholly unacceptable that people should be disadvantaged because of their race, gender, disability, sexual orientation, faith or age. Our performance framework contains a suite of outcomes that will improve the lives of people in Scotland. We expect equality to be integrated into the delivery of those outcomes and we have included a specific outcome on tackling the significant inequalities in Scottish society. That means getting to grips with the issues for equality groups and taking action across Government.

As part of developing our understanding of the inequalities in Scotland, I have attended several events and met equality groups. I and my Cabinet colleagues the Cabinet Secretary for Finance and Sustainable Growth and the Cabinet Secretary for Education and Lifelong Learning have also met the Equal Opportunities Committee. Those

meetings have enabled us to discuss how best to address discrimination and promote equality of opportunity.

Access to education and support for learning are vital to delivering a more successful Scotland and reducing inequality. Improved access to pre-school education benefits both child and parent. We increased the number of hours of pre-school education to 475 in August 2007 and we have announced a further increase to 570 hours from August 2010.

Our abolition of the graduate endowment fee will benefit about 50,000 students—particularly those on lower incomes, such as disabled people and lone parents, most of whom are women. That will encourage participation in learning and reduce debt. Children of asylum seekers will be able to access tuition fee support and we are reviewing provision under the disabled students allowance. From 2008-09, eligible students who require the assistance of a helper will benefit from an increased allowance of up to £20,000.

We have established respectme, the national anti-bullying service, and we have commissioned Learning and Teaching Scotland and LGBT Youth Scotland to produce guidance and training materials for school staff on dealing effectively with homophobic incidents.

It is unfortunate that many barriers to employment still exist for—among others—disabled people, some ethnic minority communities and women. Employment remains a reserved matter, but we are progressing activity to address those issues. We have created Skills Development Scotland, a key part of whose role is to promote and deliver equality of access and opportunity in service delivery and the wider lifelong learning landscape.

Through workforce plus, we are developing a framework and standards to provide better opportunities for those with a disability. We are working with local organisations to address the needs of clients with mental illness and we are working to understand better the labour market challenges that ethnic minority communities face. We are making £9 million available over three years to progress the strategy on English for speakers of other languages.

Poverty and deprivation will be addressed as part of our economic strategy. Anti-poverty work will be an important means of advancing equality. In our consultation on tackling poverty, we have highlighted the gendered nature of poverty and sought views on the implications for other groups.

As part of the local government settlement, we are providing £145 million per annum for a fairer Scotland fund to tackle poverty and to help more people access and sustain employment

opportunities. We expect community planning partnerships to take into account equality issues and to involve communities, including key equality groups, in strategic investment of the fund.

Concern is shared about health inequalities and we have established a ministerial task force to identify what more needs to be done; it will consider poverty and inequality as part of its work. The continuing work to achieve a healthier Scotland is being progressed through the better health, better care programme.

We will provide £97 million over the next three years to abolish prescription charges. That will benefit everyone but will particularly benefit those who suffer from long-term conditions—the previous Government's disability working group highlighted that issue.

Additional funds of £16 million will be provided to modernise and redesign national health service wheelchair and seating services and £64 million will be provided for the prevention, screening and early detection of serious illnesses, which includes a new immunisation programme to protect women against cervical cancer.

Proposed legislative changes will benefit equality groups. We support the hate crime bill proposal that Patrick Harvie MSP has lodged, because we believe that no one should be victimised because of their sexual orientation, transgender identity or disability.

We recently consulted on proposals to reform the law on rape and other sexual offences and we expect to introduce a bill on those matters in 2008.

An investment of £1.5 billion is being made in new and better housing in areas throughout Scotland, including deprived areas. Every new-build house that is funded through the Scottish Government must be built to be usable for people with disabilities or mobility problems and to be adaptable to cope with any further deterioration of a person's abilities.

We know that transport is a key issue for disabled people, so we continue to support nationwide concessionary fares for people who are over 60, disabled people and young people, with £181.4 million in 2008-09.

We are negotiating with local authorities on their single outcome agreements. Like the Scottish Government, local authorities are bound by the duty to secure best value and the public sector equality duties, which we expect them to reflect in their single outcome agreements.

Across the range of work that we undertake, we expect equality to be integrated and our policies to be equality impact assessed. An increasing number of assessments—21 to date—have now been published. Those include assessments on

the right to adapt for private tenants, which benefits disabled occupants in the private rented sector who need work on their house to make it suitable for their accommodation, welfare or employment; on the Graduate Endowment Abolition (Scotland) Bill, which I mentioned; and on the Glasgow Commonwealth Games Bill—that assessment highlighted several issues that will need to be considered in the delivery of the games.

We are fulfilling our responsibility to equality impact assess our policies not only because that is a legal requirement, but because it will help us to realise our outcomes. Assessing the impact on equality groups of our policies will enable us to develop policy that responds to people's different needs and to distribute appropriately the resources that are allocated in the budget.

We are committed to implementing effectively the EQIA process throughout Government, so we are working to improve the evidence base and the equality data that are available; to provide staff with support to undertake impact assessments; and to improve our ability to monitor progress through the business planning tool and certificate of assurance processes.

Mainstreaming equality is one element of the work that the £61 million that is allocated for equality will support. That represents a significant increase in funding. In the context of the tightest settlement since devolution, that is another strong indicator of our commitment.

With that resource, we will tackle issues of race equality, including those for Gypsies/Travellers. I will say more on that following the finalisation of our funding decisions. We will support work to integrate refugees, asylum seekers and new migrants; to promote interfaith activity; and to challenge sectarianism and religious intolerance. We will progress the work in relation to lesbian, gay, bisexual and transgender communities, including support for transgender work, and we will respond to the report of the LGBT hearts and minds agenda group in the summer. We will also advance our work on British Sign Language and linguistic access and on independent living for disabled people. Those matters deserve specific attention and I intend to provide more detail on our proposals before the summer recess.

Our money will also support a range of key organisations that deliver in the equality field, help to challenge negative attitudes—through our one Scotland and domestic abuse campaigns, for example—and support implementation of the public sector equality duties.

Gender issues that are evident in pay, occupational segregation and violence will be part of our programme. In particular, we are dedicating

£44.54 million to tackling violence against women. That will provide support for key national organisations, the rape crisis network, helplines and 73 local projects throughout Scotland; fund women's aid groups throughout Scotland to provide crucial support for children and young people who are affected by domestic abuse; contribute to implementation of the national delivery plan; and fund partner support work, which is a key part of effective perpetrator programmes.

This is an important time for equality work—we have the advent of a new legislative framework, the new Equality and Human Rights Commission and key issues to address. It is an appropriate time for us to shape the next phase of progressing equality in Scotland. We intend to have our new approach ready in 2009, which marks the Parliament's 10th anniversary. We look forward to working with the commission, all our partners, equality stakeholders, communities and—of course—the Parliament.

The Presiding Officer: The minister will now take questions on the issues raised in his statement. We have approximately 20 minutes or so for questions, after which we will move on to the next item of business.

Johann Lamont (Glasgow Pollok) (Lab): I thank the minister for making his statement available to us this morning. It reflects the broad range of issues that an equality strategy has to address; they are significant matters and I hope that the Equal Opportunities Committee will consider them further so that we can have a further debate on them in the chamber. Assertion and aspiration in relation to equalities are one thing, but delivery can be different, and that is where the budget becomes crucial to the identification of any patterns of inequality, and we must follow the money to see whether the aspirations can be delivered.

The minister will be aware of concerns about the Government's retrograde step in its budget, given the absence of an overarching equalities statement and equality impact assessments in the portfolio spending proposals. Will he confirm that the next budget will address those flaws, and can he outline what action is currently being taken to ensure that that happens?

Will the minister explain his understanding of the purpose of an equality impact assessment, given that, for example, the controversial decision has been made to merge the Mobility and Access Committee for Scotland with the Public Transport Users Committee but the equality impact assessment is being done only now, with a report to be produced at an as yet unspecified time?

Will the minister outline what action the Scottish Government will take to ensure that single

outcome agreements are equality impact assessed before they are agreed? He said in his statement that he expects that local authorities will ensure that equalities are addressed in the agreements, but how will he ensure that? What equalities elements, if any, are compulsory parts of single outcome agreements? What action will the Government take if its expectations of single outcome agreements are not realised?

Stewart Maxwell: I thank Johann Lamont for her questions. Her first point about further debate is helpful and, at some point, I would be happy to go through the business managers to accommodate time for a further debate later this year.

The individual policies that the budget funds will indeed be equality impact assessed. No equality impact assessment had taken place when we came into office—I am aware that the tool was only made available for use by December 2006—and 21 are now in place. I am not saying that that is the end of the matter; much work remains to be done. We need to do more across Government, and the quality of the assessments must be better. However, we have made a significant start to using the equality impact assessment tool.

On the amalgamation of MACS and the Public Transport Users Committee, there is no doubt that MACS had a significant role, but it is important that we do not segregate and that we look forward to mainstreaming areas of the work. Therefore, it was quite right for the Government to amalgamate the two groups and bring MACS into the Public Transport Users Committee so that disabled people become part of the main stream. Representatives of the disabled community will be on that committee.

We are in the process of negotiating single outcome agreements with individual local authorities across the country. I made my expectations for them very clear. Until the agreements are negotiated and published, it would be unreasonable for me to comment on them, other than to say what I have already said about my expectations.

Jamie McGrigor (Highlands and Islands) (Con): I, too, thank the minister for the advance copy of his statement. As president of the Highland Disabled Ramblers Association, I particularly welcome the £16 million to modernise and redesign NHS wheelchair and seating services in Scotland, which is long overdue. We also welcome the right for disabled tenants in the rented sector to adapt their homes, and the measures to improve access in new-build houses.

How and where will the £9 million announced for the teaching of English for speakers of other languages be allocated over the next three years?

We are glad that the minister intends to tackle the issues faced by Gypsy Travellers, but will he look again at the Scottish Government's repeated refusal to meet representatives of the Scottish section of the Showmen's Guild of Great Britain? Travelling show people are a distinct and important section of Scotland's community and cultural fabric, and I am hugely disappointed that ministers have refused to meet them to discuss some of the issues that mean that they are discriminated against more in Scotland than in England.

Finally, the percentage of males who suffer from domestic violence has increased by 138 per cent since 1999. Does the Scottish Government recognise that there is a need to address that worrying concern and, without loss of resource to female victims of domestic abuse, ensure equality of care and remedial action?

Stewart Maxwell: I thank Jamie McGrigor for his welcome for the increase in funding for the wheelchair services redesign. That will be widely welcomed across the chamber.

The £9 million for teaching English to speakers of other languages is the overall amount. I am not able to say today exactly where all that money will be used—that will be decided in the coming period—but I will be happy to write to Jamie McGrigor with the details once they are available.

I understand Jamie McGrigor's comments about Gypsy Travellers, although I am not aware of the specific issue that he mentioned. The Equal Opportunities Committee has taken up the issues faced by Gypsy Travellers in some detail. We will make a further statement on that within the coming two months. The Equal Opportunities Committee's work will form part of the national statement and it will be used to assess the impact of our work on Gypsy Travellers. It is important that we take cognisance of the particular group that Jamie McGrigor mentioned. If there is a particular issue that is different from the general problems, I am happy to meet him if he wants to discuss it with me.

Jamie McGrigor: May I ask for clarification?

The Presiding Officer: No, I am afraid not; this is just questions and answers.

Stewart Maxwell: I make no apology for the fact that the Government takes a gendered view of domestic abuse. In the overwhelming majority of domestic abuse cases, the victims are women and children, so they form our primary focus. At the same time, and while women and children need specific services, support services for men are widely available. We are taking the correct approach to domestic abuse. It is only right and proper that we concentrate on the fundamental problem, which is male violence against women. That should be our priority.

Jim Tolson (Dunfermline West) (LD): I, too, thank the minister for his statement and for giving us the opportunity of an advance look at it.

I want to ask about mediation services. Yesterday, the *Evening News* reported that European migrants in Edinburgh are being unfairly labelled as neighbours from hell because of ignorance and prejudice. The most common complaint was of the laws on houses in multiple occupation being broken by cramming as many people as possible into a confined space, even though that is not always the case. Mediation services across the city are proving to be successful in resolving difficulties and misunderstandings between neighbours. What will the Government do to encourage the development of community mediation services across the country to support the integration of migrant groups into Scottish society, as a recent study showed that many of them intend to settle in Scotland permanently?

Stewart Maxwell: I did not see that newspaper report yesterday, but I support mediation work. In that area and across many others, mediation services have an important role to play.

If we are to ensure that the new Scots can integrate when they come to settle here, the Parliament must send out a very strong message that we will not tolerate the abuse of individuals and families who wish to work and live in our communities. It is essential that we send out that clear and strong message.

I am happy to look at the role of mediation services in that area for Jim Tolson, and to discuss with him the issues he sees in the Edinburgh, Fife and Lothian areas.

Mediation services are an important part of our work in this area, because it is clear that if we can make people understand the problems that people who come to Scotland face, many of the tensions will be diffused. It is more positive to use mediation than it is to tackle problems that arise once a situation has become inflamed. We should deal with such situations early on and ensure that local communities are fully aware of the incoming communities that will live among them. I pay tribute to the work on migrants, immigrants and asylum seekers that has been done in parts of Glasgow over the past few years, which is an example of best practice. Many of the fears that were expressed by some parts of the community have now been dealt with.

The Presiding Officer: We come to back-bench questions, for which only 10 minutes are available, so I insist on one question per member.

Sandra White (Glasgow) (SNP): I thank the minister for the copy of his statement, which I have just received. It contains many positive points and

a great understanding of the areas in which more work must be done. I request that the statement be passed on to the Equal Opportunities Committee, so that we can consider it in more detail.

I know that the minister will agree with me—

The Presiding Officer: Question, please.

Sandra White:—when I say that the Parliament must reflect the diversity of the people of Scotland. We know that women and ethnic minorities are not represented in certain groups.

The Presiding Officer: Question, please.

Sandra White: Will that anomaly be addressed as part of the impact assessment process that the minister has just announced, which is most welcome, to ensure that such groups are represented in certain public bodies?

Stewart Maxwell: I will be more than happy to pass on a copy of the statement to the Equal Opportunities Committee, although as most of its members are in the chamber, they probably already have it. However, it is right and proper that the committee should examine the statement, if it so wishes, and I am sure that we will have further engagement on the matter.

As I said in my statement and my first response, it is important that we increase the number of equality impact assessments that we carry out on policy issues. It is a new tool, which came in only in December 2006. Although we have managed to publish 21 equality impact assessments, I do not think that that is enough—we must go much further. I and my colleagues are clear that equality impact assessments must be used across the range of Government work. The public sector must adapt to the new way of working and must use equality impact assessment tools in policy so that we get the best outcomes from our budget spend and ensure that, rather than unintentionally having a negative impact, our policies have a positive impact.

Elaine Smith (Coatbridge and Chryston) (Lab): I thank the minister for his statement. I particularly welcome the funding for tackling violence against women. I agree that the statement ought to be passed on to the Equal Opportunities Committee for scrutiny, as it raises many questions.

One of those questions is about the consequential £34 million funding for the national health service, local government and other agencies to assist disabled children and families. Is the minister aware that in a report on services for disabled children, Tom Clarke MP said:

“If government is not persuaded to ring-fence additional resources for disabled children ... Ministers must be able to

convince parents and professionals that alternative mechanisms exist to ensure that the resources reach the children who need them”?

What does the Government intend to do specifically for disabled children and their families?

Stewart Maxwell: I thank Elaine Smith for the welcome that she gave to our funding for action on violence against women. I was keen to ensure that we funded work in that crucial area properly, and I pay tribute to the work of the previous Administration, on which we hope to build.

A number of streams of work are being progressed on disabled children and their families, in many cases by local authorities. The £34 million to which the member refers is, of course, part of the local government settlement. That money is still there; it has not been lost. It is within the ambit of local authorities to spend that money as they see fit. It is clear that they must be able to use it in ways that are appropriate to local circumstances.

I gently point out to Elaine Smith that Barnett consequentials have always been dealt with in such a manner. The previous Administration never wrote a blank cheque in the sense that it never said that it would always spend the money in the same way that the United Kingdom Government did. The money was always allocated to the budget of the Scottish Executive, which decided on the best way to spend it. This Government is doing likewise. It is clear that we are committed to working with local authorities to ensure that disabled children receive proper support. Any attempt to paint the situation as a lack of commitment on our part would be unfortunate. Nothing could be further from the truth—we fully support the work that local government is doing. The Scottish Government funds a number of projects to help disabled children and their families.

Bill Wilson (West of Scotland) (SNP): I thank the minister for his statement and welcome the commitment to ensure that every new-build house that is funded by the Government will be accessible. I hope that he will consider requiring all private developments to include a percentage of accessible housing.

Has the Scottish Government been consulted on the UK Government's proposals to make significant alterations to the disability living allowance and the attendance allowance?

Stewart Maxwell: The straight answer to that is no. The consultation document for the UK Government's review of social care in England that was launched earlier this week acknowledged that any changes to UK-wide benefits could have implications for devolved social care systems. However, it does not include any specific

proposals, and there has been no consultation with Scottish ministers.

Marlyn Glen (North East Scotland) (Lab): Will the minister ensure that Skills Development Scotland makes timely use of equality impact assessments before, rather than after, the fact? In particular, will they be used to examine the modern apprenticeship scheme? Can he comment on the significant decline in the number of women who participate in that programme and the continued gender patterns of occupational segregation that are evident in it?

Stewart Maxwell: As I hope I have made clear, we intend to continue our work with equality impact assessments. In response to an earlier question on equality impact assessments, as well as saying that we have published 21 of them thus far, I should perhaps have mentioned that a huge amount of work is being done in this area across Government. The fact that an equality impact assessment has not been published on a particular policy does not mean that such work is not going on. I am encouraging people across Government to ensure that that work results in the development and publication of equality impact assessments in skills development, among other areas. Such work should be done across the range of Government policies.

In addition, I have made clear my concern about occupational segregation. Any decline in the take-up of skills development opportunities by women is a challenge that we must face up to. I hope that the whole Parliament will ensure that we do as much as we can within our powers to ensure that occupational segregation is dealt with. We must tackle it head on, as it is one of the biggest problems that women face. It is a long-standing problem that we must do everything possible to address.

Margaret Smith (Edinburgh West) (LD): I welcome much of what the minister said in his statement. Equality and diversity is a broad topic and the Liberal Democrats would welcome a debate on it.

The minister might be aware of this week's announcement by the Fostering Network that, next year alone, 450 new foster carers are needed to meet demand. When will the Scottish Government introduce changes to the fostering regulations to allow same-sex couples to foster, which would assist with the quest to provide loving and stable homes for many of our most disadvantaged children and young people? Is the minister aware of the problem whereby many councils are reluctant to let people adopt children if they have not first had a chance to act as foster parents?

Stewart Maxwell: That is a sensitive issue for many people. The best thing that I can do is offer

to meet Margaret Smith to discuss it in detail. As she will know, my views on the matter are clear. The most important consideration is that children should be in a home where there is a loving and stable relationship. That is the central point. As the issue affects a number of Government ministers in different areas, it would be best if she and I met to discuss it in detail. I would be happy to do that.

Patrick Harvie (Glasgow) (Green): If the forthcoming statement on Gypsy Travellers that the minister mentioned brings with it sufficient resources for services and facilities for that group, it might receive a broad welcome. Will the statement also cover some of the legislative proposals that representatives of that community have called for? Will he agree to meet the Gypsy and Traveller Law Reform Coalition before decisions are made about the next legislative programme?

Stewart Maxwell: I am more than happy to meet the groups and individuals to whom Mr Harvie referred, if he thinks that that would be helpful, and I am sure that a meeting can be arranged as soon as possible.

As I said, the national statement will be made in the not-too-distant future. It would be inappropriate for me to talk about the detail in the statement at this stage, because the statement is not ready—if it had been it would have been issued. We will consider all aspects, including the work of the Equal Opportunities Committee and, in particular, input from the Gypsy Traveller community and local authorities and other partners who work in the area.

Michael McMahon (Hamilton North and Bellshill) (Lab): I am convener of the cross-party group on disability and people regularly express to me concerns about the lack of consultation before changes are made to Government policy or practice. Is the minister aware that during the past few months I have asked a number of parliamentary questions in respect of those concerns, the answers to which have not satisfied disability groups in particular? Will he at last say what consultation took place with national organisations that represent disabled people and ethnic minorities on the closure of the fair for all disability and fair for all race projects before—not after—the establishment of the equalities and planning directorate in NHS Health Scotland?

Stewart Maxwell: Michael McMahon answered his own question when he said that he has received answers from ministers to his parliamentary questions. I do not think that I can add anything to the answers that he has received.

Margaret Curran (Glasgow Baillieston) (Lab): I appreciate that the minister has made an overarching statement, but I am sure that he

would acknowledge that the part that covered race equality was rather limited. What support is the Government giving to Black and Ethnic Minority Infrastructure in Scotland as part of the one Scotland, many cultures campaign, which I hope will continue? Will the Government review the funding support to BEMIS, to ensure that we maximise the potential to make an impact that the organisation has demonstrated?

Stewart Maxwell: My statement was indeed overarching and I tried to cover a wide range of areas. I am aware and supportive of BEMIS's work and I have met members of the organisation on a number of occasions. The important point is that I will not comment on individual funding allocations during this item of business. I am sure that Margaret Curran understands the reasons for that. If she wants to raise a specific issue with me, I will be more than happy to discuss it with her.

The Government acknowledges the work of many groups that work in race equality. It is important that the Government should carry on with the one Scotland, many cultures campaign and build on the previous Executive's work, which was groundbreaking in many ways. We are keen to ensure that that work continues.

Michael McMahon: On a point of order, Presiding Officer. The minister completely avoided answering my question, which I asked because my parliamentary questions have not been answered. I specifically asked the minister to say what consultation had taken place with disability and ethnic minority groups prior to the establishment of the equalities and planning directorate in NHS Health Scotland. The minister refuses to answer that question. Can you advise me on how I can get the minister to answer the questions that I ask rather than the questions that he would like me to ask?

The Presiding Officer: As the member is aware, I am not responsible for the content of answers. The member has a point, but I am afraid that it is not a point of order.

Crofting

The Presiding Officer (Alex Fergusson): The next item of business is a debate on the Shucksmith report and the future of crofting in Scotland.

09:49

The Minister for Environment (Michael Russell): It gives me great pleasure to open the first of many debates and discussions that will take place as we begin work to put in place a firm foundation for the future of crofting in Scotland.

The Government made a commitment in its programme for government to reform crofting following the work of the committee of inquiry on crofting. That was consistent with our drive to promote a wealthier and fairer Scotland, a safer and stronger Scotland and a greener Scotland. On Monday, I formally received the committee's final report at an event in Stornoway. I took the opportunity then and I do so again to thank all members of the committee and particularly the chairman, Mark Shucksmith, for the public service that they have done. I am sure that the whole Parliament extends its thanks. I also thank everyone who contributed to the production of the report through their participation in the committee's public meetings earlier in the year or through their submissions in response to the call for evidence.

On Tuesday morning, I was pleased to read the universally positive coverage of the report. I was particularly struck by a comment from Patrick Krause, the chief executive of the Scottish Crofting Foundation, which was quoted in *The Herald*. He said:

"There is no doubt the authentic voice of Scottish crofters is in this report."

That is true. The report is a testament to the consultation that was undertaken when the report was being produced.

Since then, I have been struck by the intelligent and positive coverage of the detailed recommendations in the report. For example, in today's *Press and Journal*, the National Trust for Scotland indicates its support for many elements in the report, although it asks questions that should be asked. I have also been impressed by the response from NFU Scotland, which also asked questions. I am sorry that John Farquhar Munro is not in his usual place in the chamber, because he has been positive about the report, although he defends the Crofters Commission in this morning's *Press and Journal*. I, too, defend the Crofters Commission. However, the report is not about the future of the Crofters Commission; it is about the future of crofting.

The committee of inquiry was established by the previous Administration in September 2006, to consider the future of crofting. Mark Shucksmith was appointed in December 2006 and the other members of the committee were appointed in April 2007. The committee was asked—I pay tribute to the previous Administration for this—to identify

“a vision for the future of crofting”

and to make recommendations designed to secure specific goals: to sustain and enhance the population; to improve economic vitality; to safeguard landscape and biodiversity; and to sustain cultural diversity.

When I became Minister for Environment a year ago, I encouraged the committee to be radical, because radical change is needed to reverse years of decline in crofting. I share the committee's view that there is a clear and present danger to the future of crofting and radical action is required.

Radical recommendations are the culmination of the committee's work, which is the most significant investigation into crofting since the report of the Taylor commission in 1954. Indeed, in future, a history of crofting—I will not attempt such a thing—will regard the work of the Napier commission, the Taylor commission and the Shucksmith committee as three pillars in the building of the crofting system. Of course, members of the Shucksmith committee did not have to be shipwrecked twice, as happened to members of the Napier commission, in order to come to their conclusions.

The report makes bold recommendations on the land and environment, the rural economy, housing, governance, crofting regulation and enforcement, and the crucial issue of attracting new entrants into crofting.

On land and environment, the report makes recommendations on the single farm payment, the less favoured area support scheme, the Scotland rural development programme and the crofting counties agricultural grants scheme.

On the rural economy, it makes recommendations on development investment, on the relationship between the work of Highlands and Islands Enterprise and local authorities, and on in-migration, return migration and population retention.

On housing, it makes proposals for the croft house grant scheme and on the provision of housing for non-crofters.

On governance arrangements, it recommends winding up the Crofters Commission and separating the functions that the commission currently undertakes. Regulation and enforcement would be discharged by a new structure.

Development would become the responsibility of a crofting and community development body, possibly within HIE. The report recommends that responsibility for the register of crofts be taken over by Registers of Scotland and that grazings committees be modernised and given an expanded role.

On regulation and enforcement, the report recommends that the rights that were laid down in the Crofters Holdings (Scotland) Act 1886, in relation to security of tenure, succession, fair rents and the value of improvements, be enjoyed only

“by those resident on or near their croft and using the land beneficially.”

It is strange that such a recommendation might be regarded as controversial, because it is axiomatic that the benefits of crofting should accrue to crofters themselves.

The report recommends that croft houses be tied to occupancy through a real burden, which would take effect when the croft was next assigned or purchased and would run for ever. Decrofting the house site or purchasing the landlord's interest would not extinguish the burden.

The report argues that the combination of those recommendations and other proposals on regulation would create more opportunities for young people and attract new entrants to crofting.

The committee's vision of a growing, prosperous, inclusive and sustainable crofting community is one that I whole-heartedly share. Crofting delivers social, economic and environmental benefits and is part of the cultural landscape of the Highlands and Islands, which is famous throughout the world. It should be advanced to secure more of those public benefits, not simply to preserve tradition, although that is good in itself. No one can understate its role. Crofting should be preserved because crofting per se is worth pursuing in the modern age.

The principles of localism and communality are central to the report's recommendations and, like the committee of inquiry, I believe that they are at the heart of crofting. The Government believes strongly in empowering communities to take control of their own destinies and in enabling people to make the plans and take the decisions that affect them and their communities. Through direct participation in those processes and decisions, individuals can see the benefits of that approach and communities can generate new life.

Crofters are not bereft of

“reserves of knowledge, experience and leadership”,

as the Taylor committee suggested 54 years ago. The Taylor committee suggested then that

“initiative must come from without”.

Now, it can come from within. The greatest chance for success will come if crofters feel that they have ownership and control of their future. On Monday, I saw a wonderful example of that in the Lewis township of Coll, where a new grazings committee has come together and is working within the community to bring new life to it. Crofting needs to serve Scotland well in the 21st century, and the report can help that to happen.

I turn to the recommendations and the Government's response to them. I shall consider the report carefully over the summer and announce a detailed response at the end of the summer. The recommended changes to the governance arrangements for crofting need a great deal of consideration. As in any such report—particularly a radical one—the devil will be in the detail, but I hope that the whole Parliament will find ways of participating in that discussion and debate, the outcome of which I expect to be legislation although, obviously, I cannot confirm that today. For example, we need to ensure that any new governance structure facilitates local input but does not create a bureaucracy that is at odds with our agenda of simplifying the public body landscape.

I accept strongly that Registers of Scotland, which has expertise in the registration of property, should take over responsibility for the register of crofts, although I recognise that there is considerable work to be done before that can happen. I need to consider how to take it forward and finance it.

I accept recommendation 3.15.9, which is that

“The Registration of Leases (Scotland) Act 1857 should be amended to make a crofting lease registrable and hence eligible for standard securities.”

That is one of a range of recommendations that will be easy to accept. Accepting that recommendation will make it easier for crofters to access commercially available loans so that they may build or improve their homes without having to decroft.

I keep open the option of implementing the recommendation on what the report refers to as real burdens that would require occupancy of croft houses. On Monday, I made it clear that the Government may introduce retrospective legislation if it recommends to the Parliament that that proposal be adopted. That would be necessary to reduce the risk of a rush to decroft and avoid the provisions of any future legislation.

I suspect that all the parties and the individual members present, some of whom are highly knowledgeable about crofting, will conclude that reform of crofting cannot be undertaken instantly. Today, we are at the end of 122 years of complex

legislation, and perhaps the most difficult task will be to simplify that legislation in the way that the committee envisages, which I support.

However, we continue to make changes, even while we consider the next steps. Last winter, we consulted on powers under the existing crofting legislation to designate new areas where crofting tenure could apply. The consultation proposed that Arran, Bute, Great Cumbrae Island and Little Cumbrae Island, as well as areas within Moray Council and Highland Council that are not already within the crofting counties—an historical anomaly that many people felt should have been resolved a century ago—be so designated.

Responses to the consultation, which closed in March—although we took account of late comments—broadly support the proposal for an alignment with the HIE boundaries. Accordingly, I am minded to designate those areas for crofting tenure, and I expect to move to implement that measure in the coming year. Obviously, I wish to ensure a level playing field for all crofting areas, so I will take forward the future of financial support for them in light of Shucksmith's recommendations.

We will now give careful consideration to the report of the committee of inquiry on crofting and decide how best to take forward its recommendations. We will start work on producing our detailed response to the report and look for the earliest opportunity to introduce consequential legislative change.

I greatly look forward to hearing members' views today and on future occasions. The inquiry was conducted independently, and I hope that its independence will command the respect that allows us to come together and build consensus on the way forward. One thing above all should motivate us and leave us in no doubt that we must act: crofting is in a perilous state and we have an obligation to ensure that it carries on into future generations. Mark Shucksmith and his colleagues have done a great service in helping us to ensure that it does. The decisions will now have to be taken, and we will have to take responsibility for the actions.

10:00

Sarah Boyack (Edinburgh Central) (Lab): I very much agree with Michael Russell's expression of thanks to the committee of inquiry for the work that it has carried out over the past few months.

In its consideration of the Crofting Reform etc Bill in the previous parliamentary session, the Environment and Rural Development Committee came to the conclusion that the bill as introduced was simply too complex. We wanted to ensure that the Parliament got crofting right, but the bill

did not provide for a consolidation of the legal framework. We were not convinced that the measures to sort out the market in crofts would work and we wanted to get the right controls and assignments to ensure that crofting was retained.

However, we did not want to jeopardise the chance of a crofting bill being passed at that time because we wanted to ensure that the recommendations on new crofts that Michael Russell is implementing were provided for. We thought that there should be a new set of discussions on crofting and the possibility of new legislation in this parliamentary session.

Therefore, I warmly welcome the work that the committee of inquiry on crofting has done—in particular, Mark Shucksmith's work in pulling it together and the excellent analysis in the report. The process has been inclusive and the report is all the stronger for that. However, I admit that, although I enjoyed reading it, I have not yet fully digested all its recommendations. Along with the minister, I certainly want the time to reflect on them all; they are radical and far reaching. We now need to have a positive debate on what we agree with but we must also take the time to consult more before we come back to the Parliament to set out our stalls in detail.

I am keen that this debate be the start of the Parliament's consideration of how the vision for crofting in the 21st century that is set out in the report should be implemented. That is why I welcome the minister's commitment to come back with a response to the debate before we legislate again. It is important to learn the lessons of the previous crofting bill to ensure that we do not address matters only through legislation or pile everything into consideration of proposed legislation but instead examine all the issues.

The report's analysis is spot on, but we need to think through the detail of the recommendations and talk to the crofting communities about how we implement it. As the minister says, we must look through the detail, which is where the difficulties will come. We need to ensure that there is widespread consultation and consideration, and I note the NFUS's request for a detailed discussion at a later date.

There are two ways in which the report can be implemented. The first is to consider matters that do not require legislation and on which the minister and his colleague the Cabinet Secretary for Rural Affairs and the Environment can act now; the second is to consider the potential legislative issues that arise from the report.

We need to address the urgent housing and agricultural support issues that can be acted on now. The minister should simply set out what he thinks in detail. I welcome his initial response, but I

want to see the Government's response to all those recommendations to determine what can be acted on swiftly.

We also need a response on the issues that clearly require legislation. However, we need agreement on the Government's overall policy stance before we get to the detailed drafting, because the significant changes that were made halfway through the previous bill's passage made it difficult for the Environment and Rural Development Committee to do its job.

The headline recommendation in the Shucksmith report to abolish the Crofters Commission needs a great deal of thought. The recommendation that regulation would remain at a Scottish level but implementation would rest at a local level needs further debate. The scope is set out for local crofting boards to regulate, but that raises the questions to what extent we would still have a common system of crofting and what level of discretion each board would have. We need to think all that through in detail. Another issue that we must consider in detail is the status of the boards and whether they will be quangos.

Given the recent downsizing of Highlands and Islands Enterprise and the budget cuts that it has experienced, it is ironic for the Scottish Government that HIE is the organisation of choice for the location of the proposed crofting community development body.

There is a clear message in the report that economic factors must be central if crofting is to survive. We support the objective to bring together economic development and community and social objectives. The report notes that crofting activities account for only a third of crofters' incomes, so support for wider economic activity is crucial, including support for entrepreneurial skills and other skills that are required to run small businesses. Crofters have a host of economic opportunities in construction, renewables, wildlife interpretation, crafts and tourism, and they need skills and support in all those areas.

A critical issue is the minister's willingness to fund in full the system that he chooses to recommend to us. His choice requires a lot more thought, and I do not expect him to make it after two days' reflection on the report. Whatever decision is made, however, there is a key challenge for the minister to ensure that he supports the staff of the Crofters Commission. I ask him to make a commitment to think carefully about the rights of the staff. We considered the matter when we considered the Crofting Reform etc Bill. I hope that the minister will meet the staff, listen to their concerns and representations and ensure that he talks through the issues in detail, including the future status of the organisation and where staff will be located in order for them to be

effective. Those issues, and the rights of the staff, must be considered in detail.

Where do we go next? I will focus briefly on two areas in which the minister can act now to support crofters: housing and agriculture. Housing grants are urgently needed to enable crofters to build new houses. Our discussions have been dominated by the debate on the market in crofts and the lack of sufficient rural housing for crofters and others who want to remain in our crofting areas. The issues are not easy. Sometimes the problem is the lack of land for development and sometimes it is finance.

A key issue that comes out loud and clear in the report is affordability. Rural wages are insufficient to cover the cost of building new houses and the cost of mortgages. The report is clear. It says:

"the Crofters Building Grants and Loans Scheme ... was the single most effective means of support for maintaining the population of crofting communities. The current Croft House Grant Scheme ... is pitched at too low a level to assist crofters".

That cannot be right. It must be acted on. We know from the Government's paper on housing that in rural areas, particularly the Highlands, house prices are rising rapidly and affordability is worsening. Some 96 per cent of those who were surveyed by the Crofters Commission last year said that young crofters are the most important aspect of a thriving crofting community, but 88 per cent said that housing is unaffordable for young people in crofting areas. We need urgent action to make rural crofts available, to let crofters build and to provide more land for crofters. I hope that the minister will consider the raft of recommendations on the matter. Labour highlights the proposal to enable crofters to obtain loans without having to decroft. The evidence shows that the lack of such an option is a huge pressure that leads to decrofting. I welcome the minister's clear support for the recommendation today, and I hope that he will take the matter forward swiftly.

Support is also urgently needed to guide crofters through the new rural development programme, which is overbureaucratic and lacks transparency. We fear that our most fragile rural areas will lose out unless ministers give clear signals now. The Royal Society for the Protection of Birds puts the case for public benefit extremely well, and it is clear that NFU Scotland wants to engage in the debate too.

We must support active crofting and ensure that we have appropriate land management. We need to deliver environmental objectives and, crucially, support crofters' ability to manage their land. We also need support for infrastructure to support jobs in marts and slaughterhouses. The Crofters Commission, rightly, lobbied us on that in the past few months.

We believe that we need to refocus agricultural support. We agree with the recommendation that the Scottish Government should change the rural development programme now to bring that about. The report contains many detailed recommendations, but many can be acted on now, including the challenge to encourage new entrants. The report's recommendations focus on the need for new crofters so that existing crofters can retire with income and with dignity.

The report contains a fantastic vision of the future, but we need to look at the key things that can be done now. We must then debate the detailed recommendations on the future architecture for the support of crofting. The report contains many good recommendations, and we must take our time to get things right. Funding is crucial. We need to know that, whatever system we support, the Government will fund it fully so that the recommendations can be implemented. We need an inclusive approach that includes the Parliament and all the communities that made recommendations recently and during the previous session. I note the minister's willingness to have that inclusive discussion and I hope that it will happen.

We need, first, to consider the recommendations that can be acted on now and, secondly, to have detailed discussions on the major recommendations so that we get things right this time. We need to consolidate the legislation in order to bring our crofters together and ensure that they have a viable and sustainable future. We must support them in those objectives.

10:11

John Scott (Ayr) (Con): I, too, welcome Professor Shucksmith's report and the vindication that it contains of the Scottish Conservatives' position and views on the previous Government's Crofting Reform etc Bill, which was passed in January 2007. Regrettably, that bill failed to address many of the problems that face crofting in the 21st century. Sarah Boyack generously recognised that in her thoughtful and positive speech.

Ted Brocklebank and the Environment and Rural Development Committee were rightly condemnatory of the Crofting Reform etc Bill. The report that we are discussing today should have been available to influence and drive the legislation in 2006 but, sadly, it was not. However, we are where we are. It has often been said that a croft is an island surrounded by a sea of legislation, and the more one looks into it, the more that becomes apparent. At the very least, simplification and rationalisation of the legislation are long overdue. Professor Shucksmith's report is

a welcome precursor to that, although, like others, I have yet to fully absorb the report.

Many of the recommendations in the report are to be welcomed. In particular, the Scottish Conservatives welcome the determination to address the absenteeism and neglect that have sadly affected much crofting land in the past. To that end, we welcome the idea of the election of local crofting boards. If such boards can work together in a federation and be given powers to suspend the right to buy when that serves the best interests of the community, that will be progress. For example, good inby land should not be built on, especially as food security rises up the political agenda daily.

The transfer of powers from the Crofting Commission to HIE is a positive suggestion. I appreciate that not everyone in the chamber takes that view, but the idea is worthy of further consideration. I note the report's suggestion that the crofting counties agricultural grants scheme should be retained. I support that, and I know that the issue is dear to the heart of Norman Leask, who is in the gallery today. The suggestions to give extra support to young entrants and to support diversification through the CCAGS are measures for which I have long campaigned. My track record of support for CCAGS goes back to the early 1990s, when I was convener of NFU Scotland's hill farming committee.

I am less enthusiastic about moving towards an area basis for the single farm payment or reclassifying the less favoured area support scheme to introduce a mountain classification, but that is a Scotland-wide issue and is perhaps a debate for another day.

I do, however, want to consider carefully and positively the idea of reintroducing national envelopes and the possibility of reintroducing bull and ram hire schemes for crofting areas. That is essential if neglected land is to be returned to agricultural production. My colleague Jamie McGrigor will expand on that.

In the context of good agricultural practice, I welcome the suggestion that, if crofting land is sold, it must be retained in agricultural use. Our general thrust is that of following good agricultural practice and sustaining and enhancing the environment as we do so. The simplification of dispute resolution is another welcome recommendation. I wish whoever will be responsible for doing that more success than some of the grazings committees enjoyed in the past.

What is particularly positive about the debate is the fact that the Scottish Crofting Foundation has welcomed the report too—including the proposal to tie all croft houses to residency. The proposal to

backdate a residency burden to 12 May 2008, which would tie a new owner to occupancy and working the land, is also to be welcomed.

The introduction of an enhanced croft house grant and loan scheme, which would allow for house building without the need to decroft, is very welcome too. It will help in encouraging population retention and migration into the crofting counties. Proposals to support the development of affordable housing are essential in sustaining fragile communities. Those proposals should be looked at in a positive light.

In the governance of crofting, it makes sense to separate the function of crofting regulation and enforcement from the function of crofting development. The maintenance of a register of crofts, to be administered by the Registers of Scotland, also seems to be a sensible idea.

However, I sound a cautionary note. There is a danger of too many cooks spoiling the broth if Highlands and Islands Enterprise is to be responsible for a new crofting and community development body, local crofting boards are to be tied into a federation of crofting boards, and grazings committees are to be transformed into crofting township development committees. I acknowledge the need for separation of functions from a governance point of view, but there is still a danger that all those proposed structures—all with their own ideas, input and secretariats—will make the situation just as complicated as it was before. The need for all those administrative functions has to be very well discussed before legislation is introduced.

Scottish Conservatives very much welcome this hugely comprehensive and solution-driven report. We have still to digest much of it, but it is obvious that it provides a springboard for the creation of new legislation. If the minister decides to introduce a bill, we hope that it will rationalise and simplify the various pieces of legislation that go back into the mists of time. I hope that one piece of legislation will be able to cope with the enormity and complexity of such a task. If the minister decides to proceed on the basis of the report, Conservatives will work positively with the Government.

10:17

Tavish Scott (Shetland) (LD): The Liberal Democrats welcome the Shucksmith report, and we acknowledge the work that Ross Finnie, Sarah Boyack and Mike Russell have done to bring it to fruition. As a Liberal Democrat, I recognise that no election address is complete without a reference to Gladstone; many of us still get elected on that basis. We agree with Shucksmith's broad thrust, and we welcome the debate that the report

continues. For many people this summer, the report will be a useful starting point for discussions over the farm gate and around the cattle pens and showgrounds. I associate myself and my party with the gratitude that has been expressed this morning to all involved. Across my constituency of Shetland, I plan to have a series of meetings with crofters on the recommendations of the committee of inquiry on crofting.

Mark Shucksmith and his colleagues finished their report after a year when the local, national and global issues affecting crofting have changed dramatically. The minister acknowledged that in his opening remarks. Food price inflation and food security are the talk not just of crofters but of the governor of the Bank of England. My starting point is therefore that reform must be about securing food production, cattle and sheep in the crofting counties. Livestock means families; families mean schools; and schools mean a future for the islands, glens and high hills of Scotland. Paragraph 1.5.9 of the report stresses food security, and I agree with what it says.

This Liberal Democrat wants the debate to be about the measures to support livestock production and enable crofters to get on with what they are best at—producing the quality stock that underpins agricultural trade and supply lines throughout the country. Yes, crofting is a way of life, income comes from many sources, and the environment plays a large part in the management of crofting land, but crofting, certainly in my community, is about production. It is about growing crops, filling the freezer and bringing quality livestock to market.

The minister said that crofting is in a perilous state. I have two suggestions for him, the first of which concerns the Scotland rural development programme. It is the fault of no minister, current or previous, but events of the past 12 months mean that the programme is now out of date. Paragraph 1.6.2 of the report recommends changes in the programme. I would advocate that the Government should go further, because there is no more important test for any Government than that it can react to global changes affecting local people.

Food security and food production have to be the cornerstone of crofting and agricultural policy. I ask the Government to make changing the SRDP an immediate priority. I will be happy to support and work with ministers if they commit to that course of action.

I come now to my second suggestion. Crofters have been calling for the reintroduction of the suckler cow premium and even the sheep annual premium. France has retained such support for cattle. Shucksmith argues for measures where there is market failure, but I would go further. The

review of the common agricultural policy is under way, so now is the time to assist go-ahead crofters to invest in their cattle. Do we want to stop the remorseless loss of cattle and sheep from crofting areas? If the answer to that is yes—as it is for me—the Government needs to find ways of achieving that.

As we digest the full details of the report over the coming months—as Sarah Boyack and John Scott have rightly said that we should—we will have many questions. The report is stark in pointing to differing views on regulation; a simple way of putting it might be that the west wants more, but the north does not. As I am sure the minister would accept, no one-size-fits-all approach will work. That can be consistent with the recommendations for regulatory change, but we need to be clear that local decision making needs to avoid a system that pits one crofting neighbour against another. I certainly would not favour any regulatory approach that led to that.

I am unsure whether the recommendation to give HIE development functions is consistent with the devolution of decision making for crofting regulation. In paragraph 3.11.11, the report says:

“It is essential that this is additional to HIE’s own resources, and not used to mask cuts in the resources allocated to HIE’s normal business.”

Indeed. The report speaks loudly on that point.

The recommendation to leave budgets with Government does not appear to be consistent with devolving responsibility. I note the committee’s support for the rural stewardship scheme, and its even greater support for the environmentally sensitive areas scheme—a better scheme in my view—but SRDP budgets are the direct responsibility not of local decision makers but of ministers. Ministers will have to decide what their policy is. If they advocate devolved budgets and decision making, I will absolutely support them. However, there is a deal of work to be done in joining up all the dots.

The minister may wish to dwell on this final point. What can he do now? Ministerial powers to direct are clear—they have been in place for a considerable time—and recommendations on budgets can be taken forward in that way. As the minister considers the report and as he considers what he wants to bring back to Parliament, he must be clear on what can be done and on what really needs legislation. Parliament will want to scrutinise that. Sarah Boyack put those considerations in the context of the work of the committee.

My party and I will work with a Government that is determined to take crofting forward. Mr Russell should be in no doubt about that. However, my test is on the immediate issues that ministers can

confront with all-party support and agreement—issues that can make a practical difference.

I will conclude with the wise words of a good friend of mine, Norman Leask, who is the former chairman of the Scottish Crofting Foundation. Norman's work has always been about the people, because without people in the community there would be nothing. As he says, crofters need

“affordable housing, decent jobs and fair treatment from governments in Edinburgh, London and Brussels. The report is a firm foundation for building all these requirements.”

I agree.

The Deputy Presiding Officer (Alasdair Morgan): We now move to the open debate.

10:23

Roseanna Cunningham (Perth) (SNP): At the outset, I should make a brief declaration of interests. In my former life as an advocate, I acted in a number of crofting cases. If I have time, I will mention one of them.

One or two people have already said that crofting is more than just a unique form of land tenure: its very distinctiveness makes it a vital part of Scotland's cultural heritage. For that reason alone, no one would want it to disappear into history; for that reason alone, it is worth cherishing. It is ironic, given the scale of some of the problems that we now face—Tavish Scott mentioned some of them—that a very old form of tenure may turn out to be well adapted to the modern era.

I have quickly read through the Shucksmith report, and I thank the committee of inquiry on crofting for delivering a report that will help to mark out a new future for crofting in Scotland. The recommendations on a new form of governance are interesting, and almost mirror what has been happening in some parts of Scotland as a result of crofters collectively exercising their right to buy under the Land Reform (Scotland) Act 2003. It may be accidental, but it looks as if successful community buy-outs have helped to define a path that we can now follow. I wonder whether the minister will comment on that observation when he closes the debate.

Winding up the Crofters Commission may be controversial in some quarters, but the intention is to return control to more locally based groups. My one caveat is that I am not sure how that sits with the plan to vastly reduce the number of quangos. I am not sure whether each of the new crofting boards will be a quango, but the local democracy issue that is embedded in the proposals is interesting. Other parts of rural Scotland may begin to look with envy on that local democracy.

The governance section of the report mentions setting up a crofting and community development body, ideally within Highlands and Islands Enterprise. I have no argument with that in theory, but it rather begs another question about the future: could crofting tenure be made available in a much bigger area of Scotland? The minister has initiated a consultation on proposals to extend crofting areas beyond the currently designated crofting counties, but it seems tied to the Highlands and Islands. Would there be some merit in making crofting tenure available even further afield? Why should not other parts of rural Scotland benefit from crofting tenure? Indeed, why should Perthshire be excluded? Tying the new development body too tightly to HIE would seem to preclude such an extension from the outset.

Crofting has a huge impact on two big areas of concern—housing and food production. I am pleased that the report acknowledges that absentee crofters have the same impact on the availability of local housing as any other second home owners. I am pleased that the report acknowledges that. Last week, the Rural Affairs and Environment Committee, of which I am convener, visited Kinloch Rannoch, Blair Atholl, Ballinluig and other places in northern Perthshire in furtherance of its inquiry into affordable rural housing. The issue of extending crofting tenancy areas was raised then, so my earlier comments may find some support in wider areas than people might immediately imagine. We met the managers of Atholl Estates, which by most standards is a well-run estate and does a great deal to help create affordable local housing, but not all estates are as enlightened. It would be helpful to find ways of encouraging those other estates to become so. Extending crofting tenancy areas would greatly encourage that.

I am particularly interested in the impact of the right to buy on the availability of croft housing. The problem is that, too often, the right to buy is exercised by those who are not interested in working the croft. When it is swiftly followed by an application to decroft, it means that yet another house is lost, as is the use of the land.

I have to make a confession. There is a widely discussed judgment in crofting circles called the Kinlochewe judgment, in which a loophole was spotted in the crofting legislation and lawyers proceeded to push that door wide open. I was the advocate who argued in favour of the judgment, so I am partly responsible for the exploitation of the loophole. There is some irony now in my arguing for that loophole to be closed.

I echo Sarah Boyack's note of caution about legislating with time and care, because if we legislate and leave loopholes, lawyers will spot them and exploit them. However, I am heartened

that the problem is recognised in the report, with the recommendation that the local crofting board should have the power to suspend a tenant's right to buy in certain circumstances. That is controversial, but it is important that we discuss it.

Crofting is germane to all debates that we have on food policy and food security, so it would be helpful to have some way of designating croft-produced food so that those of us who would seek it out and choose it have the opportunity to do so. On that point, I am particularly struck by how much crofting fits in with the cittaslow ideals, of which I am a great proponent, as is the minister. Cittaslow could have been designed to include crofting townships. I hope that in future it will.

10:29

Rhoda Grant (Highlands and Islands) (Lab):

Like other members, I pay tribute to all who worked on the Shucksmith report. It is well evidenced and argued, and it is easy to read and understand. The issues that the Shucksmith committee flags up are not surprising—the problems have been well rehearsed for some time—but finding solutions has always been challenging. While it is heartening that the report has been widely welcomed, many of the proposed solutions are complex, and more time to study them prior to the debate would have been appreciated. The minister needs to be clear that when he has considered the full implications of the report he will come back to Parliament to give his thoughts in another subject debate, and allow members to do the same.

Crofting is important. It has ensured the survival of many communities, and the future of many more is dependent on the action that we take. Some of the report's recommendations need legislation; others do not. Some elements of the report can be acted on quickly and are within the minister's gift.

I will concentrate my comments on the parts of the report that deal with housing, starting with what can be easily implemented. The croft house grant scheme can easily be replaced by the scheme outlined in the report. That would not need legislation. The report is clear that the current scheme is pitched too low. Those who use the scheme have difficulty in securing top-up finance to make it workable, which means that house sites are decrofted to provide security for mortgages from commercial lenders. Those who can afford to get finance for a house are able to proceed, while those who cannot do not get a house because the grant is insufficient.

The report states that the enhanced scheme would assist crofters to meet their housing needs without decrofting. The committee suggests a

means-tested grant scheme, topped up by a loan. Those who did not meet the requirement for the means-tested grant would still be able to access the loan element. That loan would be sufficient to meet the costs of building or renovating a property. The report suggest that under the scheme, 200 more houses could be built and renovated, which would have a huge impact on the housing shortages in the Highlands and Islands. No legislation is required to implement the recommendation—that could be done now.

The report acknowledges the problems of croft houses becoming second and holiday homes, and makes an interesting suggestion that all croft houses should have occupancy burdens attached to them. It proposes two types of burden: first, an "enhanced burden", in which the house and the croft still form part of the same unit, which would ensure that the owner had to occupy the house and work the land; and a second burden, when the house is decrofted, termed a "real burden" of occupancy.

I am keen to hear the minister's comments on those burdens. Do they fit with the Abolition of Feudal Tenure etc (Scotland) Act 2000 or would the act have to be amended? How would a real burden and an enhanced burden be transferred between properties where there is a second house on the croft? In section 3.8.3, the report touches on the circumstances in which a second house could be built. The approach is pragmatic, and would allow the croft to be passed down through generations. Allowing a second home to be built enables a crofter to pass on the croft to family or an assignee without having to leave their family home. However, more thought needs to go into the recommendation, taking into account the burdens placed on both homes. Would the burden to work the land pass to the new house? When would it transfer? What would happen to the original home when the occupant died or wished to move to suitable accommodation? Consideration should be given to situations in which a crofter wishes to retire and assign the croft but remain in their own home.

The report recommends backdating those burdens to stop a rush to decroft. The minister has indicated that if he accepts the report and the burdens, he will also accept the recommendation to backdate. Will the minister put in place arrangements to protect people who cannot proceed with house sales because he has indicated that there may be backdated burdens? Backdating burdens would mean people being unable to give clear title. Until he legislates, they will be unable to pass on the true implications of the burdens. Some people will face losses. Will he underwrite those losses? Will there be a cut-off date that affects those who have not started the process in any form? It is often late in the process

of selling a croft house before it is discovered that the land has not been decrofted, because a lot of people confuse buying a feu with decrofting. What action will the minister take to assist those who are caught up in the change? People will be selling crofts and croft houses, and may be in the process of decrofting them now. What can be done to protect them? The change could lead to financial hardship or ruin, for instance for people who have bought another property or have already moved but who are prohibited from selling because of the burdens. That situation is affecting people as we speak, and the minister needs to take steps to deal with it now.

I welcome the minister's indication that he will accept a register of crofts. That is a step in the right direction and will help people to get finance to grow their business and renovate or build houses. I also welcome his extending the crofting counties.

I have raised genuine questions that are intended to be helpful, but we need to find solutions. I look forward to the opportunity to debate them in more detail, possibly when there is more clarity on some of the issues.

10:35

Jamie McGrigor (Highlands and Islands) (Con): Today's debate marks an important moment for a sector whose success is crucial to the economic and social wellbeing of large parts of my region, the Highlands and Islands. Crofting knits together the socioeconomic fabric of many communities, links town with country, and unites purpose.

Like others, I put on record my thanks to Professor Shucksmith and his eminent team for their comprehensive report, which contains many positive ideas. I was pleased to take part in one of the stakeholder discussion sessions in Argyll last summer. I found it useful, and I am encouraged by the numbers of people who took the opportunity to have a say in the future of crofting.

The previous Executive announced the committee of inquiry in 2006, but it remains my strong view that we should have had the inquiry and its report before we dealt with the Crofting Reform etc Act 2007. Had that been the case, we might have had better legislation. It is notable and, sadly, not surprising that despite all the parliamentary time that was spent on the 2007 act, the report concludes that

"new legislation is needed to replace, simplify and clarify the accumulated laws which set the framework for crofting today."

That said, we need to move on, and perhaps implement many of the report's suggestions, which have been formed from the practical experience of

crofters and are crucial to the future viability of crofting.

I agree with the report that access to affordable housing is essential for population retention in crofting communities. The crofters building grants and loans scheme was a genuine success story, and ministers need to answer the question in section 3.7.2 of the report:

"if the CBGLS was so effective in population retention why was it replaced with a much less generous scheme?"

We look to ministers to deliver, without delay, the new enhanced scheme that is recommended. That is one of the most important issues for crofting people.

Ministers will be aware that I have repeatedly stated the importance of the bull hire scheme. Its importance is highlighted in the report. Can ministers assure me that they will continue with an effective version of the scheme, possibly using extended national reserve provisions, as is suggested? I have already instigated one members' business debate on the issue, which was comprehensive. Surely we do not need to have another one on the same subject. The bull hire scheme promotes quality cattle, which, in turn, promote better prices for crofters.

Scottish Conservatives share whole-heartedly the report's strong focus on the importance of getting young people into crofting. The report is right to argue that measures to assist new entrants should be emphasised in allocating future funding. I am interested to hear what the minister thinks about the suggestion that, in future, new crofters might be able to access single farm payments through the national reserve provisions—which, incidentally, Scotland's deer farmers are also campaigning for. Regrettably, I do not think that there is much in the kitty. Can the minister confirm how much is in the national reserve? I think that it is a pretty paltry figure.

On the subject of agricultural support payments, I was impressed to see that the report suggests that future options for crofters within the Scotland rural development programme should be

"easy to access (not web based nor restricted to electronic applications)".

That is clearly embarrassing to ministers, who currently are forcing crofters and farmers to apply online for support under the SRDP, which is angering many of my constituents, especially, I am told, because the rural priorities scheme is intensely complicated. Many farmers I know are just beginning to use mobile phones—many have yet to try, let alone own, a computer. Ministers should reconsider the matter in light of the common sense contained in the report. Why should a farmer or crofter who is not skilled in information technology, but very skilled in what he

does, not be allowed to make a paper application? Does the Google and Yahoo! mentality rule everything nowadays?

Michael Russell: Given the complexity of some of the schemes, it would be impossible to use paper applications. The member is overstating the representations that have been received and the level of complication that is involved. We are helping people. He should calm down a little bit.

Jamie McGrigor: In that case, I suggest that the minister make the applications less complex.

I am worried by rumours of a black market in crofting reassignments, which can lead to developers, rather than good crofters, taking over crofts. Crofting land is special land. If it is made just like any other land, crofting will disappear, and the considerable benefits of a tried system will be lost.

I am encouraged by a great deal of what the Shucksmith report contains. The Scottish Conservatives want Government to act as an enabler to allow crofting to flourish and to help sustain some of the most marginal communities in Europe. Crofters are facing short-term problems—not least the horrific cost of fuel, which is hitting them particularly hard—long-term challenges and extremely low prices. As Norman Leask, the former chairman of the Scottish Crofting Foundation said:

“In 1886, people needed crofting. Today, crofting needs crofters.”

With the correct implementation of the Shucksmith report, especially those recommendations relating to housing and jobs, I believe that crofting will be secured for generations to come. We look forward to the minister responding constructively to the report.

10:41

Rob Gibson (Highlands and Islands) (SNP): I welcome this debate, bearing, as I do, many scars from debates on the subject in the Environment and Rural Development Committee, and because I am, as I state in my entry in the register of members' interests, a member of the Scottish Crofting Foundation.

The Shucksmith report has offered crofting the keys for a sustainable system of small landholding in the 21st century. It is the best report that has been written about crofting that I have ever seen—and I have read them all. It is obvious that we have now found a good reason to say that crofting is an essential part of the future of the Highlands and Islands.

However, I take on board my colleague Roseanna Cunningham's remarks that many other parts of Scotland could benefit from the proposals.

Highlands and Islands Enterprise has examined figures from around Scotland to determine the balance between young people and older people, and has concluded that, if the economy in the Highlands and Islands were balanced, there would be 22,500 more young people between the ages of 16 and 29 in the region. The same can be said of many parts of Scotland, such as Galloway, Perthshire and Aberdeenshire. If crofting is one way in which people can be provided with a home and a means to sustain themselves, it might be a key to reversing that terrible trend. Of course young people want to go to the cities, but they also want to come back. However, they will not be able to come back unless they have a guaranteed home to come to.

In case anyone is confused by remarks that were printed in my name in Monday's *Scotsman*, I should say that I am delighted about the proposal to scrap the Crofters Commission. That is the first step towards the creation of a real local democracy that will involve people taking decisions at a local level in elected crofting boards.

In adult countries such as Norway, people constantly use local democratic structures to take decisions that affect their neighbours. I am delighted that we are at last moving in that direction. Indeed, if John Farquhar Munro were here, I would compliment him on his earlier proposal to set up an elected crofting commission, which I and the rest of the SNP supported. The proposal that we are discussing today goes even further in that direction, and puts in place elected power over planning in the crofting areas.

Part of that planning will be involved with ensuring the retention of inby land by stopping its erosion for house building. There are two important aspects to that work. First, it must dovetail in a way that ensures that planning in all of the crofting areas supports the retention of inby land. Too many local plans identify inby land for house building, which has got to stop. The elected crofting boards will have a strong voice in seeking to change planning law.

Secondly, the work must ensure the end of the reduction in the numbers of cattle and sheep in crofting areas. There was a 5 per cent drop in the number of breeding ewes last year and a 3 per cent drop in the number of breeding beef cattle. There is a world food shortage, but that breeding reduction is happening in places in which the job of providing food can be done best.

On the day that we are talking about the Shucksmith committee trying to find ways to increase agricultural production, it is worrying that the Chancellor of the Exchequer in London is suggesting an end to the European Union common agricultural policy, in order to import

much more cheap food from abroad. Trying to increase agricultural production while importing food cannot sit together. It is essential that we support home production, and crofting gives us the means to do that.

Creating township development committees to replace grazings committees would engage all residents in planning developments and would not impede innovation, as has happened so often in the grazings committees that I have dealt with for certain cases. Township development committees will have a liberating effect. However, as well as doing something about the grazings committees, we must ask what we will do about crofting landlords. The minister is one of the biggest ones. Not only that, he has a lot of land that should be in the hands of local people. We must find ways to encourage local people to take control of that land. If the Shucksmith process discusses the idea of elected local boards, I hope that some of that will rub off on the tenants of the public estates.

The role of the private landlord now comes into focus. My colleague Roseanna Cunningham mentioned the Kinlochewe judgment, which was correct in its day, because otherwise landlords would have had half the development interests on decrofted sites. The judgment provided a backstop for the Assynt crofters in those days, if they needed to file to take over their crofts. It was of its time and was a loophole in the law, but it can be changed now with the certainty that the new crofting law will enable people to stay on croft land in perpetuity while ensuring that they should be resident there to do so.

We must ensure that the agricultural support system for crofting provides flat-rate payments for particular areas—which the NFUS disagrees with—has a mountainous category and takes into account a remote island category as well. We should argue for pillars 1 and 2 to be modified so that they can adapt to such approaches.

Jamie McGrigor: Will the member take an intervention?

Rob Gibson: No, not at the moment. I do not have time, because I am just finishing.

The Deputy Presiding Officer: If the member wishes, I can be helpful. Time is on his side.

Rob Gibson: Then please do.

Jamie McGrigor: I wonder whether the crofters on the islands that do not qualify for road equivalent tariff would get better payments than the ones who do qualify for RET.

Rob Gibson: I think the answer is that there will be the RET pilot and we will see what happens. However, the point is that transport, planning, European policy and many other matters affect how crofters live, and the Shucksmith report is

important because of how it has reflected those aspects. The Government should welcome the report. I welcome it very much, and regard it as key to crofting in the future. I also regard crofting as key to retaining people in our Highlands and Islands.

I thank the Presiding Officer for the extra few seconds.

10:48

Peter Peacock (Highlands and Islands) (Lab):

Like others, I not only welcome the debate but think that there is an awful lot more in this complex and well-written report that I must take time to digest. Crofting, as others have said, has served the Highlands and Islands extraordinarily well over the past 100 years and more. It has kept people in some of the most remote communities and is part of the social fabric of those communities. It has produced high-quality food in the way that Tavish Scott described, and it should continue to do so. It has maintained the environment in a way that is hugely valuable to modern society. I want to ensure that crofting is just as strong for future generations for the same reasons that it has been strong in the past.

The Shucksmith report has a great deal to commend it, and it is clear that the committee of inquiry listened to the crofting communities. The report has excellent analyses and many good ideas. Like previous commissions—Mike Russell referred to the Napier and Taylor commissions—the Shucksmith committee has provided an excellent statement about the condition of crofting and the challenges that it faces. Sarah Boyack can take pride in having commissioned the report and appointed the people who sat on the committee. The report demonstrates clearly that further change is sought by crofting communities and that such change is necessary. It will follow on from changes that have taken place down the generations. The history of the crofting system shows that it has constantly evolved.

The emphasis in the report is on support for the system of crofting. I stress that it is a system of crofting because Shucksmith is clear that it is, indeed, a system. The report concludes that the governance of the system requires significant change, stressing the themes of local empowerment, greater devolution of authority and an element of greater democratic accountability. The report sets those out as clear principles.

My colleagues have focused on various areas of the report, but I want to focus on governance. As the minister said—sadly, he has left his place for a few moments, but that is what comes with being a man of that age, and I am sure that he will be back shortly—the devil is in the detail of the report.

There are three core proposals for governance: a federation of local crofting boards; the local boards themselves; and an enhanced role for the grazings committees, which Rob Gibson emphasised and which I will start with.

The ideas on grazings committees are interesting indeed and have considerable merit. I have believed for some time that issues that have affected crofting communities in the recent past around the use of land in townships, to which Rob Gibson alluded, are critical for the future of the townships. There has not been enough engagement of communities in helping to define local plans for their townships, which affect councils' local plans and are therefore carried into the ambit of planning law. What Shucksmith proposes could considerably strengthen the hand of local communities and consequently help the local planning process and future decision making. I suspect that that could be achieved under existing powers and that it would not require new legislation.

If the Government accepts that concept and the role of grazings committees, it must respond by setting out its view of how the proposed arrangements would work. Given the important new role of the grazings committees, the election process would have to be robust and fair. The Government would have to set out how the interests outwith crofting that Shucksmith envisages being involved would actually be involved.

Turning to local boards and the federation of boards, Shucksmith makes clear his desire for having much more local decision making as part of the governance structure, and greater—but, interestingly, not complete—democratic accountability. That significant change could introduce a new dynamic into crofting. If the Government favours that approach, its response to the report must give considerable detail about its view of how that might proceed. That is vital to ensuring that crofters can fully consider the implications.

I will illustrate some of the issues. First, it would be unusual in our society to elect regulators; indeed, I think to do so would be unprecedented. That would not make it wrong, but we must think about the implications. As someone who has steered 15 acts through Parliament, I can see, as I am sure the minister can, that complex questions arise from the report about the exact relationship—I stress the word “exact”—between the boards, the federation and the Scottish Land Court. It is clear that Shucksmith's intention is that considerable autonomy should go to the local board level. The term “federation” implies a joining of broadly autonomous bodies and a sharing of certain services. However, the proposals refer to

the federation as a “single organisation” of local boards. What will be the legal entity? Will it be the federation or the local boards, or, indeed, both? That material question must be addressed.

At one level, the Shucksmith report implies that the local board will be the legal entity because it refers to appeals to the Scottish Land Court arising from decisions of the local board. However, the report also talks of the federation being one body that is responsible for regulation that is devolved to boards, with guidance from the chief executive of the federation. It is important to clarify all that precisely. Would Scottish Land Court decisions that set legal precedent apply equally to all boards? I suspect that they would. However, if not, would we have seven to 10 crofting systems in Scotland after a few years, rather than the system of crofting that Shucksmith seeks? What would be the implications of that for all crofting policy? If the Scottish Land Court decisions applied to all boards, how much autonomy from regulation would the local boards have over time? Would autonomy be more illusory than real? In any event, what is the scope for significant local autonomy if there is a single system of crofting, a single body of law and a body of regulation?

I am not saying that the issues are insurmountable, but they clearly require clarity from the Government to allow crofters to think through the implications. I wonder whether, as alluded to by Roseanna Cunningham and the minister, the proposals meet the Government's own test of simplification under the public sector reform agenda. If it is right to have 12 more quangos, the minister should not worry about creating them. However, the Government's policy means that tests need to be applied.

The proposed boards would be powerful, with new powers to balance community interests against individual rights and interests. That would rub against the European convention on human rights. The ECHR, for all its sophistication, is far less sophisticated than crofting. It tends not to recognise the community interest in crofting and instead protects individual human rights. However, it is law in this country. If there was a single body of law but local decision making specifically to allow variation at local level, the ECHR would add real complexity. The Government will need to be clear that it can meet all Shucksmith's desired objectives—which many members share—and deal with Scottish Land Court decisions and the ECHR, all at the same time. That is a colossal task, and I think from the minister's earlier remarks that he understands that.

I will move quickly on to the question of empowerment. It is not clear to me why, if we are to empower communities, we do not pass down the development function to them. That would be

real empowerment, beyond what regulation might mean. I hope that the minister will consider that.

The report presents ministers with both huge opportunities and huge challenges. I hope that they will consider what they can do quickly without the need for changes in law—they can do a great deal. We can then consider legislative proposals in detail. There is much to commend in the report, including a great emphasis on greater empowerment. We can move in that direction, but there is significant complexity to deal with on the way.

10:56

Alasdair Allan (Western Isles) (SNP): I declare an interest, although not a financial one, in that I am an associate member of both Storras Uibhist and Harris Development Ltd.

Anyone who, like me, attended the launch on Monday in Stornoway of Professor Shucksmith's report into crofting cannot fail to have been impressed by both the breadth of the committee's research and its willingness to offer us radical solutions. More than anything else, they will have been impressed by the warmth of the welcome that the report received from crofting organisations and several individual crofters whom the minister and I visited after the event.

It is important to emphasise, as other members have, why crofting matters. In case anyone in Parliament is wondering, perhaps understandably, why crofting needs to be so regulated, it is no exaggeration to say that if crofting were not regulated, it would probably not now exist. Indeed, had the crofting acts from 1886 onwards not been passed, it is seriously questionable whether constituencies such as mine would now have any viable populations at all.

Is crofting still necessary? Does it demand our attention and our parliamentary time? The answer to both those questions is definitely yes. As Mark Shucksmith emphasises, although crofting is in a fairly fragile—let us be honest, precarious—position at present, its continued existence in some form is essential. It is essential if we are to maintain any population working on the land in the Highlands and Islands, if we are to maintain Gaelic-speaking communities and if we are to promote the social and economic development of rural Scotland.

There are undoubted environmental benefits to crofting as well. To take one example, the unique landscape of the Uists and the varied bird life that it sustains would not exist if it was not grazed and unless hay was made there in something like the traditional way. The minister will be waiting for me to make my customary plea for the greylag goose

population in Uist to be controlled to achieve those ends. I hope that I have not disappointed him.

Many have used the word “radical” to describe the report—and justifiably so. In recommending the abolition of the Crofters Commission the report recognises that crofters want and need a much greater sense of ownership over the structures that regulate their way of life. I hope that we will take the opportunity to introduce a much-needed element of democracy into the process. As others have said, the separation of regulation from the development functions will be useful in that respect. The strengthening of common grazings committees will also be welcomed in the crofting community.

Perhaps the most immediate impact would come from the implementation of the recommendation that the rights given to individuals in the Crofters Holdings (Scotland) Act 1886 should extend only to those living reasonably locally and using the land beneficially. That recommendation has the potential to go a long way towards tackling multiple problems. If we do it right and implement the recommendation sympathetically, we could cut back on the number of derelict or unworked crofts, making things easier for new entrants, and we could end the speculation in croft land for house building.

Shucksmith's proposals to enhance the croft house grant scheme and to permit house building by crofters without the need to decroft are extremely useful. Those proposals will be appreciated, not least in areas where there is on-going friction between the need to provide houses—affordable ones, I hope—and the temptation to build on the most viable crofting land. I hope that communities will seek imaginative ways out of that tension by promoting building, where possible, on common grazings rather than croft land.

Above all else, Professor Shucksmith is to be congratulated on seeking to bring some simplicity to a massively complicated area of Scots law. It is an area so complicated that only a handful of lawyers in private practice now specialise enough to know their way through it entirely. The old adage that a croft is a small piece of land surrounded by legislation is quoted to death, but it is nonetheless true. A century and more of laws have been allowed to build up like the layers of paint on the Forth rail bridge. Add to that the byzantine complexities of European Union agricultural regulation and throw in a few bits of ancient Norse law, and we have a massive disincentive for any potential new crofter.

I hope that we will be bold enough, however we legislate, to simplify rather than complicate as we respond as a Parliament to the report. Elements of important detail will certainly give rise to debates.

For instance, the future of the Government's bull hire scheme, which others have mentioned, continues to concern many in my constituency, and there are genuine questions about the viability and availability of commercial alternatives in many areas.

It is also important that we avoid further cluttering our—at first sight—uncluttered Highland landscape. That will mean entering into genuine discussions to ensure that any new structures do not duplicate the functions of community landlords, many of which rightly see development as a key part of their role. There is also the issue of community land buyouts. In the past, buyouts involving private landlords perhaps proved simpler than buyouts involving the man who was recently described as the biggest landlord in Scotland—the minister. I do not think I am testing parliamentary privilege to the utmost if I mention that one landlord who was rightly bought out in a community land buyout is now languishing in an Australian jail for a serious crime. It would appear that greater complications are involved in buying out Mike Russell—I hope that the representatives from the west side of Harris who are here today and who will meet the minister will be able to make progress on that.

The crofting community is clearly enthused by what it has heard from Professor Shucksmith. The Parliament has passed far-sighted legislation on crofting and land reform in the past and, as one or two members have mentioned, it has also wisely avoided bad legislation. Crofters are clearly looking to us as a Parliament to respond, as legislation is undoubtedly now required. I hope that the ideas in the Shucksmith report, which was commissioned by the previous Executive but presented to the new Government, can command cross-party support. Crofters certainly deserve that.

11:03

Dave Thompson (Highlands and Islands) (SNP): A lot of people are very happy with the proposals, which are a breath of fresh air compared with the abandoned proposals of 2006, but I think that we need to go back 18 months, to the establishment of the Shucksmith committee of inquiry in September 2006, to understand where we are now.

The inquiry came about because of the rejection of proposals for a free-for-all in the sale of croft land. As members will know, the main advantage of crofting tenure is that it provides security of tenure. There was a time when landlords could easily get rid of tenants, who could be summarily evicted, but that all changed with the 1886 act. The act allowed landlords to remain landlords and collect rent, but it gave crofters security of tenure

and meant that crofters could pass their crofts on to their children in perpetuity. That approach had the advantage of allowing crofters to develop land safe in the knowledge that they and their descendants would reap the benefits. Such an approach is all the more important nowadays, when we need to encourage people to stay on and work the land. The free-for-all that was proposed in the Crofting Reform etc Bill would have changed all that and killed crofting stone dead in a generation.

To explain further the situation that led to the formation of the Shucksmith committee, I can do no better than quote the *West Highland Free Press*, which is not a Scottish National Party broadsheet and not a paper that contains opinions with which I usually agree, although I have done so more often recently—I think that it is mellowing. On 29 September 2006, the paper's editorial stated:

"The formal surrender by the Scottish Executive over the Crofting reform Bill was both welcome and inevitable. Indeed, it is to the credit of more senior Ministers than those responsible for the Bill that the terms of the retreat were so comprehensive.

It is our understanding that the Ministers who had created the mess by persisting with the legislation's core aspects in the face of all reasonable advice—Ross Finnie and Rhona Brankin—continued until the last ditch to argue for their preservation. This merely strengthens the argument for them having nothing further to do with the issues at stake since they are simply not to be trusted."

It is not surprising that neither Ross Finnie nor Rhona Brankin is here today.

Karen Gillon (Clydesdale) (Lab): Perhaps the process that the member has outlined shows the strength of the Parliament and its committees, when members can take decisions that are against the wishes of their own Government. We look forward to SNP members doing more of that in the years to come.

Dave Thompson: Surely the member can let me have a little bit of fun with the *West Highland Free Press* and the Labour Party.

It has taken just 18 months for the Shucksmith committee to report, and it has come up with radical proposals, which I welcome. Chief among those are the proposals to abolish the Crofters Commission, which would be replaced by locally elected bodies, and to simplify the legislation.

I want to highlight an issue that Shucksmith identified as a major concern for crofting communities and a root cause of their current difficulties: the availability, or lack of it, of affordable housing in crofting areas. Several members have already mentioned that issue, and it looks like we might get cross-party support in dealing with it. The housing problem is highlighted by the estimate that has been made that property

prices in crofting communities increased by up to 85 per cent between 2001 and 2005—a period of just four years. That increase is much higher than increases in the rest of the country. Some 88 per cent of people who were surveyed for the report regarded housing in their area as unaffordable.

The report seeks to address that fundamental problem, primarily by enhancing the croft house grant scheme to create a new croft house grant and loan scheme. That approach appears eminently sensible, as the minister acknowledged. The proposed croft house grant and loan scheme would be made up of a combination of a means-tested grant of up to £30,000—up from the current maximum of £22,000—and the reintroduction of non-means-tested loans at commercial rates that would be guaranteed by the Scottish Government or in some other way. Crucially, such a move is designed to permit house building without decrofting, as the enhanced croft house grant and loan scheme should not be available to those who decroft. The aim is to allow houses to be built or renovated without land being removed from crofting.

The report highlights the lack of logic in the current croft house grant scheme, which is pitched at too low a level to assist crofters, unless they decroft. That defeats the purpose of assisting crofters to build houses, as they have to cease being crofters to be eligible. As Jamie McGrigor said, the previous crofters building grants and loans scheme was regarded as one of the cornerstones of crofting support; indeed, an evaluation by DTZ Piedad Consulting in 1994 concluded that without the scheme, there would have been a substantial fall in crofting numbers. One must therefore wonder why it was subsequently replaced by an inferior scheme that has had a much poorer take-up. Let us hope that that was done for financial reasons. If so, it succeeded, because the croft house grant scheme now costs £800,000 net annually, compared with the initial budget of £3.6 million, which has recently been reduced to £2.6 million because of a lack of take-up.

However, that is history. We must get behind the Shucksmith report and help to create a greener, fairer, smarter, safer, stronger, healthier and wealthier future for our crofting communities.

The Deputy Presiding Officer (Trish Godman): We now come to the winding-up speeches.

11:10

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): In the short time since the Shucksmith report was published, it is clear that it has been positively received in the crofting

counties. There is much to be greatly welcomed in it; it bears all the hallmarks of being a workmanlike attempt to understand the complexities of crofting. I should, as I think every member has done, give credit to Professor Shucksmith and his team for the report. I think that it will go down in history as an important report on which we can build the future of crofting.

I want to comment briefly on some of the speeches that have been made—doing so is in the nature of winding-up speeches—and to consider my constituency in relation to the report.

The Minister for Environment, Mike Russell, set the scene. Sarah Boyack asked what can be done now with current ministerial powers, without having to wait over the summer, and John Scott talked about housing, which is important. There has been much mention of the fact that good inby land should not be built on unless absolutely necessary.

Rob Gibson made an interesting point about planning. I ask the minister at least to consider over the summer whether township development committees might be statutory planning consultees in the way that community councils are. That might bolt them on to the planning process in a way that has never been done before. Perhaps they could replace some other statutory consultee. I do not know whether that could happen, but the minister could consider the matter.

Peter Peacock made the hugely important point that defining exactly the relationships and how things will work under the Scottish Land Court is incredibly important. Things must be got completely right, otherwise we will end up with the kind of loopholes that Roseanna Cunningham mentioned—or worse.

My colleague Tavish Scott rightly talked about food price inflation. Paragraph 1.5.9 of the report deals with food security. Tavish Scott and Peter Peacock made the point that it would be best if the development function could be devolved as far down as possible, although money would have to be attached to that process. When the development function is devolved down to the lowest level, that results in people having genuine local control, but it also means that people who operate the system can bolt on more money from other sources. We can see how communities can do that. That is an important point.

I welcome the report and admire its breadth and fluency, but must necessarily, as a constituency representative, consider it in the light of issues in my constituency. I would like to touch briefly on some of those issues in the time that is available to me. During the weeks and months ahead, I will weigh the report against constituency issues and discuss concerns with crofters.

In the north-eastern part of Sutherland there is a vibrant crofting township in Strath Halladale, which is associated with Dounreay. As Dounreay, which fundamentally underpins the crofting way of life in the area, runs down, replacement employment is a huge issue. That is an example of where crofting crosses the border into the territory of another ministerial portfolio. There is connectivity.

I am sure that every member who represents a crofting county will have come across the inevitable squabbles in grazings committees over where money has gone or whether an approach was right or wrong. If something replaces grazings committees, transparency and accountability—financial accountability in particular—will be of great importance, because it is best that all people in crofting townships have absolute confidence in what is happening. We know that there have been question marks in the past, but it would not be right to go into detail about them now.

I turn to the comments of John Farquhar Munro, who is not here today. I have a copy of his proposed speech, which I will circulate to members later. He would have said a great deal about the fact that he does not agree with the idea of scrapping the Crofters Commission. He is entitled to his opinion. Over the summer, we must have a discussion about whether the commission or its proposed replacement is the best way forward. The Shucksmith report has been honest enough to come up with a concrete proposal, but the jury is out on that one.

John Farquhar Munro, others members and I had trouble with the Crofting Reform etc Bill over the prevalence of raw market forces in the sale of crofts. I said at the time that that was a dagger pointed straight at the heart of crofting. The report goes some way towards addressing the housing issue. However, I have read it several times and it is not absolutely clear to me how those raw market forces will be curbed by what Professor Shucksmith proposes. If we do not curb them, local young people will not be able to afford to get into housing or into crofting, although it is hugely important that they do. That is one issue against which we must weigh the recommendations of the report.

The crofters in Rogart in Sutherland have received a letter from the land agent telling them that they must vacate some 91 acres, the let for which they were given by the Duke of Sutherland in 1886. That is not crofting land, but the duke, out of his goodness, gave it to them. At the stroke of a pen, the crofters have been told that they must get out and get their cattle off the land. That will undermine their crofting. As we consider the Shucksmith report, we must also consider the relevance of bits of land that are not under crofting tenure but which are still vital to crofters'

operations. I will give the papers that I have on the matter to the minister later. It is scandalous that that is happening in this day and age. I did not think that I would see it in the 21st century.

11:16

Nanette Milne (North East Scotland) (Con):

We have had a useful debate, following the publication on Monday of the Shucksmith report on crofting, which was commissioned by the previous Executive in September 2006 after brutal criticism of the bill that was introduced by Ross Finnie in that year. The report was eagerly awaited and is very welcome. However, given the complexities of the issues that it addresses, I would have liked rather more than three days to absorb its contents before debating it in the chamber. Several members have made that point. Thankfully, no decisions on the report's recommendations will be made today, and before the Government decides where it wants to go with crofting we should have ample time to give detailed consideration to a comprehensive report that appears to have the backing of the majority of people who live in the crofting communities.

The Crofting Reform etc Bill, which was passed by the Parliament in January last year, was very different from what was introduced by the Scottish Executive in March 2006, but it was less than radical and it did not deal adequately with the deep-seated problems surrounding crofting, the most notable of which was probably the sale of crofting land. As most members have said, Professor Shucksmith and his colleagues are to be commended for taking on board the concerns of all the stakeholders in the crofting communities in producing the radical proposals that are contained in the report. It is up to the Government to decide whether it, too, will listen to the crofting communities and follow through with the report's recommendations. It is unfortunate that the previous Executive did not engage effectively with those communities and other interests before proceeding with legislation. However, we now—at last—have a vision for crofting, which had not been developed when the flawed bill was introduced.

Various aspects of the report have been commented on by members across the chamber. I will not mention them in detail, but I think that they have given weight to what the minister said when he was presented with the report on Monday and what he emphasised again today. He said—I think that I am quoting him more or less accurately—that rural communities must be supported and developed as a priority; that crofting makes a unique and significant contribution to remote and rural areas; that it delivers environmental benefits and has a pivotal role in the cultural landscape of

the Highlands and Islands, which is famous worldwide; that it does not exist in global isolation; and that it must be capable of offering a viable and fulfilling way of life for future generations. We agree with those comments by the minister and, by and large, we agree with the report's recommendations, although we must give careful consideration to the detail of them.

We think that it is right that no change should be made to the rights that were given to individual crofters in the Crofters Holdings (Scotland) Act 1886—security of tenure, fair rents and the value of their improvements, as the minister said earlier. We also agree that those rights should be enjoyed only by those who have a commitment to crofting and who live on or near their croft, using the land beneficially as the report suggests. We agree with the proposal that croft houses should be tied to residency and we will, therefore, give serious consideration to the suggestion that the 1,700-plus absentee crofters who are scattered throughout the world should be made to forfeit the rights that were handed down to them by the original act. To prevent a rush to avoid the provisions of any forthcoming legislation, we support the suggestion that the introduction of a real burden to all assignments and purchases be backdated to the date of the report's publication—12 May this year.

Simplification of the accumulated legislation governing crofting is long overdue, and Shucksmith's proposals provide the opportunity to bring that about. It seems sensible to split the regulatory and enforcement role of the Crofters Commission from the development side of crofting, so we accept that careful consideration should be given to the possible replacement of the commission with the proposed federation of crofting boards, whose component local crofting boards would have the power to suspend the right to buy if that appeared to be in the wider interests of the community. That would help to overcome the undoubted abuse of the legitimate right to buy in crofting areas, which was the main reason why the Scottish Conservatives opposed the extension of crofting outside the original crofting counties unless the right to buy was suspended in those areas. The proposal to give responsibility for the development side of crofting to a new crofting and community development body within Highlands and Islands Enterprise is interesting and could be a sensible way forward. It is certainly worth considering.

We welcome measures that will encourage new entrants to crofting and discourage decrofting. In the interests of some of the most beautiful and best-loved parts of Scotland's landscape, it is vital to support local communities and encourage them to develop but also to continue with the activities that, over many years, have sustained a way of life that has preserved some of our environmental

treasures, which would otherwise be at serious risk.

Jamie Stone: The member mentioned the proposed role of Highlands and Islands Enterprise. Does she share my concern that, while HIE has a reduced budget, we should think carefully about that proposal?

Nanette Milne: We need to consider the matter carefully before any decisions are made.

I speak more from what I have read than from the personal experience and detailed knowledge of members from the Highlands and Islands; nevertheless, I know that crofting is extremely important for significant parts of remote and rural Scotland. It must be put on a sustainable footing, and I think that the Shucksmith report points the way forward to securing its future. I look forward to the Government's detailed response to the report, in due course, and I hope that ministers will bite the bullet on behalf of the crofting communities and follow through with the report's recommendations, producing appropriate legislation to secure the sustainability of crofting in Scotland for many years to come.

11:23

Karen Gillon (Clydesdale) (Lab): The debate has been interesting. There is a general consensus that the report is to be welcomed but that more time needs to be given to consideration of the full impact of its recommendations. If the process for the Crofting Reform etc Bill taught us anything, it taught us about the complexity of the issue and how one area of policy can have a huge impact on others that are interlinked. We need to think through each of the proposed policies and their unintended consequences. Labour's main objective when the process is finally concluded is to secure crofting as a thriving industry that contributes strongly to the economies of the traditional crofting communities and to those of the new areas that the minister outlined today.

I will focus on the land and environmental issues that are identified in the report. In that area, more than in others, there is scope for quick action by the Government if the will for that exists. The report identifies the impact that various agricultural and environmental support and funding schemes have had on crofting. The relationship with the land lies at the very heart of crofting, and the crofting community has shown that effective stewardship of the land involves far more than simply agricultural activity. The report concludes that, on average, crofters generate only about 20 per cent of their net income from agriculture; however, working the land is at the heart of what it means to be a crofter.

Without doubt, agricultural practices and land use in crofting areas have changed and will continue to change. In that regard, the report makes for stark reading, as the significant trends show a shift away from cropped land. The report states:

"on holdings of less than 30 hectares in the crofting counties, the cropped area of land fell by 49%. The area of oats fell by 83%; potatoes by 79% ...

In the HIE area, the number of ewes dropped by 18% ... between 2001 and 2006, representing 86% of the decline in overall Scottish ewe numbers and indicating a significant regional factor."

That drop in ewe numbers accelerated by a further 6 per cent in 2006-07. The report expresses concern that, with the increasing number of crofters working full time off croft, changes to sheep management might lead to overgrazing in some parts and undergrazing in other parts, which could have obvious detrimental environmental impacts.

It is imperative, therefore, that we consider how agricultural and environmental support might be used to better effect. Labour members believe that the common agricultural policy health check offers an opportunity to do just that by revisiting how public funding to agriculture is distributed at Scottish level. We have sympathy for a move to greater modulation to allow progressively more expenditure under pillar 2. We support the recommendations on the bull hire scheme and—this point was also made by Tavish Scott—the report's recommendation to the Government that

"use should be made of any possible increases in flexibility under section 69 ... to address disadvantages for farmers in certain regions specialising in the dairy, beef and sheep ... sectors".

We must find ways in which we can retain more livestock in our fragile areas, given the evidence on the need for such a change. We hope that the Government will act quickly on those issues.

We are struck by the case that has been made to use the review of the LFASS as an opportunity for crofting. However, that issue perhaps best demonstrates the complexities of any change. We appreciate that the review will have consequences for other areas of Scotland and will need to be thought through thoroughly so that any unintended consequences are identified and resolved.

Perhaps the starkest theme in the report is the clear emphasis on the need to encourage new people into crofting. Simply allowing people to buy crofts that they will not then work is not a way of encouraging new entrants, which will always be a challenge. In that regard, Rhoda Grant and Dave Thompson made a strong case for increasing the level of grants that are available under the croft house grant scheme and for reintroducing the loan element of the scheme without the need to decroft.

Given the clear cross-party support for such measures, which can be introduced without further legislation, we hope that that recommendation will be implemented swiftly by the Government. We will do whatever we can to ensure that that happens.

The report's recommendations will encourage new crofters by providing not just the housing support that I have outlined but further agricultural support. We agree with the recommendation that the crofting counties agricultural grants scheme should be retained and that there should be a 10 per cent uplift in support for new entrants. Again, such a measure can be implemented without legislation if the will exists to do so.

Outwith agricultural land use, given the increasing number of crofters working off croft, another issue is the need to generate greater economic support for such crofters to ensure the long-term viability of our rural communities. Perhaps the minister can provide more information after the summer on how microbusiness, community businesses and social enterprises can be supported and developed in the crofting communities. We need to ensure that people are able not just to work the land, but to train and develop new skills to support their income in other ways.

Where do we go from here? The minister will surely be mulling over that question very fully in his mind. He has learned the lesson from the previous parliamentary session that to rush or to move quickly is perhaps folly—a folly that we would correct—so I welcome his commitment to return at the end of the summer with a detailed response to the report. That is the right approach. Members have agreed that the overarching principles and general thrust of the report appear to go in the right direction, but the devil will doubtless be in the detail. That was perhaps best exemplified in the speech of my colleague Peter Peacock, who detailed the complexities that are involved in some of the recommendations and the challenges that the minister will face as he considers how the report can be taken forward in terms of the Government's response and in subsequent legislation. A detailed response from the Government is essential. The crofting communities deserve no less, so that they can see for themselves what the consequences of legislation will be and whether it is worth taking that forward.

The minister has many options open to him, both legislative and non-legislative, as he looks forward. I hope that he will act quickly on the non-legislative elements, which could be progressed through discussions with his Cabinet colleagues. With regard to legislation, he might need to consider introducing two bills: a consolidation bill

to simplify the existing legislation, which would be relatively non-controversial, and another bill to introduce any new measures that the Government needs to introduce.

If the process has taught us anything, it is that there is a real paradox—everyone wants simplification of the law, but the process of achieving such simplification is not straightforward. There will always be contradictions and complications. Labour members will work with the Government and all stakeholders to achieve that aim. In doing so, we will work to secure the future of our crofting communities for years to come and for many future generations.

11:30

Michael Russell: For the most part, the debate has been overwhelmingly positive and fruitful. I guarantee at the outset that today's debate will be reflected upon and will help to inform thinking as we prepare the Government's response to the committee of inquiry's recommendations.

I am grateful, as ever, for Karen Gillon's support. The fact that she commends me for proceeding slowly is welcome, but I assure her that we will have a sense of urgency. When we come back to the Parliament, I hope that we will do so with clear recommendations. Several members made the crucial point about the difference between legislative and administrative action. There are issues in the report that can respond to administrative action. We will do our best to identify those issues and to take them forward.

One issue that has been identified is the need for changes to the croft house grant scheme. I accept that it is illogical to have a system in which people can get a grant for a croft house only if it is no longer a croft house. I have indicated that I am supportive of a change to the Registration of Leases (Scotland) Act 1857, which would make a difference to that. However, the question whether the scheme should provide loans as well as grants is more complex. The previous Administration—I am sure that Sarah Boyack will not mind my saying so—discontinued the loan element that was available under the former crofters building grants and loans scheme, so before reintroducing that element we should carefully consider the reasons for its discontinuation.

Sarah Boyack: In the current parliamentary session, I think that we have the opportunity to go back and look at previous actions of Government. If we feel that they have not delivered the intended outcome, we can state that. In a sense, the former Environment and Rural Development Committee concluded that, if we are to move forward on crofting, we need to ensure that our proposals are

right. That is why we are happy to work with the Government in a constructive manner.

Michael Russell: Absolutely. I will make no analogy about more pleasure being taken in the sinner who repents. We will take the issue forward together.

I pay further tribute to the people who were involved in the report, including the members of the committee of inquiry. As well as Mark Shucksmith, who is in the public gallery—he will have enjoyed hearing the debate—I want to name the other committee members: Jane Brown, from Shetland; Fred Edwards, who is also in the public gallery; Professor Jim Hunter, who resigned from the committee during the process but was present in Stornoway to welcome the publication of the report and to make some important comments on it; Susan Lamont; Norman MacDonald; Professor Donald MacRae; Agnes Rennie; and Becky Shaw. I also thank the committee's secretariat, especially Fiona Spencer and Jim Wildgoose, who helped with the launch of the report.

However, the report is not about in with the new and out with the old. The present and previous members of the Crofters Commission have done sterling work for crofting, as have their staff. I can clarify for Sarah Boyack that, at the same time as the report was launched on Monday, the commission's staff were involved in a meeting with Scottish Government officials to discuss the issues. The guarantee of no redundancy holds and I would indeed be happy to take forward the discussion and to have further discussions with the staff. Later this month, I will meet the whole commission to discuss how we might move forward with the report. I pay tribute to the present commission members: Drew Ratter, its convener; Sarah Allen, who is in the public gallery; Davie MacLeod; Murdo MacLennan; Robin Currie; Robin Callander, who has, alas, recently resigned from the commission; Ronnie Eunson; Angus McHattie; and, of course, Nick Reiter, who is the chief executive. As I said in my opening speech, the report is not about the end of the Crofters Commission but about the future of crofting and it should be understood in that way.

Of course, crofting also has a much wider constituency. The iconic Norman Leask has already been referred to by two front-bench spokespeople, so I will mention him, too. People such as Neil MacLeod—the new chair of the Scottish Crofting Foundation—and a range of others have been passionately involved in debating the future of crofting. It has been good to hear informed debate in the chamber, too.

I will refer briefly to some of the points that have been raised and provide some answers. On access to the SRDP, things are going well. Applications are coming in and the pre-application

process is under way. Every help is being given to people to apply using the computer system. Alas, the allocation system has to be complex, because of European regulation, rather than our regulation. However, last year we decided to provide an additional £100,000 per year to enable the Crofters Commission to help crofting communities access the SRDP. *[Interruption.]* There appears to be a marching band in the chamber, but I will try to carry on. I have never referred to Christine Grahame as a marching band before and I suspect that I will not be allowed to do so again.

Tavish Scott: I will help the minister by moving the debate from Christine Grahame back to crofting. Does the minister accept that one of the aspects of the SRDP that is of concern to crofters, and to anyone who wants the programme to work, is that the world has simply moved on? John Scott made that point in this debate and in a debate that we had the other week. We would work with the Government if it were prepared to consider what could be done to the SRDP to make it fit for purpose now, compared with how it was last year.

Michael Russell: It would be utterly wrong to say that the SRDP of £1.6 billion is not fit for purpose. That would be a case of, to quote Robert Frost's poem, "New Hampshire", "looking down on mountains." We can change the SRDP according to the circumstance; Tavish Scott knows that it is possible to do that on an annual basis. We want to do that, so we will bring forward changes on that basis as necessary.

Presiding Officer, I am sure that you would expect me to make specific points on the bull and ram hire schemes, which have been referred to several times in the debate. I want to be sure that there is no misrepresentation of what Mark Shucksmith said. I asked him to include the subject in his report during the process. Paragraph 3.2.19 of the report states:

"The bull scheme appears expensive, relative to private hire where this is available ... Only 2% of townships now participate in this scheme ... Our view is that support for bull hire should only be made available in those areas where ownership of a bull is impractical and commercial opportunities for bull hire are lacking—ie. where market failure exists."

The paragraph goes on to propose that there should not be a centralised facility.

Jamie McGrigor: Will the minister take an intervention?

Michael Russell: I must make progress.

I am not making an announcement, or accepting or rejecting that recommendation, but pointing out the facts of it. A capital appraisal is going on, which is led by the Crofters Commission.

Roseanna Cunningham raised the issue of support for the crofting brand. The Crofters

Commission is, as ever, in advance of the market, because it is looking at how to launch the crofters mark—it hopes to do so in October and I hope to be part of that. Roseanna Cunningham also suggested that crofting was very much aligned to the cittaslow movement. I am grateful to Dr Alasdair Allan, who is my guru on all things Gaelic, for pointing out that the cittaslow movement must be described in Gaelic as baile slaodach—the slow town movement. I am sure that Norman Leask will provide a Shetlandic version of that. The point is that that movement fits perfectly with the view of what local food is about. It is undoubtedly positive.

I turn finally to governance. Peter Peacock made an important contribution to the debate. He is utterly right that the problem will lie in focusing the report's radical and important recommendations in legislation. The points that he made are the points that I am already considering. There are inconsistencies in taking forward the case law basis of crofting law and seeing how it works with a localised movement. The intention is all. If we can think imaginatively about how to do that, I am sure that the work can be put in to deliver the intention of the report.

There are many influential books and writings about crofting, but I have always been particularly moved by two of them. One is of course Jim Hunter's, "The Making of the Crofting Community", which is a great work that tells us what lay in the past. About 25 years ago, the poet Alasdair Maclean wrote a book called, "Night Falls on Ardnamurchan: The Twilight of a Crofting Family", in which he looked back at his family's experience in a longing and moving way. I read the book again some months ago and it struck me as a nostalgic but out-of-date—although very poetic—attempt to talk about the west of Scotland and the crofting communities.

Crofting has a vibrant future. It can deliver enormous economic, environmental and cultural benefits. It has to be part of the mechanism for delivering the Scotland that we wish to see: the wealthier, fairer, safer, stronger, greener Scotland. Scotland will be like that if we respond positively to the report. I look forward to working with the whole Parliament in taking forward the report and ensuring that crofting has a safe and sustained future, thanks to the work of Mark Shucksmith and his colleagues.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Scottish Ambulance Service

1. Angela Constance (Livingston) (SNP): To ask the Scottish Executive what consideration is given to the funding of the Scottish Ambulance Service in areas of population growth. (S3O-3283)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Scottish Government invests significantly in the Scottish Ambulance Service. The allocation for 2008-09 of £183.4 million represents a 78 per cent increase on the £103 million that the service received in 2001-02.

It is for the Scottish Ambulance Service to decide how to allocate that money to its six operating divisions across Scotland in a way that will deliver the best services for patients and the best value for money.

Angela Constance: I am sure that the cabinet secretary is well aware that my constituency has one of the fastest-growing populations in Scotland. Is she aware of a recent audit that highlighted that St John's hospital has the highest number of hospital-to-hospital transfers in Scotland? Is she aware of the impact on the availability of ambulances in my constituency of ambulances taking patients who used to be treated at St John's hospital to Edinburgh royal infirmary?

Nicola Sturgeon: I thank Angela Constance for her question. I am aware that her constituency is the fastest-growing constituency in the country. I am sure that that has plenty to do with her excellent representation, as a result of which people want to live there.

I acknowledge the point that Angela Constance made: she is right to point to the high number of hospital-to-hospital transfers involving St John's hospital. She might wish to know that a mechanism exists for resource transfers between NHS boards and the Scottish Ambulance Service—which is set out in a 2004 Health Department letter—when a board introduces major service developments that impact on demand for ambulance services.

It is, of course, for SAS dispatch centres to ensure appropriate deployment of emergency vehicles across the areas for which they are responsible. No specific concerns have been raised with me by the Scottish Ambulance Service

about these matters, but I am more than happy to meet Angela Constance to discuss her concerns in more detail.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The cabinet secretary will be aware of recent publicity regarding the single manning of ambulances in north-west Sutherland. In one case a doctor had to travel from the north coast down to Raigmore hospital to accompany a patient. Now, we hear of revelations that single manning might be upon us in Lairg, too. Does the cabinet secretary agree that enough is enough, and will she undertake to have her officials look into what appears to be a growing problem in my constituency?

Nicola Sturgeon: I thank Jamie Stone for raising the issue. I want to make it absolutely clear that the policy of the Scottish Government and the Scottish Ambulance Service is that accident and emergency ambulances should be double crewed, with at least one crew member being a paramedic, apart from in exceptional circumstances such as short notice, sick absence or leave for which cover cannot be secured. I understand members' concerns, which Jamie Stone has raised previously. The matter was also raised with me when I visited John Farquhar Munro's constituency on Monday. That is why I am asking the Scottish Ambulance Service to provide me with regular updates on the incidence of single manning and the action that is being taken to reduce it. I am more than happy to keep members who have an interest in the issue fully updated.

Legal Services

2. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive why there have been no approvals to the scheme designed to produce proper competition in the legal services market in Scotland, incorporated under sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. (S3O-3272)

The Cabinet Secretary for Justice (Kenny MacAskill): There has been only one application for rights to conduct litigation and rights of audience made under section 25 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. That application is still in the process of being considered.

Margo MacDonald: I hope that the cabinet secretary realises that I offer the suggestion that I am about to make in the best possible faith. I have reason to believe that there is not a particularly good working relationship between the Association of Commercial Attorneys and the Lord President's office—I stress that it is the Lord President's office, rather than the Lord President himself. It might help to cut this Gordian knot and provide the sort of consumer protection that Scots clients should

have, and which is now enjoyed in England, if the cabinet secretary were to agree to meet the Association of Commercial Attorneys. Will he do so?

Kenny MacAskill: Those matters are moving apace. For example, arrangements are being made for Scottish Government officials to meet the ACA.

The fact is that the subordinate legislation that introduced the procedures under the 1990 act was made only on 1 March 2007. Under that legislation, the Lord President is required to consider any such scheme in its entirety and Scottish ministers are required not only to consider such schemes in consultation with the director general of fair trading, because of their various consequences, but to consult the Lord President.

I do not have any knowledge of the nature of the relationship between the Lord President's office and ACA representatives. However, I believe that we have a timescale that will allow us to bring the matter to a conclusion relatively quickly one way or the other. As I said, my officials have dates—later this month, I understand—for meeting the ACA. I do not preclude meeting representatives of that organisation if no conclusion is reached, but we should initially allow the procedure that is set out in the legislation to take its course.

David Whitton (Strathkelvin and Bearsden) (Lab): I have already raised this matter with the cabinet secretary because the representative of the Association of Commercial Attorneys is a constituent of mine. The ACA, which wrote fairly recently to the minister to ask for the meeting that Margo MacDonald has just mentioned, submitted its application last July. That seems an inordinately long time for processing an application. Despite his keenness, the cabinet secretary's request for a meeting with a well-known drinks manufacturer was turned down, so will he use that spot in his diary to meet the ACA and expedite this matter?

Kenny MacAskill: I have no idea about any meeting with a drinks manufacturer that might or might not have taken place. Mr Whitton obviously has better knowledge of my diary than I have, which is something that I will have to consider. I am gobsmacked by his claim.

The procedure in question was introduced through subordinate legislation that was made on 1 March 2007. Mr Whitton might have been too busy concentrating on my diary to notice that the previous Scottish Executive was in power at that time. It set down clear criteria: the Lord President has to consider the schemes and Scottish ministers have to consult a variety of individuals, including the director general of fair trading. As I said in response to Margo MacDonald, I do not

preclude meeting the ACA. However, we should initially follow the procedure that Mr Whitton's predecessors brought in and ensure that there is due process. If we are going to use the method, we need to get it right and include all parties.

I also remind Mr Whitton of a date in my diary that he does not seem to know about: the meeting later this month between my officials and the ACA. Instead of concentrating on meetings that have not taken place, the member should perhaps concentrate on those that will happen.

Central Heating Programme

3. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what the shortest average waiting time has been for central heating installations since the introduction of the central heating programme in 2001. (S3O-3347)

The Minister for Communities and Sport (Stewart Maxwell): Since the programme was introduced, the shortest annual average waiting time has been five months. The average waiting time has ranged between five and eight months, the latter occurring in 2002-03 and 2003-04. Over the past year, the average waiting time has been just over six months.

Michael McMahon: I thank the minister for his response, but I am bitterly disappointed that he continues to claim that at no point since the programme's inception in 2001 has the average waiting time been less than five months. In April 2007, the average waiting time was 113 days, which is actually less than four months.

Does the minister intend to continue to claim that, in 2007-08, a record total of 14,377 central heating systems were installed and that the comparable figure in 2006-07 was 10,238? In fact, the total number of installations—not just those that have been carried out in private homes—was 16,788 in 2003-04, 15,207 in 2004-05 and 16,002 in 2005-06. Will the minister finally admit that he is attempting to mislead us with his claims and that the total number of installations was higher and waiting times lower under Labour?

Stewart Maxwell: No—because it is very clear that Michael McMahon himself is trying to mislead the public on this issue. The total number of installations in the private sector in 2007-08—the first year of the Scottish National Party Government—was a record 14,377. The member was right in saying that in the previous year there were 10,238 installations in the private sector. However, with regard to the other years, the fact that he has amalgamated the figure for public sector installations—such as, for example, those that were carried out by the Glasgow Housing Association—with private sector installations, and

has tried to compare that with the figure for private sector installations says more about his attempts to mislead the public than about our efforts to solve the problems in the central heating programme.

Under the Administration of which Mr McMahon was a member, the number of people waiting more than nine months was at a record level. We have faced up to that problem and, as a result of the extra £7 million that we allocated for the winter waiting time initiative, the number of people waiting more than nine months has fallen by 41 per cent over the latest period. We are proud of and stand by that record.

Christina McKelvie (Central Scotland) (SNP): So that we can get this absolutely right, will the minister tell Parliament the maximum number of central heating units that were installed in the last year of the previous Executive and the number that were installed in the first year of the SNP Government, which actually cares about people in Scotland?

The Presiding Officer (Alex Fergusson): I think that you have already answered that question, minister.

Stewart Maxwell: Well, Presiding Officer, I think the figures are worth repeating. In the final year of the Labour-Liberal Administration, 10,238 units were installed; in the first year of an SNP Administration, 14,377 installations were made. That is a huge improvement.

Jamie McGrigor (Highlands and Islands) (Con): Some senior citizens have been advised to have completely new central heating systems when they actually require only a new boiler. Is not that a waste of money all round?

Stewart Maxwell: Boiler-only installations are available under the programme, but the guidance to the managing agent sets out very strict criteria to ensure that the installed systems comply fully with modern technology. Some people have rightly wanted only a boiler, but we have to take into account the possible risks to the overall system because of old pipework and radiators. People need fully working but sustainable systems.

That said, Jamie McGrigor has made an important and serious point about boiler-only installations. I have asked officials to examine the matter as part of the review of the programme. I am certainly concerned to maximise the number of boiler-only installations that are available under the programme to ensure that people get the right system—and that they get a particular system when it is necessary, and not when it is unnecessary.

Myalgic Encephalomyelitis

4. John Scott (Ayr) (Con): To ask the Scottish Executive what progress it is making on its needs assessment of services for people who suffer from myalgic encephalomyelitis. (S3O-3267)

The Minister for Public Health (Shona Robison): The Scottish public health network is carrying out the assessment of needs of people living with chronic fatigue syndrome and ME. Although the network undertakes its work programme independently of the Scottish Government, I understand that good progress is being made on this important piece of work.

John Scott: I welcome the recent publication of the comprehensive scoping exercise that was undertaken on behalf of the Government by Action for ME, a key recommendation of which was that future service development and improvement be backed up by a national implementation strategy with commitment at the highest level to ensuring that health boards improve their services for people with ME. Will the minister confirm that the Government shares the view that such a national implementation strategy is necessary?

Shona Robison: First of all, I think that we should wait for the Scottish public health network's report, which should be completed by July. We also need to listen to what people with ME and chronic fatigue syndrome say about their own priorities and what they want to be done. To that end, on 23 June, prior to the report's finalisation, there will be an event to which stakeholders and members of the public will be invited and at which they will be able to give their views. If what John Scott has proposed emerges as a priority, the Government will certainly consider it.

Problem-oriented Partnerships

5. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive what support it will give to police forces and agencies that wish to start up problem-oriented partnerships in their locality. (S3O-3319)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Government has for many years encouraged and supported community safety partnerships to develop an evidence-based problem-solving approach. We continue to support local partnerships in several ways, which include funding two posts at the Scottish Police College at Tulliallan to train police and local authority staff in analysis and problem solving. The Government's national community safety co-ordinator also provides on request consultancy support to partnerships on issues such as problem solving.

Jim Tolson: The minister may be aware that Rosyth police are working with local organisations

and individuals to try to establish for south Rosyth a POP, which I am sure he joins me in supporting. Would the police services and their partner agencies benefit from a solely Scottish version of the Tilley awards, which would recognise best practice and reward the most intelligent, courageous and effective approaches to dealing with the problems that Scottish police forces encounter on the streets?

Kenny MacAskill: I am happy to consider that suggestion. We in Scotland recognise that we need to do what is appropriate for our communities, which is often not what is done in other jurisdictions. Equally, we recognise that what is done in Scotland must vary according to area—the needs of Gairloch are vastly different from those of the city of Glasgow, for example.

We are well served by our police, by our other emergency services and by others who are involved in making Scotland safer and stronger. It is important that we as a Government and as a community say thank you for that. If we need to go beyond what we have done to pay tribute to them, I am more than happy to consider that.

The Presiding Officer: Question 6 was not lodged.

Housing Stock Transfer (City of Edinburgh Council)

7. David McLetchie (Edinburgh Pentlands) (Con): To ask the Scottish Executive what discussions have taken place with the City of Edinburgh Council since 1 May 2007 regarding housing stock transfer. (S3O-3265)

The Minister for Communities and Sport (Stewart Maxwell): Most recently, I met city of Edinburgh councillors and officials on 20 March to discuss a range of housing issues, which included the council's plans to meet the Scottish housing quality standard by 2015, following the vote by tenants against stock transfer in the December 2005 ballot. I met Edinburgh city councillors on 1 August 2007 to discuss their standard delivery plan and my officials regularly meet council officials to discuss housing matters.

David McLetchie: I note from the minister's answer that no specific discussions have taken place on stock transfer in the city of Edinburgh. Is he aware that 451 homes in north Sighthill in my constituency are being demolished and that no funds or plans are in place to replace them with new affordable housing in that area? Is he aware that the City of Edinburgh Council's debt on its housing account is £278 million, which represents some 40 per cent of the rents that tenants pay and which service that continuing debt? In the circumstances, does he agree that all options should be pursued with the council, including

partial stock transfer and partial debt write-off, to lever in much-needed investment in affordable homes in that community?

Stewart Maxwell: I have said several times in parliamentary housing debates in recent weeks and before then that we are open to all options on housing. That is why we held a wide-ranging consultation earlier this year. I have said that if councils wish to consider housing stock transfer, that is a matter for them. We have not put in place barriers to that, although it is not our preferred option. We will not supply additional millions of pounds to transfer ownership of stock instead of investing in housing. We do not put in place barriers to stock transfer, but it is a matter for councils.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): When will the City of Edinburgh Council be told its housing budget allocation for this year? Is there any precedent in the past 50 years for local authorities in Scotland not being told their housing allocation by the seventh week of the financial year?

Stewart Maxwell: The council will be told its allocation soon. As I am not aged 50, I cannot tell Malcolm Chisholm what has happened in the past 50 years.

First Minister's Question Time

12:00

The Presiding Officer (Alex Fergusson): I am sure that the Parliament wishes to join me in welcoming Dr Gabriele Matzner-Holzer, the Austrian ambassador to the United Kingdom, who is in the gallery. The ambassador is most welcome. *[Applause.]*

Engagements

1. Ms Wendy Alexander (Paisley North) (Lab): I, too, welcome the Austrian ambassador.

I start by paying my respects to Tommy Burns. He epitomised all that is good in Scottish football and he will be greatly missed by everyone in Scotland. I know that I speak for the Parliament when I say that our thoughts are with Rosemary and his family at this time. *[Applause.]*

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-763)

The First Minister (Alex Salmond): I welcome Wendy Alexander's tribute to Tommy Burns. He was an outstanding servant of Celtic and Scotland. He was always there at the call of his club and country. He will certainly be hugely missed, by his family, to whom we send our condolences, and right across the world of football and well beyond. It is entirely appropriate that the Parliament says that today.

Later today, I will take forward the Government's programme for Scotland.

Ms Alexander: In that vein, I congratulate Walter Smith and the Rangers team on reaching the UEFA cup final. It was a remarkable football achievement for the whole of Scotland.

However, in the light of last night's events—equipment breakdown and sporadic violence—does the First Minister agree that there is a need for an inquiry involving Greater Manchester Police, Manchester City Council, Glasgow City Council, Strathclyde Police and Rangers security?

The First Minister: Manchester City Council announced an inquiry this morning. I understand that its scope will initially be limited to looking at the circumstances of the equipment breakdown in Piccadilly Gardens. The scope of the inquiry should be wider, because there are a number of other aspects to inquire into. We will certainly co-operate fully with the inquiry on all the matters under our responsibility.

We should reflect on the fact that more than 100,000 supporters went to Manchester. The overwhelming majority of them, in an overwhelming number of locations, enjoyed the

carnival atmosphere of a festival of football. The assistant chief constable of Manchester made that point this morning and I witnessed it myself.

There were clearly severe organisational problems in one particular location. However, it should be said that, regardless of organisational problems and any other questions that the inquiry can legitimately pursue, it seems that the behaviour of a small minority of fans was completely unacceptable. The Parliament should reflect on that fact because it is infuriating for Scottish football and Rangers Football Club. The reputation that has been built up during a quarter of a century by Scotland fans and Scottish club fans, including Rangers fans who went through 18 matches in the magnificent journey to that cup final, has been based on the fans' ability, regardless of circumstances, to behave impeccably. The Parliament must always send that message to every club and all Scottish football fans.

Ms Alexander: I associate myself with the First Minister's remarks, but I want to probe some of the themes that he has just put on record.

As the First Minister acknowledged, it was one of the biggest ever travelling supports for a single football match, and the vast majority of fans were a credit to the club and their country. As we know, there was widespread debate in advance of the event about how welcome ticketless fans would be made in the city. In light of those concerns, will the First Minister tell us about any representations that the Scottish Government made to the Manchester authorities in advance? Does he believe that Manchester City Council and the police were fully prepared for the sheer numbers of fans that arrived in the city?

The First Minister: Police in Scotland and Rangers security and facilities were fully involved in discussions with Manchester City Council and the Manchester police. I was involved in discussions last Friday about preparations, and I made it clear that every possible facility of the Scottish Government would be used to liaise.

It is fair to say that a change of approach and direction was made quite late in the day to how Manchester looked to cope with an inevitably huge influx of fans on an extraordinary scale. The fact that there was a carnival atmosphere in so many locations—I witnessed it myself—and that things were conducted entirely properly indicates that it is possible to police such a situation. However, I am sure that the inquiry that Manchester City Council is to conduct, which I hope will be extended to cover some other areas, will identify key failings—the equipment failure is an obvious one—and will learn lessons that can be applied in the future. Let me say again on behalf of the Scottish Government that we will co-operate fully in giving

information to the inquiry. I know that that will be the attitude of Rangers Football Club. Everyone in Scotland will be anxious that we co-operate to ensure that any lessons that can be learned are learned and that such scenes are not witnessed again.

Ms Alexander: I return to the theme of learning lessons. It is clear that late changes in direction do not help. It would be valuable if the First Minister were to use his offices to press for the inquiry to be quick, to be early and to be one from which all the findings are made public, so that we can learn lessons for the future for other major events, such as hogmanay parties, T in the Park and the Commonwealth games. Can the First Minister assure us that, regardless of how broad the inquiry is, he will look for its findings to be made public and for it to be completed as soon as possible?

The First Minister: I am certain that Manchester City Council will want to make the findings of its inquiry public; I cannot conceive that it would want to adopt any other approach.

As regards the examples of events in Scotland that Wendy Alexander gave, such as the Commonwealth games, I believe that the exceptional record that we have on policing such events is evidence that our procedures are in good condition. Clearly, any lessons that can be learned will be learned.

I stress that, given the numbers involved, we are talking about a highly exceptional circumstance. I am sure that, as we would have done, Manchester would have loved it if the situation had been coped with absolutely perfectly. As I said, the scenes that we saw last night involving the behaviour of a very small minority of fans were unacceptable. There have been 42 arrests, 30 of which were of Rangers fans. Their behaviour was unacceptable. All punishments that can be allocated must be allocated. I am anxious, for example, that we continue our work with the Home Office to close the loophole that allows football banning orders that are imposed in England not to be applied in Scotland. The number of people involved compared with the total number of fans makes it clear that there is a small minority that must be dealt with.

In relation to the examples that Wendy Alexander gave, we should take some comfort from the fact that, on the vast majority of occasions, the arrangements that we have in Scotland are such that we have no reason whatever to suppose that the Scottish police and the Scottish authorities are not capable of policing large-scale events. We do so impeccably day and daily.

Ms Alexander: I associate myself with the First Minister's remarks, but it would be wrong to leave

the subject without acknowledging that alcohol was a contributory factor in last night's events. Only yesterday in the Parliament, I offered Labour's support for working jointly with all parties to make headway in addressing the problem. I make that offer again today. Will the First Minister now set a timetable for working with other parties on alcohol?

The First Minister: The proposals will be introduced in June, as I think Wendy Alexander knows, and I hope that they will carry the Parliament's support. We accept that the underlying issues are a severe social challenge for Scotland.

I hope that in accepting that challenge and taking the measures that are necessary to address the problem and face up to the issues that it gives us as a nation, the Parliament will never put itself in the position of regarding alcohol as any sort of excuse for violent or disorderly behaviour. That is part of the task of facing up to that challenge as a people and as a country.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): I, too, associate myself with the remarks of the First Minister and Wendy Alexander in relation to the late Tommy Burns.

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-764)

The First Minister (Alex Salmond): I have no plans to meet the secretary of state in the near future.

Annabel Goldie: If he can find the secretary of state, perhaps the First Minister can ask him for his view on the referendum—if the First Minister has time to spare.

This has been a week of policy U-turns and acrobatics. There has been a major clash of policy between a party leader at Westminster and his colleague at Holyrood—who is apparently responsible for tactics and policy—of whom the First Minister said:

"I think her position is untenable, you can't reconcile what she's been saying over the last few days ... Either she has to go or he has to go, he's not going to go, therefore I suspect that her position has become untenable."

On issues of such national importance, does the First Minister hold to that principled position?

The First Minister: I detect a leading question and an attempt to invite me into an untenable position, so I will confine myself to saying about Des Browne:

They seek him here,
They seek him there,
Those journalists seek him everywhere.

Annabel Goldie: The First Minister has never been a man to be shy of verbosity, and he cannot hide from his words. What is sauce for the goose is sauce for the gander—in this case the goose is the First Minister and the gander is the Minister for Schools and Skills, Maureen Watt, and her U-turns and acrobatics on physical education in schools.

Four weeks ago the First Minister denied scrapping his policy and said that we should not believe everything that we read in the papers. On Tuesday evening on Radio Scotland, Maureen Watt said that the election guarantee of two hours of quality PE each week delivered by specialist PE teachers could include walking to school. That was subsequently contradicted by the Government and slapped down by the First Minister in the Parliament yesterday.

Such confusion on as important an issue as the future health of our nation is utterly unacceptable. Will the First Minister implement his own advice? Is he going, or is his Minister for Schools and Skills going?

The First Minister: We do not do slapping down in this Administration; we move together in a totally coherent fashion to implement our manifesto.

As Annabel Goldie well knows, our commitment is on planned physical education in schools. The interview, a transcript of which I read, strayed into areas of physical activity as well as planned physical education. Annabel Goldie knows from the curriculum for excellence website this week—and it will be explained in the document “Building the curriculum 3: A framework for learning and teaching”, which is due to be published soon—that what we are doing is clear and well understood. Annabel and I could benefit from both physical activity and physical education.

Cabinet (Meetings)

3. Nicol Stephen (Aberdeen South) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-765)

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

Nicol Stephen: I and my colleagues share the great sadness at the untimely death of Tommy Burns. We also associate ourselves with the call for an immediate and full inquiry into last night's events in Manchester, which have undermined Scotland's recent unblemished record.

In March, a Government spin doctor said that the guarantee of two hours of physical education had been dropped, but the First Minister issued a clarification and said that that was not true. This

week, the Minister for Schools and Skills said that the two-hours target included walking to school, but yesterday the First Minister issued a clarification and said that that was not true. The Scottish National Party manifesto said:

“we will ensure that every pupil has 2 hours of quality PE each week delivered by specialist PE teachers.”

Was any of that true?

The First Minister: I said that we do not do slapping down in this Government, but I think that Nicol Stephen has been beaten to the punch by Annabel Goldie. It is probably best to have a question in reserve in such circumstances.

I refer Nicol Stephen to the commitment on planned physical education in the draft experiences and outcomes for health and wellbeing, which were published on the curriculum for excellence website on Tuesday, in which we say:

“The Scottish Government expects schools to continue to work towards the provision of two hours of good quality PE for every child every week.”

I can exclusively reveal to Nicol Stephen that that commitment will also be contained in the document “Building the curriculum 3: a framework for learning and teaching”, which is due to be published soon. Is that clear to Nicol Stephen?

Nicol Stephen: The First Minister seems relaxed about all this. I wonder whether all the radios in Bute house have been confiscated. Has the First Minister not heard what has been going on? His promise was made in two parts: not only would two hours of PE be delivered for every child, but those hours would be delivered by specialist PE teachers. The Minister for Schools and Skills, Maureen Watt, was asked on the radio:

“Good quality. Does that mean specialist teaching?”

She replied:

“Well, it needn't mean specialist teaching.”

The Cabinet Secretary for Education and Lifelong Learning, Fiona Hyslop, was asked on the radio:

“You promised that, didn't you? You said that you will ensure that every pupil has two hours.”

She replied:

“I can't be in every single school detailing the timetabling.”

That is two ministers over two days each walking away from half of the promise.

We are fed up with the evasions and contortions, so will the First Minister tell us simply when all children in Scotland will have two hours of PE every week with a qualified PE teacher? That was the SNP promise; when will it be delivered?

The First Minister: Nicol Stephen should remember that it was also the previous Administration's promise, which it did not deliver.

I read out what was published on the website this week, but I wonder about Nicol Stephen's reference to wanting to be in every school around the country. Is he saying that, if Scotland had the misfortune to have him as education minister, he would be intervening in every school around the country? In Scotland, we do not have a curriculum that is imposed from the centre; we focus on outcomes and follow that through with inspections by Her Majesty's Inspectorate of Education.

Scotland currently has 1,756 qualified physical education teachers. In addition, over the next three years we are maintaining support worth £1.8 million to the University of Glasgow and the University of Edinburgh for certificate courses for the development of physical education teaching for primary teachers. That is why we are able to say that we expect schools to continue to work towards the provision of two hours of good-quality physical education for every child, every week.

In other words, we are working towards what the Liberal Democrats and the Labour Party refused to do.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The First Minister will be aware of the serious concerns about the proposal by NHS Borders to close wards in Borders general hospital over the summer as part of making £10 million of cuts over the next three years, including in stroke and palliative care provision. The Scottish Government's decision to remove the rural weighting that grants additional funds to NHS boards in rural areas to reflect the additional costs of health care in such areas will have a direct impact on health care provision in the Borders. Will the First Minister review the policy before the cuts bite and ensure that rural health provision continues to benefit under the Arbuthnott formula, which reflects the additional costs of providing health services in rural areas?

The First Minister: Under the formula, no health board in Scotland is losing money and, therefore, it is inadvisable to talk about cuts in that fashion. The Cabinet Secretary for Health and Wellbeing is delighted to talk to constituency members about local concerns—that is the purpose of having constituency members—but I hope that, when Jeremy Purvis goes into a meeting with her, he will do so with the facts of how the funding mechanism for each health board in Scotland has improved and, therefore, will be able to conduct that discussion in the way that his constituents would expect.

International Aid

4. Aileen Campbell (South of Scotland) (SNP): To ask the First Minister what steps the Scottish Government is taking to support aid and relief efforts, following the natural disasters in Burma and China. (S3F-788)

The First Minister (Alex Salmond): The thoughts of everyone in the Parliament are with those in Burma and China at this extremely difficult time.

Ms Fabiani met key members of the Disasters Emergency Committee in Scotland last week to discuss the situation in Burma and the proposed activities for the DEC campaign in Scotland. Officials will continue to work closely with the DEC in Scotland. I am glad to say that, thus far, £600,000 has been raised by the DEC in Scotland for the Burma appeal, which is a magnificent response from the people of Scotland.

Aileen Campbell: I am sure that all members echo the First Minister's views and recognise the important contributions that aid agencies are making.

With the prospect of another cyclone hitting Burma and hopes of a diplomatic breakthrough dashed, does the First Minister agree that the regime there should co-operate fully with the international community in the ways that reports suggest that China has done to ensure that aid gets through quickly to those who need it most? What role can the Scottish Government play as part of that international community to encourage the regime to co-operate and what can the Scottish people proactively do to help the situation in Burma and China?

The First Minister: I have written to the Chinese consul general in Scotland and indeed to the governor of Sichuan province to extend Scotland's condolences for the losses in the earthquake and to underline the Scottish Government's readiness to do what it can to help.

In answer to Aileen Campbell's specific question, I have also written to the Burmese ambassador, also making clear Scotland's readiness to help, but urging the Burmese Government to ensure that the assistance that the international community provides can be delivered to those who so badly need it. I urge the Scottish people to help with the situation in Burma by continuing to contribute, as they have done in such a magnificent fashion, to the DEC appeal. To make it easier for them to do so, we have provided a link to the appeal on the Scottish Government's website.

Iain Smith (North East Fife) (LD): Last week, when Nicol Stephen raised the matter, I got the distinct impression from the First Minister's answer

that the Government had not responded quickly to the problems in Burma. I am pleased to know that the minister has now met the Disasters Emergency Committee to discuss what more can be done.

One of the big issues seems to be the difficulty of getting aid workers on to the ground in Burma to deal with sanitation, water supplies and public health.

The Presiding Officer: Question, please.

Iain Smith: What more can the Government do to press the Burmese Government to allow aid workers on to the ground in Burma to deal with those important matters?

The First Minister: I know that the Scottish people's wish is for us to consider the matter in a united fashion. We all know what needs to be done. The matter does not need to be an aspect of political point scoring in any sense. I am certainly not going to do that.

We will approach the matter, as we are doing, by helping the excellent charities that we have in Scotland, through the Disasters Emergency Committee, to do the work that they are doing in such a magnificent fashion. Raising £600,000 in an appeal under these circumstances is a great effort from the Scottish people. I hope that every politician in the chamber is capable of living up to the efforts and benefits of the people of Scotland in responding to international emergencies such as the one in Burma.

Patricia Ferguson (Glasgow Maryhill) (Lab): The First Minister will be aware that the official death toll in Burma stands at 32,000 and is likely to rise. Given not only that further cyclones are expected, as Aileen Campbell said, but that the start of the monsoon rains is imminent, it is likely that further damage will be done and further difficulties will be encountered with the transportation and distribution of relief.

Given the existing difficulties with getting aid into Burma, does the First Minister agree that it is incumbent on him, the Government and all of us to add our voice to the Disasters Emergency Committee's call for people throughout Scotland and the United Kingdom to continue to contribute? Although the raising of £600,000 is indeed laudable, the amount that has been raised overall is only about a sixth of the money that was raised in similar circumstances following the tsunami.

The Presiding Officer: Briefly, please.

Patricia Ferguson: Understandably, people are concerned about whether the money will go to the right causes, but, as I said, it is incumbent on all of us to encourage everyone we know to contribute. Does the First Minister agree?

The First Minister: I fully agree with Patricia Ferguson's remarks. It is incumbent on all of us to encourage the process. It is equally incumbent on all of us to do whatever we can to persuade the Burmese Government to allow the assistance to go to those who so vitally and badly need it. Patricia Ferguson's remarks are well made and I fully support them.

Age of Consent

5. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the First Minister whether the Scottish Government supports the proposals of the Scottish Law Commission on the age of sexual consent for 13 to 16-year-olds. (S3F-789)

The First Minister (Alex Salmond): This is a complex and sensitive area of law. It is vital that the law protects and promotes the welfare of our children and young people. We are considering the Scottish Law Commission's recommendations for reform of the law on sexual offences in the light of the responses that we received to our recent consultation. We will introduce a bill on rape and sexual offences later in the year.

Pauline McNeill: Labour members raised our concerns on the matter during a recent debate on rape and sexual offences. Worried parents have been waiting for the Government to clarify its position on the matter, which is a sensitive one, as the First Minister said. Has the Cabinet discussed the matter? Does the First Minister agree that, although the law is not perfect, such a change, however it was framed, might be seen as a relaxation of the law, which would send mixed signals to our young people? The previous Scottish Executive set targets to reduce pregnancy rates among girls under the age of 16 by 20 per cent by 2010. Does this Government remain committed to reducing our high rates of teenage pregnancies, particularly among disadvantaged young people?

The First Minister: The answer to the second part of the question is yes.

As Pauline McNeill knows, the Labour Party manifesto contained a commitment to act on the recommendations of the Scottish Law Commission. As a Government and as a Parliament, we will act on the recommendations. However, that does not necessarily mean that we have to accept every recommendation of the Scottish Law Commission.

The Cabinet has held long discussions on these matters. Despite the apparently varying contributions to the consultation, I am confident that this Parliament can find a way of acting in a responsible manner that will meet our objectives.

On 6 March, Pauline McNeill asked a question on this issue in the chamber and said that she

wanted to discuss it further. We will be delighted to do so. This is a sensitive subject and we would do well as a Parliament to act together.

Bill Aitken (Glasgow) (Con): The First Minister clearly recognises the sensitivity of this subject; and it is a subject that we would normally expect to deal with during the parliamentary progress of the bill that the First Minister has said will be forthcoming. In view of serious public concerns, does the First Minister not agree that it would be helpful if the Scottish Government gave its definitive view? I hope that it would be a view that reassured the many parents who are seriously concerned about some of the terms in the Scottish Law Commission's report.

The First Minister: Our view will come out as we publish the bill. I also undertake to discuss the issues in a collegiate fashion with members on all sides of the chamber, to ensure that we, as a Parliament, handle this sensitive issue extremely well.

Bill Aitken will have read the consultation and the various submissions to it. He will have read opinions that range widely—even among organisations that one would normally expect to share the same opinion. Whether those opinions came from Scotland's commissioner for children and young people, Barnardo's, Childline, the Scottish Children's Reporter Administration or the Church of Scotland, or—on the other side of the debate—from other faith organisations, or from the Association of Chief Police Officers in Scotland or a number of other organisations, one thing that we should accept, despite the variety of views, is that all those organisations were contributing and were trying to arrive at the best solution in terms of reform of the law for Scotland as a community.

We will publish our view with the bill. However, if we all approach the matter as those organisations have approached it, recognising that—whatever the variety of views—we are working in the best interests of the children and young people of Scotland, we as a Parliament will raise ourselves in the public esteem, rather than the contrary.

Gil Paterson (West of Scotland) (SNP): The difference in maturity between a child of 13 and a 16-year-old is vast. I wonder whether the First Minister shares my concern that lowering the age of consent to within that age range will be normalising abuse.

The First Minister: The proposal is not to lower the age of consent; that is not even the proposal of the Scottish Law Commission. Some discussion in the papers has suggested that the proposal might impinge on sexual assault—cases where there has been no consent. It does not, of course. Sexual assault is a crime regardless of the age of the perpetrator.

People on both sides of the debate are contributing in the best interests of the people. When we publish the bill and the recommendations, we will make the information available so that we can discuss it in this chamber.

I am confident that we can find a method of achieving our objectives. People on both sides of the debate have misgivings, but I hope and believe that we can reassure them. We have discussed this matter at enormous length in Cabinet and elsewhere and I believe that this Parliament can find a way forward that will carry opinion in Scotland with us and which is in the best interests of Scotland's young people.

Age-restricted Goods

6. Alex Johnstone (North East Scotland) (Con): To ask the First Minister what assistance the Scottish Government plans to give to local authorities in their efforts to curb both the purchasing of age-restricted goods, such as alcohol, by underage persons and the proxy purchasing of such goods by adults for underage persons. (S3F-773)

The First Minister (Alex Salmond): As is evident from our decision to roll out alcohol test-purchasing arrangements across Scotland, cracking down on illegal sales of age-restricted goods such as alcohol is a key priority for the Scottish Government.

The Scottish Government has increased the level of funding made available to local authorities by 13.1 per cent over the comprehensive spending review period, and we have increased the police grant by 9 per cent for the same period, to enable them to enforce the law effectively.

Alex Johnstone: I am sure that the First Minister will join me in congratulating those shopkeepers, large and small, who have already put in efforts to ensure that the law is properly administered. Is the First Minister aware of the retail crime survey recently conducted by the Scottish Grocers Federation, which draws attention to the continued intimidation and abuse of sales assistants in relation to the enforcement of age restrictions? The survey, of 553 stores, found 165 incidents of physical violence against staff and 1,269 incidents of verbal abuse. How does the First Minister intend to support retailers in enforcing the law regarding age-restricted products in that environment?

The First Minister: I am aware of the survey. I should have said that, in addition to the funding levels that I mentioned, there is record investment over the next three years of £120 million for tackling alcohol misuse. We are continuing to work with local authorities and the police to ensure that everything possible is done to tackle illegal sales.

We will shortly be making an announcement about providing specific resources to local authorities to enable them to step up the enforcement of the tobacco sales law. I therefore hope that Alex Johnstone will accept that a great deal is being done in Government to tackle what is a serious concern, and that we will do it effectively and properly.

Johann Lamont (Glasgow Pollok) (Lab): On a point of order, Presiding Officer. It is a matter of regret that I have to raise with you that this morning the Minister for Communities and Sport, Stewart Maxwell, misled the chamber in his statement on equality. The minister's statement claimed, in relation to the abolition of the graduate endowment fee, that it will benefit

"particularly those on lower incomes, such as disabled people and lone parents".

However, the policy memorandum to the Graduate Endowment Abolition (Scotland) Bill, which I presume the minister has read, says:

"Not all Scottish and non-UK EU students are liable to pay the GE. There are a number of exemptions, including lone parents and those who are in receipt of the Disabled Students' Allowance".

I seek your guidance on what action you can take and, through you, ask the First Minister to deal with that evident breach of the ministerial code and to instruct his minister to come to the chamber as soon as possible to explain why he misled Parliament and to clarify his statement.

The Presiding Officer: I thank the member for giving me prior notice of the point of order—I very much appreciate that. While I understand the point that she is trying to make, as I have stated many times previously, it is not the role of the Presiding Officer to establish the veracity of statements made by ministers. I refer the member to the announcement that I made about that in the *Business Bulletin* of 22 November last year, in which she will find advice that issues of this nature are a matter for the ministerial code. If she wishes to pursue the matter, she should take it up—as I think that she has already hinted that she will do—with the First Minister, under the ministerial code.

12:33

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Public Services and Communities

City of Edinburgh Council (Rate Relief)

1. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive whether it will assist the City of Edinburgh Council in providing rate relief to shop traders whose businesses have been adversely affected by tramline construction work. (S3O-3326)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Under existing arrangements, the City of Edinburgh Council may provide rates relief to local businesses in circumstances in which those businesses would otherwise suffer severe hardship. When relief is approved by the council, the Scottish Government will meet 75 per cent of the cost.

Malcolm Chisholm: I thank the cabinet secretary for his reply and for his letter in April, when he explained that and other issues to do with rates relief after I wrote to him on the subject. Has he received approaches from the City of Edinburgh Council in that regard? If the council approaches him, will the Government automatically make the 75 per cent contribution? I hope that that will be the case. I am sure that the cabinet secretary is aware of the severe hardship that many traders are suffering because of the effect on their businesses of the tramline construction work. If relief is not granted, some traders might well go out of business.

John Swinney: I am acutely aware of the difficulties that are faced by businesses affected by the tramline construction work. That was one of my concerns when I opposed the tramline development and I am sure that the previous Administration must have considered the issue when it decided to press ahead with the scheme without putting in place the type of financial support that this Administration has put in place.

In addition to the arrangements that I have spoken of, the Government has put in place the small business bonus scheme. As an example, in Constitution Street in Mr Chisholm's constituency, 10 of the 18 retail properties will be eligible for 80 per cent small business support scheme relief. That is the type of practical support that the

Government has provided. I am sorry that Mr Chisholm and his colleagues did not find it within themselves to support that provision when the budget went through Parliament.

The member asked about the Government's 75 per cent contribution. If the City of Edinburgh Council comes to the Government with such a proposition, the Government is duty bound to provide the 75 per cent assistance. The test for hardship relief, which the assessor and the council must consider, is very clear and the Government will act in accordance with the statutory position.

Shirley-Anne Somerville (Lothians) (SNP): The cabinet secretary is aware that Transport Initiatives Edinburgh has a £96 million contingency fund, which is earmarked for infrastructure overruns during the tramline 1a construction project. Does he agree that TIE should look, as a matter of urgency, to extend what the contingency fund can be used for so that it can be used to support local businesses? That would go some way to making amends for the inadequate compensation package that was put in place by TIE and the previous Labour council administration and supported by all other political parties in the chamber, and by Malcolm Chisholm.

John Swinney: I am sure that TIE will pay particular attention to the point that Shirley-Anne Somerville makes. The Government cannot become involved in those matters. We have made it clear that the Government will provide the financial support to allow the project to take its course, but the operational management of the project and its determination is a matter for the City of Edinburgh Council, which I am sure will be able to raise the issue with TIE.

Sarah Boyack (Edinburgh Central) (Lab): I thank the cabinet secretary for both his replies—it is helpful to get on the record who has responsibility at different levels. I have had a number of such cases, not only in relation to the trams. It is useful to get the cabinet secretary's comments on the record, particularly when council works have led to disruption.

I urge the cabinet secretary to look favourably on any request that comes from the council. Members throughout the chamber have lobbied TIE to get as big a contingency fund as possible and to spend it wisely, so that it benefits not only the businesses that front the route but those on the streets behind, because they will be equally impacted on by quite lengthy closures.

John Swinney: I reiterate my sympathy for the businesses that are affected. As I stressed, that was one of the considerations that I had in my mind when I made the case to Parliament for us not to proceed with the tram development. It was blindingly obvious to anyone who considered the

proposition that there would be formidable disruption to the city of Edinburgh. As members know, the Government did not consider that that was an appropriate course to take.

As I said, there are hardship schemes that can be applied in such circumstances. As part of the project, TIE has put in place a scheme that is funded to the tune of about 92 per cent, if my memory serves me correctly, from Transport Scotland, whose budget comes directly from the Government. The Government has put in place very significant practical support for small businesses, to reduce their business rates. I only wish that Labour members had supported that proposal.

Local Government Funding (Ageing and Declining Populations)

2. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Executive whether it will review the local government funding arrangements to reflect the needs of local authorities which have ageing and declining populations. (S3O-3348)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I have already announced that I intend to review the local government finance funding formula jointly with the Convention of Scottish Local Authorities in time for the next three-year settlement in 2011-12.

Duncan McNeil: In his discussions with local authorities on the funding mechanisms for elderly care, will the cabinet secretary ensure that proper consideration is given to the disproportionate impact of the demand for elderly care services on authorities with declining populations? Currently, 17 per cent of the population of the Inverclyde Council area is 65 and over, but the figure is set to grow to around 25 per cent. As I am sure the cabinet secretary is aware, the problem must not be addressed in a blanket form across Scotland, as there are significant pockets in which it is even greater than it is generally.

John Swinney: I understand the issues that Mr McNeil raises and with which local authorities must wrestle. The pattern of population movement has a significant effect on local authority finance. The overwhelming majority of drivers of the existing local government funding formula are population indicators. The issues that the member raises will be considered in the discussions that I will have with COSLA on the funding formula. As part of that process, I will be prepared to listen to any further, more detailed representations that Mr McNeil may want to make to me about such issues.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The Assynt centre is a small centre for respite and elderly care in Lochinver in

west Sutherland. Some time ago, the centre went from operating a seven-day week to operating a five-day week, providing coverage on only six weekends in the year. We seem to be unable to get it back up to providing local care for people seven days a week—the beds could be filled tomorrow. I will not ask the cabinet secretary for money, but will he ask his officials to look at the detailed issue that I have raised, which is causing unhappiness in a remote and beautiful part of Scotland?

John Swinney: I am not familiar with the details of the case that Mr Stone describes, but I will be happy to look into those issues. The provision of care in remote and rural parts of Scotland is often a challenge, because in such locations it is difficult to ensure the availability of staff. A number of factors must be considered in that discussion. I will write to Mr Stone about the case after I have looked into it.

Marlyn Glen (North East Scotland) (Lab): Following this morning's statement on equality and diversity, does the cabinet secretary agree that it is essential that equality impact assessments are made to ensure that such concerns are addressed? Does he agree that it is a mistake to treat equality as an add-on, rather than as the starting point for policy analysis?

John Swinney: The treatment of equality issues is very much part of the Government's policy-making process. I assure Marlyn Glen that those considerations are at the heart of the decisions that we take on funding arrangements for local authorities, to ensure that citizens of our country are able to make use of its public services and to appreciate the changes that take place there in pursuit of the Government's objectives.

Ravenscraig

3. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government what recent discussions it has had on the future of the Ravenscraig development. (S3O-3295)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Minister for Enterprise, Energy and Tourism met representatives of North Lanarkshire Council to discuss the Ravenscraig project on 13 March 2008. He has arranged to visit the site on 19 May 2008 and host a meeting involving relevant stakeholders, including the development partners, to discuss a range of issues that relate to the project. I visited the site with the leader of North Lanarkshire Council, Councillor Jim McCabe, last summer.

Christina McKelvie: Does the cabinet secretary agree that the Ravenscraig programme is essential for the regeneration of a large part of

central Scotland, in that it offers the opportunity to bring a new vitality to the area, just as this Government is doing throughout Scotland? Can he guarantee that delivery of the project will remain one of the Government's top-level commitments?

John Swinney: Dialogue and discussions on the project take place primarily through Scottish Enterprise. Scottish Enterprise will continue to hold a dialogue with the Ravenscraig project, to which support has been provided over the past two years. Support has been pledged to it for the present financial year and for 2009-10, and discussions are being held about future commitments.

Elaine Murray (Dumfries) (Lab): Will the cabinet secretary advise the Parliament whether the regeneration of the Ravenscraig site is considered to be of national, regional or local significance and therefore whether Scottish Enterprise or North Lanarkshire Council will be responsible for providing the public sector share of the funding?

John Swinney: The Ravenscraig site is classified as a site of regional significance, so the matter will be dealt with by Scottish Enterprise. It is a significant project that can revitalise part of Scotland's previously active industrial areas. It will be for Scottish Enterprise, in partnership with North Lanarkshire Council, to hold discussions on the funding of the project. The purpose of the Government's reforms in that regard is to ensure that our local authorities and the enterprise agencies work with cohesion and continuity to ensure that we have an infrastructure that is appropriate for the 21st century.

Inward Investment

4. Bashir Ahmad (Glasgow) (SNP): To ask the Scottish Government what plans it has to increase the amount of foreign inward investment to Scotland. (S3O-3279)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Through its network of more than 20 overseas offices, Scottish Development International takes knowledge, skills and ideas from Scotland out to the rest of the world by strengthening trade links, promoting Scottish exports and encouraging investment overseas. SDI brings capital, knowledge, skills and ideas into Scotland from Europe, the middle east, the Americas and the Asia-Pacific region by attracting high-value inward investment projects. During parliamentary recess, ministers join SDI professionals in supporting events such as Scotland week to help promote the Scotland brand and attract inward investment.

SDI has two performance measures, one of which is the number of high-value jobs that are attracted through inward investment. Targets are reviewed annually to reflect global economic conditions. SDI met its targets for 2007-08 and, despite the tough economic climate, plans to set similar targets for 2008-09.

Bashir Ahmad: In an era in which world markets are tumbling, economies in the middle east are still going strong. One reason for that, which is often overlooked, is the Islamic finance model, which supports many middle eastern economies.

Islamic finance brings more than £1 billion to the London economy alone, along with hundreds of jobs. Why has Scotland not had a share of that? Will the minister assure me that he recognises the great benefits that Islamic finance could bring in Scotland? Will he continue to work with those people who are pushing for Islamic finance measures to be adopted in Scotland?

Jim Mather: That question raises some sensible opportunities for Scotland. It is worth clarifying for the Parliament that the principle behind Islamic finance and banking products is that all forms of interest are forbidden. The Islamic financial model works on the basis of the customer and the bank sharing the risk of any investment on agreed terms. That is very interesting, and it is very much in line with the Scottish co-investment fund, which is already compliant with the Islamic finance model.

Cognisant of the upside that Bashir Ahmad has identified, the First Minister has met the Islamic Finance Council, and officials are now working with the council to consider ways in which Sharia-compliant products can be developed in Scotland. It is a particularly good fit for us, given Scotland's reputation for ethics and integrity, and the system's thinking of bringing people together to get a shared objective has great commonality with the values that we hold.

Small Business Bonus Scheme

5. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what measures it is putting in place to measure the effectiveness of the small business bonus scheme and how this will be reported. (S3O-3341)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): We will be evaluating the small business bonus scheme after it has been fully implemented in 2009-10. An evaluation report will be published.

Johann Lamont: Will the minister confirm that there are no conditions attached to the scheme, other than someone having a small business; that there are no incentives for good practice, for

example training local staff, recycling or anything else; and that there are no expectations of this significant Government funding, other than that people will apply for it?

Has an equality impact assessment been conducted on the policy measure? What did it find? Will the minister confirm that, given his Executive's alleged commitment to equalities, it is not sufficient simply to evaluate something on the basis of crossing our fingers and hoping for the best? Will he confirm that we need hard measures, and that we need to know what the scheme is intended to deliver and whether it has delivered what ministers claim for it?

John Swinney: It is curious that, during one question session, one member of the Labour Party asks the Government to support the business community and another Labour member condemns the Government for supporting the business community. That rather suggests that the Labour Party needs to think about its priorities and how it is advancing them.

I confirm to Johann Lamont—as I have done many times before on this question—that the Government believes that it is important to support people who are operating businesses in an extremely challenging financial climate, of which we heard further details yesterday from the governor of the Bank of England. The United Kingdom Government is taking steps to tackle the inflationary pressures that people are wrestling with. We should support the business community in taking decisions to invest in its future. Those who operate businesses have the best opportunity to judge the most appropriate way in which to invest the resources that the Government has made available through the small business bonus scheme. We should consider those factors and the scheme's impact on businesses as part of the Government's focus on delivering better outcomes for the people of Scotland, which comes under our national performance framework.

Alasdair Morgan (South of Scotland) (SNP): If the evaluation shows that the small business bonus scheme has been a success, a hope that I assume we all share, even the Opposition—despite the appearances that it gives to the contrary—will that provide a strong argument for control over other types of business taxation, such as corporation tax, to be devolved to the Scottish Parliament?

John Swinney: That would be an excellent idea. The application of the Government's approach to the small business bonus scheme, which is to create a more competitive climate in which our businesses will have the opportunity to flourish and generate greater wealth in the small business community, illustrates our commitment to creating a vibrant economy and how we could go

further if we had a broader range of financial powers. I am sure that that is the direction in which the Parliament is travelling, now that all the other parties are participating in the Calman commission, with its focus on strengthening the powers of the Parliament, and given the Government's commitment to ensure that the Parliament has the full range of powers at its disposal.

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

Western Isles Economy (Wind Farms)

7. Peter Peacock (Highlands and Islands) (Lab): To ask the Scottish Executive what additional investment plans it has for the Western Isles economy following its rejection of the proposed Lewis wind farm planning application. (S3O-3355)

The Minister for Enterprise, Energy and Tourism (Jim Mather): I announced in Stornoway on 17 March a study into how renewable energy projects, as well as other potential economic development projects, can deliver economic and community benefit to the Western Isles. That work is being pursued urgently. We are also working closely with the Harris tweed and tourism sectors.

Peter Peacock: Lewis wind farm represented the biggest economic development prospect for the islands for many decades. It would have created jobs in manufacturing and a local income stream into the future, which would, in turn, have stimulated more investment locally and created more prosperity. The Government's decision to refuse consent—which is its right—removes that economic opportunity.

As the minister knows, the Western Isles economy is fragile and the islands need support to help to fill the gap that has been created. Will he guarantee that the Highlands and Islands Enterprise budget for the islands will not be subject to the cuts that are going on in HIE but will be added to in recognition of the difficulties in the Western Isles? Will he also support further capital investment in important infrastructure work through the local authority? Given that the reason for the rejection was environmental, will he set up a task group specifically to consider how the Government can contribute resources with, for example, the RSPB and other conservation organisations to better interpret and improve the natural habitat to encourage more tourism in the islands?

Jim Mather: The study group is essentially doing what Peter Peacock asks. Far from removing economic opportunity, we are focusing capability to maximise it. In addition, we must recognise that the benefit of the small business

bonus scheme is being disproportionately felt in the Western Isles and that the islands are poised to benefit from the road equivalent tariff pilot in October.

Any other thoughts that Peter Peacock has should be channelled into the study and into the debate that we will have in August when Michael Russell and I go back up to Lewis to ponder on the study and work with the community. We will also take time out to meet Harris tweed interests in the island and get that industry on to a firmer footing.

Transport (Fife)

8. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what its transport priorities are for the Fife area. (S3O-3322)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Our priorities and our commitment to investing in transport links to Fife are clear through the construction of the Stirling-Alloa-Kincardine railway; the removal of tolls on the Forth and Tay road bridges; the construction of the upper Forth crossing at Kincardine; and our decision to build the Forth replacement crossing, which is the biggest transport construction project in Scotland in modern times. We also await information about the Thornton to Levenmouth rail link.

Claire Baker: The minister will be aware that a Leven to Thornton rail link and improvements to the Redhouse interchange are high transport priorities for Fife Council. I hope that he will do all that he can to support the realisation of those projects. He may also be aware that a petition was submitted to the Parliament this week calling for improvements to the A92, particularly around Glenrothes. I am aware that there are competing priorities within Fife and a finite pot of money, but is he willing to consider the proposal for the A92 seriously and to meet me to discuss constituents' concerns about the road?

Stewart Stevenson: Claire Baker raises a number of issues. We had a useful debate on the Thornton to Levenmouth railway, in relation to which there are particular opportunities. We will consider the A92 in the context of the strategic transport projects review.

On the subject of railways, Claire Baker will be aware that the renegotiation of the ScotRail franchise has provided an additional hourly service that will run through Fife and additional trains from Markinch, and generally strengthened Fife services. We are providing substantial support to transport in Fife.

Tricia Marwick (Central Fife) (SNP): Will the minister confirm that the first act of the Labour-Liberal Democrat Executive in 1999 was to cancel the dualling of the A92 from Glenrothes? Does he

agree that the refusal of the previous Labour-Liberal Democrat Executive and Labour Fife Council to invest in the transport infrastructure in Fife has left unrealised many projects that the various communities regard as priorities? Will he meet me to discuss how the Leven to Thornton junction railway can be progressed as a priority?

Stewart Stevenson: I apologise to Claire Baker, because I should have said to her that I will, of course, meet her to discuss any concerns that she has—as I will also, of course, meet the member for Central Fife.

I was not here in 1999, to my regret, but I am sure that Tricia Marwick is extremely well informed about the activities of the then Labour Executive. The role of this Government is to ensure that many of the areas of neglect in transport throughout Scotland are addressed.

Marilyn Livingstone (Kirkcaldy) (Lab): What plans does the Government have to upgrade the Redhouse interchange, which Claire Baker mentioned? All stakeholders in Fife agree that the interchange upgrade is of the highest priority in the social and economic regeneration of mid-Fife in particular, and Fife in general.

Stewart Stevenson: That is part of the strategic transport projects review, which is a formidable piece of work that was initiated some time ago and will report to ministers during the summer. We will see whether the Redhouse roundabout and any upgrades associated with it fall within the review or will be dealt with via the regional transport partnerships. [*Interruption.*]

My mobile phone was switched off when I stood up, Presiding Officer, but it seems not to be now.

We will consider the Redhouse roundabout in the context that I have just mentioned.

Local Regeneration Services (South Lanarkshire)

9. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what progress has been made in discussions between South Lanarkshire Council and Scottish Enterprise Lanarkshire on taking forward local regeneration services. (S3O-3332)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Convention of Scottish Local Authorities has represented local government in the discussions. Accordingly, there have been no detailed discussions between Scottish Enterprise and South Lanarkshire Council on the issue.

Karen Gillon: The minister will be aware of the closure of Ramage Distribution in Glespin in my constituency. It was the largest employer in the area, so the discussions between the local authorities and Scottish Enterprise are crucial to

ensure the regeneration of the area. What proportion of the staff of Scottish Enterprise Lanarkshire are to be transferred to South Lanarkshire Council and what funding will be made available to them to provide local regeneration services, particularly those with the aim of enhancing future employment prospects in the Douglas valley?

Jim Mather: The member must consider the issue in the context of the totality of what is happening, including the recently announced £62 million funding package for the Clyde Gateway URC—urban regeneration company. It will transform the area and bring land back into economic use, which will provide new jobs, housing and leisure opportunities. In addition, the member should recognise that the way in which the enterprise portfolio now operates means that we are keen to engage and catalyse the bringing together of the enterprise agencies, local government, local business, the voluntary sector and other elements of the public sector. If she thinks that I can help to facilitate that in any way in her area, I will gladly step up to the mark.

Renewable Energy (Interconnectors)

10. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Government what progress has been made to ensure the installation of interconnectors for renewable energy transmission from the Highlands and Islands to urban markets. (S3O-3288)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Government recognises the need for grid reinforcements to capitalise on the renewables potential of the Highlands and Islands, and we will continue to discuss those matters with the Office of Gas and Electricity Markets, the Department for Business, Enterprise and Regulatory Reform and other stakeholders.

We will shortly apply for European funding for a feasibility study to explore potential grid links from Scotland to Ireland. If successful, the study will commence later this year, with an expected completion date of 2010. In addition, we are considering funding routes to support a separate grid feasibility study to examine links from our east coast to the coasts of northern Europe. The studies will aim to help make the case for commercial investment in transmission infrastructure between more remote Scottish regions and centres of demand.

Rob Gibson: What progress has been made on installing power lines from Beaulay to Denny and on the Viking Energy project for a cable under the sea from Shetland to a landfall in Moray? Is Ofgem helping to achieve the ends more speedily? I hear what the minister says about connections to the

coasts of Europe and Ireland, but to serve them we must have interconnectors from our Highlands and Islands.

Jim Mather: Given the Scottish ministers' role in determining the Beaulieu to Denny application, it would be inappropriate to speculate on progress at this time. Similarly, it would not be helpful to comment further on the Viking Energy project, on which we have recently issued a scoping opinion report to the developer. However, we realise that grid upgrades will be necessary if we are to achieve our renewables goals. We will continue to discuss that with Ofgem and other stakeholders and to press for changes in the grid regime, so that it is more aligned with the objective of encouraging more renewable generation in Scotland.

Lewis Macdonald (Aberdeen Central) (Lab): Following some recent decisions, does the minister acknowledge the need to boost the wind power sector's confidence in Scottish Government policy? Does he also acknowledge that existing grid provision would allow the connection of a number of significant projects in the south of Scotland? Those projects are currently before him for approval. Will he offer encouragement to the wind power sector by making early and positive decisions on a number of those proposals?

Jim Mather: The member needs to consider our track record in approving projects—projects that include the third largest ever. The rate at which we have approved projects is well over three times the rate of the previous Administration. He should consider in the round all that we are doing to bring the sector together and to optimise and maximise our renewables interests. We are ensuring that more of the wealth that is created by renewables is retained in Scotland in the long term.

Local Income Tax

11. Marlyn Glen (North East Scotland) (Lab): To ask the Scottish Executive what its current position is on developing and publishing its proposed model of local income tax. (S3O-3333)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): We are consulting on our proposed model. The consultation period runs to 18 July. We will publish an analysis of the consultation in the autumn. Our proposals to abolish council tax have been endorsed twice by Parliament, and based on recent opinion polling they clearly have public support.

Marlyn Glen: I am concerned about the effects of the calculations on local government services. The cabinet secretary has said that the Scottish Government's calculations on how much people will pay under local income tax are based on

assumptions about people's living circumstances and assumptions about the relationships between people's levels of income and their likely housing scenarios. Will he at least provide details of those assumptions and explain how they provide—to use his words—a “robust basis” for calculations?

John Swinney: The Government has published a consultation paper on this subject and we have placed information in the Scottish Parliament information centre setting out the basis on which our calculations are made. I would have thought that that information would be adequate. Our projections are based on well-developed models in the Scottish Government of the likely revenue-raising potential of the local income tax.

Derek Brownlee (South of Scotland) (Con): It is sad that the Liberal Democrats cannot be with us today to support the Government on this particular issue. I will step into the breach and make a helpful suggestion.

So that everyone can take a dispassionate view on the benefits or otherwise of a local income tax, would it not be exceptionally sensible of the Government to issue local income tax bills prior to the implementation of the tax? That would allow people to compare their bill for the local income tax with their bill for the council tax.

John Swinney: As part of the process of parliamentary dialogue, I always listen attentively to Mr Brownlee's helpful suggestions. Indeed, I listen to the helpful suggestions of all members of the Parliament. However, I may not take Mr Brownlee up on his suggestion. For once, he may have let the side down by suggesting an unnecessary element of public expenditure on a trial run of issuing bills.

Mr Carlaw is in the chamber, and what I am saying may link to some issues that concern him. I am thinking in particular about the unnecessary expenditure that is incurred when certain publications from local authorities drop through people's doors. I will therefore not be keen to take Mr Brownlee up on his idea of spending more public money.

Like Mr Brownlee, I very much regret the absence of my friends on this particular issue. It would have been nice if they had been here.

Iain Gray (East Lothian) (Lab): A few minutes ago, Mr Mather correctly described Scotland's good record on inward investment. However, a concern about the Government's plans for a local income tax is that employers might find that they have to absorb the financial pain that their work forces suffer, thus raising their cost base, which could be a disincentive to potential inward investors. Will the cabinet secretary commission and publish an independent assessment of the likely impact of his income tax plans on Scotland's

competitiveness in the foreign direct investment market?

John Swinney: The Government is taking all the steps that it can to strengthen and improve Scotland's competitiveness. As Mr Gray will know, our responsibilities in this area are very narrowly set by the Scotland Act 1998. By implementing the small business bonus scheme, we have used, in effect, the only power that is available to us to reduce business costs and business taxation. I would have been more than delighted if Mr Gray had supported me on that issue during the budget process.

The Government's proposals on the local income tax have been set out. The way in which the tax will be calculated and collected is clear. As is normal practice, we want to have a debate through the consultation process and to introduce legislation.

First ScotRail Franchise

12. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what the cost to the public purse is of extending the ScotRail franchise. (S3O-3360)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The extension of the ScotRail franchise is expected to reduce the net cost to the public purse over the period to 2014.

Karen Whitefield: Is the minister aware that FirstGroup's ScotRail operating profits were reported as £11.4 million for 2006-07? Why, then, when extending the rail franchise, did he allow for up to £30 million of profits to be retained by FirstGroup annually before being capped? Why did he decide to move away from the Scottish National Party's pre-election commitment to consider running Scotland's railway through a not-for-profit trust, which would have ensured that all the operating surpluses were invested in our rail network?

Stewart Stevenson: It is always interesting to hear policy changes announced from the Labour benches. I will listen with interest to next week's episode.

The member is correct to point to £11.4 million of operating profits in 2006-07. I thought that the member was present when I gave evidence to the Transport, Infrastructure and Climate Change Committee on that very subject, in which I indicated that profits for the ScotRail franchise are rising rapidly. In consultation with external financial consultants, we estimate that profits will approach the £30 million cap that we have put in place, thus unreasonable profits will not be made by our franchisee. That is on top of the return of £70 million, regardless of performance—in other

words, guaranteed—for us to invest in new railway services and new facilities throughout Scotland, including priced option 8, which provides for additional services to Shotts.

Alex Johnstone (North East Scotland) (Con): Will the minister listen to an alternative version of that question, in which I ask him to confirm the benefit to the public purse of extending the ScotRail franchise?

Stewart Stevenson: There is substantial benefit from extending the ScotRail franchise. As a North East Scotland MSP, the member will be well aware of the improvements in rail services between Dundee and Aberdeen and between Aberdeen and Inverurie, which have created hourly services. Those improvements have put the most cost-effective parts of the long-discussed proposals for Aberdeen crossrail into operation, using money provided by the franchisee, not the Government.

United Kingdom Energy Bill

13. Shirley-Anne Somerville (Lothians) (SNP): To ask the Scottish Government what representations it has made to the UK Government about the UK Energy Bill. (S3O-3299)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Our strong representations to the UK Government on the Energy Bill have led to an agreement that is in the best interests of energy policy in Scotland. The bill provides for a single licensing framework for the storage of carbon dioxide throughout Scottish waters, as requested by the industry, with the Scottish ministers taking decisions on Scottish territorial waters. We have introduced a legislative consent memorandum and are currently agreeing a memorandum of understanding with the UK Government on the operation of the licensing regime. The UK bill will amend provisions in the renewables obligation but executive devolution will continue, allowing a distinct approach to banding, if this Parliament decides it is appropriate.

Most important, the UK has had to accept our argument that the bill's nuclear provisions cannot extend to Scotland without this Parliament's agreement. The provisions are not needed and do not apply to Scotland. New nuclear power stations are not necessary to meet renewable electricity targets or carbon emissions targets, and are not wanted in Scotland. Further, they would not be compatible with optimising Scotland's economy and the full potential of Scotland's renewables sector, in line with Scottish, UK and European Union climate change goals.

Shirley-Anne Somerville: The minister will be aware that the UK Government failed to support an amendment to the Energy Bill that would have

boosted the take-up of domestic microgeneration through the introduction of feed-in tariffs. Will the Scottish Government press the Westminster Government to support such a measure in the future, to ensure that domestic consumers can get a long-term monetary benefit from their investment in microgeneration?

Jim Mather: The experience of other countries, particularly Germany, suggests that such tariffs are effective, particularly in encouraging small-scale renewable generation. The issue needs careful consideration, and we are pleased that the UK Government is to consult on the matter in the coming months. Meanwhile, from next April, we plan to double support for very small generators in Scotland, using the renewables obligation mechanism.

The Presiding Officer: We have a little time in hand, so I will allow a final question.

European Structural Funds

14. Keith Brown (Ochil) (SNP): To ask the Scottish Government what steps are being taken to ensure that, in the next application round for European structural funds, there is a level playing field for smaller local authorities that have fewer administrative resources. (S3O-3280)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The next application round for European structural funds will allow time between the first stage of each application and the final closing date so that the intermediary administrative bodies can offer help and feedback to all applicants. That should be of particular help to organisations that have not previously benefited from European funding or which have fewer administrative resources.

Keith Brown: I thank the minister for his assistance in arranging at short notice a meeting with his officials on the results of the structural fund bidding process.

Does the minister agree that funding such as European structural funds can be extremely useful for areas such as Clackmannanshire, which has, on a smaller scale, some of the worst deprivation statistics in Scotland, and that it is imperative that the Scottish Government ensures that smaller local authorities are not perpetually disadvantaged by virtue of having fewer resources to devote to submitting high-quality bids, often at short notice? Will the minister undertake to ensure that the issue continues to be addressed by officials?

Jim Mather: The intermediary administrative body is already in contact with officials from the structural funds division and is working with Clackmannanshire Council to consider how European funding can contribute to the goals that we all want to achieve in its area. I am sure that

lessons will have been learned in the process to date. The next round of lowlands and uplands Scotland funding will be open in the summer for projects seeking to run through 2009, and I wish Clackmannanshire well in that regard.

Free Personal Care

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-1902, in the name of Nicola Sturgeon, on free personal care.

14:58

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I welcome this opportunity for members to consider and explore more fully our response to the independent funding review of free personal and nursing care. The debate also provides the platform for Parliament to debate and, I hope, endorse our view that it was fundamentally wrong and unjust for the United Kingdom Government to withdraw attendance allowance funding—currently valued at more than £30 million a year—from the Scottish budget following the introduction of free personal care.

George Foulkes (Lothians) (Lab): Will the member give way?

Nicola Sturgeon: No. If Lord Foulkes cares to listen to me for now, I will take an intervention later.

When Labour said two weeks ago that it accepted all Lord Sutherland's recommendations, I hoped that that would pave the way for all parties to unite behind our efforts to recover attendance allowance funding. However, it appears that, having flirted briefly with the idea of standing up for Scotland, Labour has now reverted to type and—in the kind of U-turn that we are becoming used to from Labour—will simply toe the London line as usual, which is proof, if it were needed, that Labour has learned nothing from its election defeat last year. However, perhaps I should not give up hope completely—given the shifting sands of Labour policy positions, I am sure that another U-turn before 5 o'clock is not completely out of the question.

George Foulkes: Will the member give way?

Nicola Sturgeon: I would be happy to hear Lord Foulkes's explanation of the U-turn.

George Foulkes: First, I want to offer a little piece of advice. So far, the cabinet secretary is not being very clever in trying to convince us to accept anything that she puts forward, given the kind of remarks that she is making and the tone in which she is making them.

Has the cabinet secretary ever considered how the Barnett formula works, and how it is decided how much money comes to Scotland? Has she ever considered the fact that account is taken of expenditure in Scotland and in England in

calculating that? In taking account of expenditure in England, account is taken of what needs to come to Scotland to balance expenditure on the same area in England. [*Interruption.*]

The Deputy Presiding Officer: I have not discussed the Barnett formula.

Mr Foulkes, this is an intervention.

Nicola Sturgeon: I say to Lord George Foulkes that whatever else the Barnett formula may or may not be intended to do, it is not intended to penalise and punish this Parliament for taking legitimate policy decisions. In respect of my tone and how persuasive I am to members on the Labour benches, Margaret Curran's press release yesterday confirmed that Labour would toe the London line. I for one will be delighted if Labour wants to perform another U-turn, change its mind and stand up for Scotland's interests, but I will not hold my breath.

Lord Sutherland's report confirmed that the policy of free personal care has widespread support and is delivering real benefits to tens of thousands of older people. However, he also confirmed the concerns that both we and local government have raised about the clarity and funding of the policy in its early years.

In my statement to Parliament last week, I set out the Scottish Government's formal response to Lord Sutherland's report. I confirmed that we have accepted in full his 12 recommendations. Specifically, I confirmed that we will make available from next year additional resources of £40 million per year to address the funding shortfall that he identified. Those resources will be reflected in next year's Scottish budget, so I am happy to accept the Liberal Democrat amendment. Both we and local government have agreed that there is a need to ensure that the additional funding will deliver improved outcomes for older people. We will continue to work with the Convention of Scottish Local Authorities to ensure that that is achieved.

I further advised Parliament that our actions in taking forward Lord Sutherland's recommendations will sit alongside a wider package of measures that we have been developing with our partners in local government. Specifically, we will establish a more open and transparent system that both explains how access to free personal care is managed and ensures greater clarity and consistency in relation to needs assessment and waiting times.

We will improve information for users and carers about what the policy does and does not cover, and we will introduce legislation to stop councils charging for food preparation. In that regard, I understand the sentiment behind the Tory amendment. However, I sincerely believe that if

we are to secure the future of the policy, we must get beyond Parliament and local government blaming each other for shortcomings and instead work together to solve the problems and deliver the improved outcomes that I know we all want to see. I am pleased with the positive progress that we and local elected members have made so far towards achieving those developments, and with our commitment on additional funding in place we will continue to work over the next few months to further refine the detail of the proposals.

During the questions that followed my statement, members from all parties reaffirmed the Parliament's commitment to free personal care and made a number of positive comments. Mary Scanlon rightly highlighted the importance of the Government and the Parliament acting to improve public understanding. I was grateful to Ross Finnie for his statement on the wider principles raised by the issue of attendance allowance funding. I also noted Malcolm Chisholm's important observation about the key message that arises from Lord Sutherland's report about the longer-term demographic challenges, about which I will say more later.

Today, however, I will focus specifically on the issue of attendance allowance funding. As members know, following the introduction of free personal care, attendance allowance was withdrawn from people in Scotland in residential care who received personal care payments. That decision was unjust: it was a clear reaction by the United Kingdom Government to a policy that it did not approve of and did not want to be implemented. However, as Lord Sutherland noted, the decision was also anomalous. Attendance allowance is still paid to people who receive free personal care in their own homes and to residents of care homes in England who receive free nursing care payments through their primary care trust.

There are three reasons why we must actively and vigorously pursue the recovery of attendance allowance funding. The first is to right a wrong that financially disadvantaged the Scottish Government and, by extension, the Scottish people. As a result of the United Kingdom Government's decision, the Scottish Executive was forced to set personal care payments for those in care homes at a level that compensated for the withdrawal of attendance allowance. That meant that there was no loss to individuals—the right thing to do—but the Scottish budget bore the brunt.

The savings from the withdrawal of attendance allowance were not transferred to the Scottish budget as they should have been. Instead, they were retained by the UK Treasury and, as a result, the increase in costs borne by the Executive could not be offset. There is no doubt that that

contributed directly to the funding gap identified by Lord Sutherland. That is the first reason why the issue must be pursued.

This Government, acting in the interests of our vulnerable older people, will fill that gap, but the Parliament should be clear that that does not mean that the UK Government should be let off the hook.

George Foulkes: Will the cabinet secretary take an intervention?

Nicola Sturgeon: Lord George Foulkes has had sufficient time to intervene already.

The second reason to pursue the issue relates to the point made last week by Ross Finnie. There is at stake a wider issue of principle and of the freedom of this Parliament to take decisions in devolved areas without the interference of the UK Government.

Margaret Curran (Glasgow Baillieston) (Lab): I will of course explain the substance behind our amendment in my speech. Does the cabinet secretary acknowledge that, in his report, Lord Sutherland recognises that the UK Government was within the letter of the law, that the UK benefits commissioner has ruled that the UK Government was right, and that a more constructive approach to ensuring that Scotland gets its proper resources would be to participate more strategically with the UK Government?

Nicola Sturgeon: I hope that the later explanation of Labour's U-turn is better than that pathetic effort from Margaret Curran.

The third reason to pursue the issue involves the long term. Over the next 25 years, the number of older people in Scotland is projected to rise from around 850,000 to almost 1.4 million. The growth in numbers is particularly concentrated among those aged over 90—the people who are most likely to require support for their long-term care.

Lord Sutherland makes it clear in his report that, to respond to the implications of that demographic change, we need to be able to consider holistically, and to target better, all the resources that are currently available to meet the costs of long-term care, whether through the national health service, local government or the benefits system.

The UK Government has acknowledged that principle in the past few days in its consultation on the reform of social care in England. I agree with the Labour amendment in that the consultation has implications for Scotland and that we need to engage with the UK Government in planning ahead for long-term care. This Government will engage, but that engagement will be easier and more meaningful if the running sore of past injustices over attendance allowance funding is

resolved. Indeed—perhaps Margaret Curran should listen to this point—Lord Sutherland said clearly that the return of the £30 million attendance allowance funding should be sought ahead of any wider review of funding streams.

Duncan McNeil (Greenock and Inverclyde) (Lab): Will the cabinet secretary take an intervention?

Nicola Sturgeon: I am in my last minute.

I agree whole-heartedly with Labour's former First Minister Henry McLeish that the issue should not be a matter of petty rivalries. It should be about ensuring that arrangements are equitable, that the settled will of this Parliament on devolved matters is not undermined and that we engage with the UK Government on any issues affecting the interests of our most vulnerable older people.

As I said to Parliament last week, I am determined that we will seek the reinstatement of the funding and correct the inequity identified by Lord Sutherland. The Scottish Government has asked for the issue to be included on the agenda for the next meeting of the joint ministerial committee. In taking forward those discussions, I believe that our already strong case will be further strengthened if we can demonstrate a co-ordinated and consistent response from this Parliament.

I ask members to support the motion, which is in my name but which aims to reflect the clear view and settled will of the Scottish Parliament.

I move,

That the Parliament welcomes the publication of Lord Sutherland's independent review of free personal and nursing care and the Scottish Government's acceptance in full of the report's recommendations, including the commitment to provide £40 million a year in additional funding; notes Lord Sutherland's clear conclusion that the UK Government should not have withdrawn the attendance allowance funding in respect of self-funding clients in care homes, currently valued at over £30 million a year, and urges the Scottish Government to pursue vigorously with UK Ministers the reinstatement of this funding while longer-term work to re-assess all funding streams relevant to the care of older people in Scotland takes place.

15:09

Margaret Curran (Glasgow Baillieston) (Lab): I reiterate what the cabinet secretary said: this debate is indeed important and welcome. I also reiterate what was said last week. We thank Lord Sutherland and the members of the review group for their work, which has produced a striking and commanding report that seeks to address fundamental issues that are germane to the stabilisation of the free personal care policy and its sustainability in the longer term.

The report demonstrates that addressing demographic change and its implications for public

service and the nation's resources is one of the most important challenges that Governments of whatever perspective face. I hope that we can rise to that challenge and that we conduct this debate mindful of it.

As I said after the cabinet secretary's statement last week, the introduction of free personal care by the then Labour-Lib Dem Executive was groundbreaking. There were many difficulties to be overcome, but it is significant that Lord Sutherland recognised that the policy was implemented speedily and with resolution, and that it was fully funded. However, even over a relatively short time, demographics have shifted outwith predictions, which has significant implications. It is nonetheless reassuring for all of us that Lord Sutherland has deemed the free personal care policy in Scotland to be working well. I argue that it provides a base from which to develop innovative, sensitive and effective approaches.

That said, a few key issues require to be addressed. Lord Sutherland has sent out a clarion call, and we must begin to understand and deal with those issues. In that context, I was disappointed that the cabinet secretary did not address them.

Demographic change is the most serious issue that we face. We know that, within 25 years, we will be looking at costs of approximately £800 million a year, and we must work through the full implications of that. However, Lord Sutherland has demanded that urgent action be taken now before the demographics

"begin to bite, from around 2013",

which is not far away.

Labour lodged its amendment in that context. Now is the time to begin to reassess all the funding streams that are relevant to the care of the elderly. The report refers to examining

"health, social and personal care and housing support".

Now is the time for "fruitful cross-border conversations", to use Lord Sutherland's words. We urge the Scottish Government to enter into such discussions and to undertake what Lord Sutherland referred to as

"a very radical examination of the effects of demographic growth".

Nicola Sturgeon: I accept the points that Margaret Curran makes. She is absolutely right and has correctly quoted Lord Sutherland. However, he also said that before we review wider funding streams, which we must do, we must seek the reinstatement of the £30 million attendance allowance funding, and that that should be the basis on which further engagement takes place. Does she accept that?

Margaret Curran: I was just about to address the issue of attendance allowance directly. To some extent, Nicola Sturgeon has made my case for me. In her fairly lengthy speech, she focused entirely on attendance allowance at the expense of the strategic case. I am profoundly concerned by the Scottish National Party's approach, which I am not prepared to endorse. Labour will ensure that the SNP faces the strategic challenge that the country faces. The SNP Government's approach has been to elevate the issue of attendance allowance above all other issues. Doing so does a profound disservice to the scale of the issue, which we cannot allow to go unchecked. We will not endorse an approach that fails to step up to the strategic challenge that Scotland faces. We should focus on the substantive points that are made in the Sutherland report and on the social care review that the Prime Minister launched on Monday.

I say to Nicola Sturgeon that it is unacceptable to argue that if someone does not agree with the SNP, they are somehow toeing the London line and are not standing up for Scotland. I cannot and will not endorse such an approach, and I will not let her misrepresent the arguments that are made in this chamber and by the Labour Party. That explains the amendment that we lodged.

Christine Grahame (South of Scotland) (SNP)
rose—

Margaret Curran: I ask Christine Grahame to let me make a point that I need to make.

We accept and have argued consistently that the resources should come to Scotland, but I will not allow the SNP to use that argument to get into a narrow dispute with London. Rather, we should take a "fruitful"—to use Lord Sutherland's term—and constructive approach to the matter. We are much more likely to resolve financial issues in that way than if we adopt the approach that is being taken by Nicola Sturgeon, which she outlined today. I think that our approach would lead to a much more constructive settlement.

We say emphatically in our amendment that means of ensuring that Scotland receives full and equitable funding should be pursued, but not in the way that the SNP suggests. We will not authorise that approach. I presume that, if our considered amendment is so bad, we will not win any support for it. However, I am pleased to say that the Tories recognise that we are adopting a considered and rational approach. The minister must recognise that as an important signal that she does not have the full authority of the chamber to pursue yet another narrow-minded fight with London.

Labour's amendment addresses other issues, too. When Nicola Sturgeon was in opposition, she insisted that local authorities should have their

financial requirements met. I hope that she can tell the chamber today what representations COSLA has made to the Government about the current financial year and what the Government intends to do to address those immediate issues. Can she commit to reporting back to Parliament on that vital matter? If it was important when she was in opposition, it is important today. She really should adopt a consistent approach.

We have considerable sympathy with the Tory amendment, and we will support it because it is rational and consistent. Although it does not rescue the motion, we see the logic behind it. It raises important issues about meeting the expectations of a number of Scots, and it is vital that we address those issues immediately. Elderly citizens in Scotland are looking for a resolution to the issues that the Tories have raised. Although I hope that our amendment will be agreed to, those issues must be addressed.

Lord Sutherland and the members of his group have provided a crucial service to the Parliament, not just because of the recommendations that they have developed; not just because they have produced a strategy for the stabilisation and the crucial sustainability of the policy—if properly directed, although that is still an "if"; and not just because they have facilitated a debate that ensures a greater understanding of what the policy means; but because they have raised the issue of demographic change to the top of the political agenda.

Fundamentally, Lord Sutherland has raised a significant issue in telling us that free personal and nursing care services

"are not delivered in isolation and in most local authorities the services sit within the broader range of community care services."

He has sparked a wider debate about what we, as a country, must care about in terms of the needs of our elderly citizens. We must ensure that they can make the life choices to enable them to live lives of quality, assisted by services of the highest standard.

This afternoon, Irene Oldfather will address the key issues of the standard and appropriateness of services. That is an important debate to have, and it is deeply disappointing that the Government, rather than address the issues that matter so much in the debate, wants to focus narrowly on what will give it an opportunity to fight with the United Kingdom Government. That is deeply disappointing, and the cabinet secretary should be doing better.

I move amendment S3M-1902.3, to leave out from "and urges" to end and insert:

"however, also notes the decision of the UK Benefit Commissioners that continued payment of attendance

allowance to self funders would have been a breach of the current benefit rules; further notes the UK Government's Wanless review's suggestion of the alignment of the benefits system, including attendance allowance, with funding for social care, and therefore calls on the Scottish Government to enter into discussions with the UK Government, as part of the UK Government's review of social care, to ensure that Scotland receives a full and equitable share of the overall funds available for care of the elderly; urges the Scottish Government to undertake further work to re-assess all funding streams relevant to the care of the elderly and to come forward with proposals for the sustainable long-term funding of care of the elderly; notes that there is a funding gap in the current financial year, and calls on the Scottish Government to engage with COSLA immediately to achieve a resolution of the problem and report back to the Parliament before the summer recess."

15:19

Mary Scanlon (Highlands and Islands) (Con):

We welcome this debate on free personal and nursing care, which is often referred to as the flagship policy of the Scottish Parliament's first session. In moving the Conservative amendment, I confirm that it has nothing to do with blame but everything to do with fairness. We seek the support of MSPs across the chamber to ensure that there is no postcode lottery in relation to funding or payments in different local authorities in Scotland. It is neither fair nor equitable for elderly people to pay for assistance with food preparation in eight council areas while the service is free in the remaining council areas. My colleague David McLetchie will speak in more detail on that issue.

I pay tribute to the Presiding Officer—I wanted the opportunity to use the word "you", but Alex Fergusson is not in the chair—for the sterling work that he has done in supporting his constituents in successfully challenging Dumfries and Galloway Council to overturn its policy of charging for food preparation.

The £40 million to address the funding shortfall that Stewart Sutherland identified is welcome. However, I ask the cabinet secretary to ensure that the monitoring of the new single outcome agreements ensures that that money is allocated to the care of the elderly.

Another issue that I want to raise is the higher funding that is provided to people in council-run homes in comparison with the funding that is provided to those in homes in the independent and voluntary sector. I note the report's reference to the positive work that is being done by the Government and COSLA. I hope that the end result of that is that all elderly people who are eligible for free personal care are treated fairly and equitably. It cannot be right that councils pay a higher amount to residents in council-run homes than they pay to those in homes in the independent and voluntary sectors, given that all care homes are expected to achieve the same

Scottish Commission for the Regulation of Care quality standards.

On the issue of direct payments, still not enough elderly people or their carers are aware of the scheme. Direct payments offer people freedom and choice of care package as well as the independence to ensure that care is given in accordance with the assessment, rather than the monopoly of council-only care provision. For many people throughout Scotland, the care provided by councils is first class—the time promised is the time given—but in many instances that is simply not the case. We seek more choice.

I make no apologies for repeating my next point on integrated care homes. When the Community Care and Health (Scotland) Bill passed through its various parliamentary stages, we were given to understand that every care home would have nursing input. That might mean a nurse on duty 24/7 or a visit by a district nurse as and when required. When a frail elderly person's condition deteriorated, a move to a nursing home was not to be necessary for the person to receive the appropriate end-of-life care. However, somewhere between the bill's parliamentary stages, the care commission, guidance and the bill's implementation, we ended up with not one type of care home but three: residential care homes, nursing homes and integrated care homes. Only in integrated care homes will elderly people receive care that ranges from that found in residential care homes to that found in nursing homes. As a result, elderly people are now being kept in residential care homes when they need nursing care. Before the expansion in the number of care homes, frail elderly people were treated in NHS hospitals for their end-of-life care, with the appropriate medical and nursing input. What we have now is a lesser service, with less nursing and medical input in end-of-life care.

The selling of the family home to pay for care also needs to be examined. I had a recent case—two or three years ago—in which a 50-year-old woman who had lived with her mother all her life and cared for her at home was faced with having to sell her home or take out a mortgage to buy out her mother's share in order to pay for care. I trust that that issue will be examined along with the other financial points that Lord Sutherland raised.

Jackson Carlaw will discuss future needs in relation to demographic policy, which is an absolutely crucial issue that Margaret Curran spoke about well. I found the figures in Lord Sutherland's report quite shocking. Over the past five years, from 2002 to 2007, the average increase in the number of publicly funded older people receiving care at home was 51 per cent. The increases ranged from 0.1 per cent in

Dumfries and Galloway to 212 per cent in Perth and Kinross.

I never miss an opportunity to talk about podiatry. Elderly people would undoubtedly be more mobile and less likely to need care in the early stages if they had greater access to chiropody, which is now called podiatry. I am not talking about getting someone to cut toenails; I am talking about ensuring access to a qualified podiatrist, where appropriate, who would provide high-quality foot care advice and ensure that people had greater mobility.

We will support the Government in its pursuit of fair and equitable care for the elderly and in addressing the issues raised in the Sutherland report. However, we will not support the Scottish National Party motion, mainly because it contains the phrase “pursue vigorously”, which, in nationalist speak, tends to mean having a big rammy or a big constitutional wrangle with Westminster.

We will support the considered Labour amendment, not only because of the content but because of the tone. The amendment calls on the Scottish Government “to enter into discussions” with Westminster. We would always prefer that the issue of the care of the elderly was examined in a mature and dignified manner and that elderly people were put first and foremost, rather than being used as pawns in a constitutional wrangle.

I move amendment S3M-1902.1, to insert at end:

“and calls on the eight Scottish councils which continue to charge for assisting with food preparation to cease to do so forthwith and all councils which have levied such charges to refund everyone who has been wrongly charged for this service.”

15:26

Ross Finnie (West of Scotland) (LD): The position of the Liberal Democrats remains that one of the hallmarks of a civilised society is how it looks after its elderly. In common with many, we have consistently supported the policy of free personal care for the elderly.

We welcome the Sutherland review of that policy. The Cabinet Secretary for Health and Wellbeing quoted different passages of the report from the one that I will quote, which states:

“Despite some practical difficulties in its formative years”,
the free personal care and nursing policy

“remains popular and has worked well in the largest part, delivering better outcomes for Scotland’s older people.”

Of course, that was the intention of the policy.

The Sutherland report identifies areas of concern that need to be addressed, most of which

are not in dispute, and distils them into 12 points, which form the basis of its recommendations. We welcome the fact that the Government is going to adopt all 12 recommendations.

Recommendation 7 is that the UK Government should not have withdrawn the attendance allowance in respect of self-funding clients in care homes.

George Foulkes: Will the member give way on that point?

Ross Finnie: I hope that this intervention will be considerably briefer than the member’s earlier intervention. However, I am graciously pleased to allow him to intervene.

George Foulkes: Ross Finnie will remember that the UK Government, of which I was a member at the time, made it absolutely clear that it could not make a specific grant to the Scottish Executive in respect of attendance allowances, but account could be taken of that matter in calculating the block grant. The then Scottish Executive, of which Ross Finnie was a member, accepted that. In the light of that, Ross Finnie should accept the Labour amendment today.

Ross Finnie: I do not mind entirely accurate recollections but, with all due respect, that intervention was not entirely accurate. I do not think that the then Scottish Executive was at all happy about the situation. To be absolutely blunt, the Labour Government should not have been citing rules at us; it should have been gracious enough to change the rules and make them appropriate to the devolution settlement.

I share the view of the cabinet secretary. Last week, the Labour spokesmen were all in favour of recommendations 7 and 11 but, this week, they appear not to be so keen on them. We now have 23 lines of obfuscation in the Labour amendment—I would not be so ungracious as to suggest that it might have been drafted by Lord Foulkes—to explain why Labour no longer supports recommendations 7 and 11. That is important.

There is one issue about which I do not think that Labour has been entirely clear. The Labour amendment invites the Parliament to base discussions on a review of expenditure, among other things, on the Wanless report. I have read the Wanless report carefully. The report considers five main funding options, which it narrows down to three. The first is a partnership agreement whereby the provision of every single item of care is to be shared by the individual and the state; the second is the Scottish model of free personal care; and the third is a hybrid model that falls somewhere in between. It eventually comes up with one recommendation, which is the

partnership model. In other words, Wanless does not support free personal care for the individual.

One might have all sorts of doubts and reservations with regard to the present Government's capacity for entering into unseemly conflicts—I certainly hope that it will not do so on this issue—but I am not prepared to support an amendment that takes Wanless as its starting point. By doing so, it rejects the principle of free personal care for the elderly.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): That is a gross misinterpretation of the Wanless report, the point of which is the need for a broad and strategic review of the policy. Indeed, that is why the UK Government accepted it. We do not support in any way the abolition of free personal care in Scotland, but we are not prepared to accept an approach that will simply lead us into disputes. Ross Finnie has not got this correct.

Ross Finnie: Ross Finnie might not have got it correct, but he knows that after setting out three possible models, including free personal care for the elderly and a partnership model, Wanless rejects the free personal care model.

In recommendation 11, Sutherland makes clear the importance of reviewing the wider issues. However, he does not suggest that, in taking a wider view of all aspects of longer-term care, one should deviate from the fundamental principle of free personal care for the elderly. That is fundamental to the issue. Having read the Wanless report, I think that Labour members will have to explain to me why it rejects free personal care and recommends the partnership model.

The Liberal Democrats support the Tory amendment. Given that the Government is seeking to clarify uncertainty and that there will be clear knowledge of what will happen, it cannot be right for councils to continue to defy the will of Parliament and, more important, to deny individual citizens the right to free personal and nursing care. Those councils should hang their heads in shame.

We welcome the additional £40 million. I am grateful that the cabinet secretary has conceded our amendment, which will ensure that the sources of that funding are much more transparent.

We support the principle of free personal care for the elderly. We—along with the Government and everyone else who accepts recommendation 11 in the Sutherland report—accept the need for a wider and more holistic review. However, we must not be boxed into an approach based on the Wanless review, which reflected—quite properly and, in some ways, very adequately—the very different conditions in England. It is not a question of a battle between Scotland and England; Wanless simply took a different perspective on the

issue and reached a different conclusion on the provision of such care. The fact that Wanless rejected the provision of free nursing and personal care seems to us a fundamental issue and is the reason why we reject the Labour amendment. We support the other amendment and, of course, the motion.

I move amendment S3M-1902.2, to insert after “additional funding”:

“the source of which will be identified in next year's budget”.

15:33

Christine Grahame (South of Scotland) (SNP): I congratulate Ross Finnie on his thorough and logical analysis of the issue and support the Liberal Democrat amendment. As those who recall my question to the cabinet secretary when she made her statement will not be surprised to learn, I am also very sympathetic to the Conservative amendment, especially given that one of the eight offending councils—Scottish Borders Council—is in my own patch. However, I do not wish to make a party-political issue out of this, because the council administrations that are still charging for food preparation are of various political hues.

As soon as the cabinet secretary made her statement on receipt of Lord Sutherland's report, I gave Scottish Borders Council the opportunity to remedy the situation and to stop charging for food preparation. I have tried to contact the council again on the matter; unless its silence is an indication that the situation has changed, it remains one of the offending eight councils. That said, I am concerned that if repayments for all moneys so levied were to be recouped immediately, councils would raid other coffers, given that their funding settlement has already been set.

The fact is that, if 24 councils are not charging for food preparation, someone must be in the wrong. In 2006, when the previous Health Committee was conducting its free personal care inquiry, half of the councils in Scotland were levying this charge. Since the committee's report, that number has fallen and we are now left with the penny-pinching and recalcitrant councils that I have mentioned. Those councils are dancing on the head of a pin and are not acting in the spirit of the legislation. The explanation that was put forward to the Health Committee was that

“There is a difference between the preparation of food and assistance with eating food. If we aggregate the preparation, it becomes a volume of work that has cost implications.”—[*Official Report, Health Committee*, 7 February 2006; c 2553.]

It was always about trying to cut costs. However, the guidance at that time, before the review, referred to

"Assistance with eating and assistance with special diets. Assistance to manage different types of meal services. Assistance with preparation of food."

That was all to come under free personal and nursing care. It is as plain as a pikestaff.

As for back-payments, it might be useful for those who are affected in the Borders and elsewhere to consider taking legal action through, say, a man or woman of straw. If that is successful, reimbursement might be payable through the councils' insurance cover, thus protecting public funds. That is just a thought.

I point out to Ms Curran that the level of payment for free personal care was not raised until this Government came to power.

On the Labour Party's amendment, I object to Margaret Curran saying that the Scottish National Party's tone is wrong—I read in the papers that she accuses us of "narrow-minded disputes". I find Labour's turnaround to be depressing but predictable. I feel sorry for the Labour Party in Scotland because it is not free; every time it tries to break free, it is pulled back. Margaret Curran stated in *The Courier* on 28 April that the Sutherland report

"raises vital issues for the future of free personal and nursing care for the elderly in Scotland. Labour fully accepts the conclusions of the report and its recommendations."

Her statement that

"Labour fully accepts the conclusions of the report and its recommendations"

was repeated in *The Herald* on 29 April.

So what was one of the recommendations? Recommendation 7 states:

"The UK Government should not have withdrawn the Attendance Allowance funding in respect of self-funding clients in care homes, currently amounting to £30 million a year. That funding should be reinstated in the short-term while longer-term work to re-assess funding streams takes place."

The cabinet secretary referred to that. Forgive me but, to me, that is plain English and in any court of law it would be case proved.

Margaret Curran: Christine Grahame must appreciate the argument that I am making today. I am not saying that the attendance allowance issue should not be addressed. My issue with the SNP is how it is being addressed. The most recent development—I have to make this point to Ross Finnie while I have the floor—

Christine Grahame rose—

Margaret Curran: With the greatest respect, Christine Grahame mentioned my name several times and I think that I have the right to respond. The point that is being made is that the attendance

allowance issue is specifically highlighted in the review that has been conducted, and Lord Sutherland said that that is the proper context in which to take forward the debate. That is the way in which the debate should be taken forward—it should not be taken forward in the way that Christine Grahame suggests.

Christine Grahame: I am sorry, but I can only repeat the words that Ms Curran said Labour endorses:

"That funding should be reinstated in the short-term while longer-term work to re-assess funding streams takes place."

I am no spin doctor. That is what the words say. Labour has had to come back from that position for a whole load of reasons, which we could waste time discussing, but the people to whom this matters are elderly people in Scotland. Until Margaret Curran came out with her recent comments in the papers, everyone in the chamber thought that we had agreed on the issue. It is important because the funding amounts to £30 million and there is a £40 million shortfall. Scotland's old people want that £30 million now to help to fill that shortfall.

We have had problems throughout the debate on free personal care with the Labour position in the chamber—although not with the whole of the Labour Party, because the back benchers had difficulties with the position. In the debate in 2000, Iain Gray talked about targeting. I remember him saying that we must target payments

"since seven in 10 of those in long term care are already fully funded".—[*Official Report*, 28 September 2000; c 743.]

He left three out of 10 to pay for themselves. We had a long way to go and it was the Liberal Democrats—give them credit—who pushed free personal care through while they were in coalition with the Labour Party. That is the truth. I was here and I know that it is the truth.

Malcolm Chisholm who, unfortunately, is no longer in the chamber, made heroic efforts to claw back attendance allowance.

The Deputy Presiding Officer: You must finish now, Ms Grahame.

Christine Grahame: I would like to finish my point, as I took an intervention.

As has been reported and stated in the chamber, in a written answer in July 2003 Tom McCabe said:

"the Scottish Executive explored the issue of eligibility for attendance allowance thoroughly with the UK Government. As a result the Scottish Executive set free personal care payments for those in care homes at a level which allowed for the withdrawal of attendance allowance".—[*Official Report, Written Answers*, 17 July 2003; S2W-1187.]

It was built in that we would never get attendance allowance.

15:40

Irene Oldfather (Cunninghame South) (Lab): I hope that I can bring the debate back to the issue of treating old people with dignity, fairness and equity in the system. I make no apology for saying that today I want to consider what the policy delivers, especially for people with Alzheimer's and dementia, and how we can make it deliver better on the ground and across the sector.

To that end, I welcome Lord Sutherland's recommendation on entitlement. When we last debated the matter, in October last year, both David McLetchie and I pointed out—it is worrying that we were in agreement—that too many people who qualify for assistance are being short-changed in the implementation of the policy. Too many people who have been assessed as requiring care do not fully understand their entitlement. They do not complain when the service falls short because they think that they are getting it for free. The recommendation on entitlement is crucial and is a real step forward.

I ask the Government when it makes recommendations to clarify the policy and the issue of entitlement to ensure that old people understand it, which is vital. People with dementia, in particular, must have information presented to them in an easy-to-understand format. At the moment, they are presented with contracts and there are folders in their rooms. We need a piece of card that says not just how many hours of care the person will receive, but at what time they can expect their carer to arrive and leave, what tasks the carer will undertake while they are there, who the carer delivering the care will be—a named person—and what they should do if the carer does not turn up. That is not rocket science but, unfortunately, it is not happening. The people who are listening to today's debate want such points to be made; I hope that I can make them. If we ensure that information is presented to old people in a form that they can understand, we will empower them and lessen the opportunities that seem to exist in the present system for agencies and other people to make profit from it and to shave time off old people's care services.

Young people with dementia have the same complex range of needs as older people with dementia but do not qualify for free personal care. That issue has been raised by health committees of the Parliament for some time. Given that the Cabinet Secretary for Health and Wellbeing intends to examine eligibility criteria, I ask that consideration be given to that vulnerable group.

I turn to the quality of the service and how we can empower service users to examine it. In the

previous debate on free personal care, I said that good regulation and audit were paramount. I welcome the progress that the Scottish Commission for the Regulation of Care is making on improving inspection reports for care homes, but information must be made more widely available to families, so that there is an in-built audit by service users of what they can expect from free personal care. Unfortunately, at present, the balance of power rests too often with the providers, and families are unwilling to complain.

When complaints to the care commission about standards are upheld, there must be thorough reporting, so that there is greater accountability in the system. A contrast may be drawn with the education system. Her Majesty's Inspectorate of Education reports are circulated to councillors, members of the Scottish Parliament, members of Parliament, local newspapers and sundry others, and there is regular reporting in the local media on good practice and areas requiring development. Unfortunately, there seems to be one standard for the rest of society and another for old people. I ask that consideration be given to providing information to service users. By giving them information, we will empower them.

I think back to the drive that we undertook 15 to 20 years ago to rehabilitate people who had lived in large-scale psychiatric hospitals by placing them in smaller homes and in the community. If we contrast that situation with the present one, in which the size and scale of many new care homes that are being built is such that some of them will house as many as 200 old people, we must ask whether private profit is being put before old people's care. If we believe that such an approach is not beneficial for people who have special needs or those who have a mental illness, why is it okay for our elderly people and those who have dementia to be housed in such conditions?

Most elderly people want to stay at home but, for those for whom that is not possible, how much better would a core and cluster system be? Such a system would have at its core services such as physiotherapy, hydrotherapy, occupational therapy and food provision, and three or four elderly people would live in houses clustered around that provision, thereby allowing greater social interaction and much more one-to-one care.

The need to revisit the framework of free personal care and how it is delivered gives us an opportunity to be bold in our approach and to enshrine the rights of our frail elderly in legislation. It is a sad fact that some of the things that they tolerate would not be tolerated by any other group in society. It is time for that to change, and I hope that we in the Scottish Parliament will not allow politics to be a barrier to change but will ensure that it is a catalyst for change. Our old people deserve no less than that.

15:47

David McLetchie (Edinburgh Pentlands)
(Con): I will focus my remarks on the issue of the legality of charges for assistance with meal preparation, which is highlighted in our amendment.

It is claimed that the legislation requires clarification and, in her statement to Parliament last week, the cabinet secretary said that the present Government would introduce such legislation. However, there is nothing confusing about the legislation. The Community Care and Health (Scotland) Act 2002 states that local authorities may not charge for

"care of a kind for the time being mentioned in schedule 1 to this Act".

If we refer to schedule 1 to the act, we find that paragraph 2 mentions

"As regards the person's eating requirements—

(a) assisting with the preparation of food;

(b) assisting in the fulfilment of special dietary needs."

In short, not only are those services free but entitlement is to be determined on a free-standing basis and is not to be linked to the provision of any other personal care service such as washing or dressing.

We know that the act is clear cut in that respect, because that is exactly what certain local authorities have been told when they have taken counsel's opinion. For example, the opinion that the City of Edinburgh Council obtained concludes:

"The Council may charge for: shopping, providing food and providing frozen meals"

but

"cannot charge for: chopping up meat or vegetables, mixing ingredients, cooking, reheating frozen meals, putting food on a plate, cutting up food so that it can be eaten, pureeing food, feeding and other assistance with eating, assistance with special diets and prompting to remember to eat."

The source of the confusion that has reigned is the so-called guidance on the subject that the Scottish Executive issued, which was a true master-class in obfuscation and ambiguity. It was riddled with double negatives and entirely lacked the straightforward and simple clarity of the legal opinion from which I have just quoted. That is a disgraceful state of affairs, given that the act has been in effect for nearly six years, during which time many thousands of people have been illegally charged for such services.

Thirteen councils never charged for assistance with food preparation—good for them—and 11 councils did so initially but no longer do so in the light of legal advice that they have received. As Christine Grahame and Ross Finnie pointed out in their excellent speeches, eight councils still charge

for such services. They are identified in the Audit Scotland report. This is the roll of shame: Argyll and Bute, Dundee, Glasgow, North Lanarkshire, Orkney, Renfrewshire, Scottish Borders and Stirling. Together, those eight councils cover nearly a third of the population of Scotland. I do not think that it is right that older people living in those areas should be the victims of a postcode lottery in the application and implementation of a policy that is meant to be of universal benefit throughout Scotland.

The Cabinet Secretary for Health and Wellbeing says that she will legislate against such charges but, as we know, that is at least a year away if not longer. In the meantime, older people in those eight areas continue to receive bills. I believe that that is wrong and that the eight councils concerned should stop the practice forthwith.

It is all very well for the cabinet secretary to say that we should have a vigorous discussion with Westminster about lost attendance allowance moneys, but the loss of attendance allowance was compensated for when the level of care payments to care homes was set by the Scottish Executive. In other words, the older people concerned did not lose out as a result.

However, the situation with meal preparation charges is quite the opposite. People are losing out, the bills are mounting up and the time to take action is now, not months or years down the line. Stopping charges that are still being levied is only one part of our amendment. The legal opinion that was taken by the City of Edinburgh Council concludes:

"Although the Council acted in good faith, charges levied have been ultra vires. People who were illegally charged have a claim for repayment on the grounds that an unlawful charge falls to be reversed".

On the basis of that advice, and with the support of all parties within it, the council agreed to refund those who had been wrongly charged and paid out a total of £1.064 million to 600 people, which is an average refund of nearly £1,800 per person. We have already had the roll of shame. The City of Edinburgh Council is on the roll of honour, along with West Lothian, Clackmannanshire, Western Isles, Angus and—let us not forget—Dumfries and Galloway, which has authorised a refund programme estimated at £1.5 million. Those authorities acted on the basis of legal advice, and they did the right thing by their citizens. They should be commended for doing so. They should not be placed in a position of comparative disadvantage to those councils that are still charging illegally.

One of the strongest arguments that the original royal commission chaired by Lord Sutherland set out in favour of the introduction of free personal care related to equity among people. It was never

the intention of the Parliament for there to be such wide variations in the implementation of the policy across Scotland. Although the previous Scottish Executive is far from blameless in its handling of the matter, it is regrettable that the present Government sees no degree of urgency in resolving it and apparently does not recognise the inequities that are involved in continuing to charge and failing to refund.

Although it is undoubtedly driven by cash considerations, the attitude of COSLA also deserves some criticism. COSLA knew perfectly well that member councils had clear legal advice stating that the charges were wrong, but it chose to run for cover and hide behind the smokescreen of discussions with ministers. It is up to us to blow that smokescreen away, and it is up to the Parliament to state clearly and unequivocally today that all our older people should be treated on a fair and equal basis across our country, and that this wrong should be righted, and righted right now.

15:54

Alison McInnes (North East Scotland) (LD):

The debate allows us to look forward and consider how to improve the policy of free personal care and the manner in which it is implemented. We must take care, however, not to lose sight of the great many benefits that the policy has brought to individuals throughout Scotland. It represents a major social reform, in which Parliament can take justifiable pride. The significant increase in the number of elderly people who are enjoying extended years in their own homes is something to be celebrated.

Liberal Democrats welcome the fact that the cabinet secretary has moved swiftly to accept in full the recommendations that were offered by Lord Sutherland, and I reiterate our commitment to work constructively with the Government to address the issues that Lord Sutherland raises. Although no time should be wasted in taking the shorter-term steps that the review identifies, it is vital that we simultaneously give appropriate attention and thought to the longer-term challenges that Lord Sutherland has laid out. In particular, a compelling case is made for future demand to be reviewed and remodelled regularly so that it can be accurately reflected in future local government finance settlements. A degree of uncertainty is currently associated with the projected costs of the policy, which clearly makes capacity planning difficult. I ask the minister to say in her closing speech how regularly the Government intends to review and remodel demand.

More important still is the last of Lord Sutherland's recommendations, in which he

speaks of the need to establish a long-term vision for dealing with the challenge of demographic change. Some members will feel that challenge to be more urgent than others do, but there is undoubtedly a broad consensus on the need for such a vision. Pensions, housing and transport are but a few of the issues that must be considered as part of an integrated and comprehensive approach to changing demography. Will the minister assure me that the Government will seek to involve all interested parties and relevant stakeholders in producing a long-term vision?

During last week's statement, my colleague Jamie Stone made the point that different parts of Scotland face different demographic pressures and that it is vital that such differences are taken into account as free personal care and its funding are reviewed. Divergences of that kind must also feature in deliberations over how best to respond to the broader questions that are posed by demographic changes in Scotland. Liberal Democrats will ensure that that is the case.

I thank Help the Aged for its briefing for the debate and will refer to a couple of points that it raises. It is clear that many older people, their carers and their relatives are confused about the policy and what it covers. I agree with Help the Aged that much more needs to be done to ensure that older people have access to clear and transparent information about the policy, the process and their entitlement. I urge the Government and councils to work together to ensure that clear and consistent information is available in the future.

Mary Scanlon touched on the provision of nail trimming through free personal care. Help the Aged has carried out research into that. I understand that nail trimming is specifically mentioned in the legislation and that the minister recently confirmed that. Therefore, it was disappointing to discover the variation in provision of that small but valuable aspect of personal care. Older people should not have to turn to expensive private podiatry services to have their toenails cut, nor is it appropriate for the NHS and councils to wrangle over who is responsible for it. I ask the cabinet secretary to undertake to write to all councils on that matter.

The review of free personal care by Lord Sutherland provides a clear route forward for building on the benefits and successes of the policy while seeking to ensure that it serves, as fully as possible, the purposes for which it was designed—purposes that continue to enjoy the support of all members. Nevertheless, that way forward must be built on firm financial foundations, which is why I support vigorous efforts to recover funding that is due to Scotland. The UK Government was wrong to withhold the

attendance allowance. It is surely time for UK ministers to acknowledge that and pay up.

15:58

Angela Constance (Livingston) (SNP): Notwithstanding the health inequalities that continue to blight our nation, it is to be celebrated that more of us are living longer and, in general, enjoying better quality of life than our forebears. I am reliably informed by Christine Grahame that 60 is now the new 40 and 70 is now the new 50. The increasing number and proportion of over-65s and over-90s will, indeed, provide challenges for government at all levels, but we must remember that some good news is at the crux of the challenge and we must desist from framing discussions about older people and the challenges for public policy and the public purse in pejorative terms.

That is why I welcome Lord Sutherland's independent review. In dealing with the here and now, he looks to the future and provides a framework to work towards improving the lives of those we refer to as older people. However, the hard facts of life are that old age will come to us all and the vision that we now have for older people is, in fact, a vision for ourselves. For me and many of my constituents it is, as Lord Sutherland says,

"the right service at the right time and in the right place"

with the aspiration of staying in our own homes for as long as possible. If that is not possible I—like Irene Oldfather—want to stay somewhere that provides appropriate care and replicates home.

Free personal and nursing care is frequently described as a flagship policy of the Scottish Parliament. It has been noted on many occasions that the policy is admired and at times envied in other parts of the United Kingdom and the world. The work that was undertaken by Lord Sutherland is on a par with the work that was undertaken in the late 1960s by the Kilbrandon commission, which established the children's hearings system. That system has, by and large, stood the test of time and is still with us today. Lord Sutherland has indicated that free personal and nursing care is affordable, so we can be confident that that policy, too, will stand the test of time. Like the children's hearings system, it is an example of how we can do things differently in Scotland to reflect the core values that we have as a nation, which cut across the political divide.

As we know, the *raison d'être* of free personal and nursing care were equity and the principle of free care based on need. Frankly, it is therefore outrageous and despicable that Westminster continues to deny the people of Scotland £30 million per annum in attendance allowance payments. The cabinet secretary is being more

than reasonable—some of us might urge her to look for payments in arrears. Since the introduction of free personal care, this country has lost about £150 million.

George Foulkes: Will the member give way?

Angela Constance: I will give way to Lord Foulkes as long as he does not ask about the Barnett formula.

George Foulkes: I am grateful to Angela Constance because, as she pointed out the other day, her election is the reason why I am here. She is a tactful and approachable person, so does she not agree that the best way in which to achieve what she wants is not to say, "Restore the attendance allowance payments," because it would entirely disrupt the social security system in Britain and the reply would be no? The same result could be achieved through the block grant—that is the way of getting something. Is it not better to try to negotiate than to beat one's head against a brick wall?

Angela Constance: I thank Lord George Foulkes for reminding my colleagues that I have a lot to answer for.

With the SNP Government, we have seen a breath of fresh air. The Government has accepted a good report in its entirety. In the short-term recommendations in the independent review, recommendation 7 states:

"The UK Government should not have withdrawn the Attendance Allowance funding".

It is appropriate that the cabinet secretary wants to deal with the shorter-term issues now and then move on to look to the future.

The SNP Government has put its money where its mouth is: it is meeting the £40 million annual shortfall. For the first time, it has increased free personal and nursing care payments to older people in care homes and it is looking to the future to end the postcode lottery on food preparation. I am pleased that David McLetchie accepts that West Lothian Council is on the roll of honour.

The free personal and nursing care policy was and is a national expression of how we want to care for and support older people. It is despicable that the Westminster Government continues to try to thwart our collective aspirations by denying £30 million a year in attendance allowance. The debate is an opportunity for Parliament to unite and to put our case with one voice and with fervour for what at the end of the day is ours by right. To put it simply and crudely it is, after all, our own money that we are talking about.

16:04

Duncan McNeil (Greenock and Inverclyde) (Lab): It is unsurprising that the debate has

focused mainly on the fight over the £30 million of attendance allowance money, which will not in itself make our ambitions for our elderly people sustainable, although there is no doubt that it would plug a gap. However, I am glad that some members have cut through that to discuss our policy, born in the Scottish Parliament, for free personal care for the elderly in Scotland. We knew the consequences of adopting that policy, and we had debates about its sustainability.

The Parliament's health committees have been referred to. I was a member of the Health Committee away back in 2006. In that committee's reports, there was some good reading for the then Executive. We were satisfied with policy decisions and with their implementation. We acknowledged that the policy, born of this Parliament, provided greater security and dignity to many elderly people. Not only did it allow people to be looked after in a residential environment, it allowed more people to be looked after in their own homes. The policy gave great support to carers, and it reduced problems of delayed discharge.

However, not everything in the Health Committee's reports made for pleasant reading for the Executive. The committee included members of all parties: it was led by Roseanna Cunningham and Shona Robison served her time there, as well. There was also an independent member. However, committee members came to a unanimous view. I do not know whether we will ever achieve that under the present Administration; I do not know whether SNP back benchers will be as questioning of their own Government as the members of that committee were of the then Executive.

We raised significant questions in 2006, many of which have been debated in this chamber. They concerned the funding formula, delivery of services, food preparation and feeding, and raising standards of quality. However, I would like to focus on some other areas. Shona Robison expressed real concerns about the funding formula that was put in place by the then Scottish Executive and which is now being used by the Scottish Government. As I do, Shona Robison represents an area that has a declining population. As a consequence of that decline, the number of elderly people left in such communities is disproportionately high. That issue has to be focused on.

We do not need to have a fight with London, or to have a big argument to resolve problems. We can decide for ourselves that the funding formula is unfair to areas that have declining populations and increasing numbers of elderly people who are seeking care.

I will use my constituency as an illustration. In Inverclyde, the proportion of people who are older

than 65 is increasing. In 2004, it was estimated that nearly 14,000 people were aged 65 or over—17 per cent of the total population. The number of people aged 65 or over is expected to increase by approximately 25 per cent to 17,000. As the proportion of people aged 65 or over increases, the requirement for care home places and care-at-home services will obviously increase, too. Over the next four years, the number of people aged 65 or over is projected to increase by almost a third. That increase in the number of older people is coupled with a decline in the number of younger people. Those changes magnify problems in the size of the local pool of labour that can look after older people, and in the size of the local pool of younger informal carers. In my community, the carers of people who are very elderly—the over 80s—are now reaching ages at which they themselves need to be looked after.

We are not talking about a problem that is far away; it is right on our doorstep and it affects several communities. I received a very constructive response from the Cabinet Secretary for Finance and Sustainable Growth earlier today, when he assured me that he would consider all these issues and would ensure that we do not simply provide a blanket solution across Scotland, but take account of the fact that some communities face a disproportionate impact in looking after their elderly people. Those communities suffer from significant underfunding at present. I ask the ministers and cabinet secretary in the health portfolio to give a similar commitment to recognise that certain communities have significant and serious problems and to address those communities' needs as soon as possible.

16:10

Michael Matheson (Falkirk West) (SNP): Duncan McNeil reminisced in his speech about his time on the then Health Committee, and about how Labour back benchers on the committee were prepared to ask ministers difficult questions when they came before the committee. Well, as one of the SNP back-bench members of the current Health and Sport Committee, I reassure Duncan McNeil that SNP members on the committee are prepared to ask difficult questions, as I am sure the cabinet secretary and the minister will recognise. Perhaps you should come along when you get the opportunity, so that we can show you how it should properly be done.

Duncan McNeil rose—

Michael Matheson: Would you like to come in? I will give way.

Duncan McNeil: I look forward to receiving the evidence of your scrutiny of your committees. I

hope that you do better than your colleagues in the Local Government and Communities Committee did because they failed that test.

The Deputy Presiding Officer (Alasdair Morgan): Perhaps a bit less of the second person from all members, thank you.

Michael Matheson: Well, Mr McNeil, you are welcome to come along and see how robust questioning should be done in an effective manner, which is certainly not your manner in committee, from what I have heard.

Like many others in this debate, I welcome the latest report from Lord Sutherland because it is clear that there is a range of problems around the free personal care policy. I believe that the recommendations collectively provide a package of measures that will ensure that we can resolve many of the problems that have been associated with the policy since its introduction.

I worked in care management for many years, assessing individuals who were going into long-term care or considering doing so, and my lack of enthusiasm for the financial assessments that went with the process was a constant bugbear to my team manager, particularly when I recognised that it was likely that a person would have to sell their home in order to pay for their care.

Mary Scanlon made a valid point about the need to review free personal care and its associated problems. There we see the sinner repenting, because it was the National Health Service and Community Care Act 1990, which her Government introduced, that resulted in the problem of people being forced to sell their homes to pay for their care.

I know that many of my colleagues who continue to work in care management welcomed the Scottish Parliament's decision to introduce free personal and nursing care because it removed at a stroke a massive layer of bureaucracy around financial assessments and all the rest, which cost the council tax payer a fortune and which was required to implement the policy that the previous Conservative Government had set up.

Many of the problems emanated from the failure of local authorities to have a standardised assessment and delivery process for care management. David McLetchie referred to the lack of clarity around the guidance that the previous Scottish Executive issued when free personal care was introduced, which allowed great variations in provision across the country. That said, there have always been great variations in how local authorities have delivered care. However, such variations should never have been allowed to happen with the national policy of free personal care. They happened because there was at the start a systemic failure to address particular issues

around guidance, which resulted in many elderly people being illegally charged for services for which they should never have been charged.

Irene Oldfather made a worthy contribution to the debate, referring particularly to the need to ensure that we implement effectively recommendation 3, for a standardised assessment and delivery process, the lack of which Lord Sutherland sees as being one of the root problems.

If we are to address overall inequalities in care, we must recognise the funding implications of free personal care. David McLetchie referred to the original royal commission under Lord Sutherland. That royal commission placed a big emphasis on equity in treatment of elderly people. However, it is also worth keeping it in mind that Tony Blair's placeperson on that royal commission, Lord Lipsey, issued a minority report that opposed many of the recommendations in the commission's report, which he said were not sustainable and did not represent the right way to go. That sentiment is the reason why Westminster decided to withdraw the attendance allowance funding of some £30 million. It did not want to go in that direction and so wanted to penalise the Scottish Parliament and the Scottish Executive, as it was at that time, for that policy.

The Labour members who were members of the Scottish Parliament at the time will recall that there was a considerable degree of reluctance on the Labour benches to go ahead with the recommendations in the royal commission's report. To their credit, it was the Liberal Democrat members of the Scottish Executive who forced the issue, along with the Tories and the SNP, all of whom supported the findings of the royal commission and were going to force the issue through Parliament. When Henry McLeish realised that he was on the losing side, he capitulated to Parliament's view.

We will take no lectures from the Labour Party, which kids on that it delivered the policy. It has actually created quite a few of the problems that are associated with it, both because of how it implemented the policy in Scotland and because it has deprived Scotland of £30 million to which the Scottish people are entitled.

16:16

Helen Eadie (Dunfermline East) (Lab): I refer members to my entry in the register of members' interests.

The policy of free personal care, which was introduced in Scotland by a Labour-led Government, was visionary, courageous and ambitious. We must be just as visionary, courageous and ambitious about safeguarding the

policy and making it work. I have to say to Michael Matheson that it was Henry McLeish who projected the idea at the very beginning, and that he led with the idea for the whole time he was in Cabinet and was leader of the Labour-led coalition.

Michael Matheson: Will the member give way?

Helen Eadie: No, I will not; I have hardly got into my speech.

The need for equity was, of course, at the heart of the decision to introduce free personal and nursing care. The Sutherland report acknowledged that the free personal care policy was fully funded until the end of 2005-06, and that the current shortfall is down to greater-than-expected demand due to demographic reasons.

The issue of demand-led funding is a major concern for any Government, but it is particularly so for the new SNP Government because the policies that it is developing are all demand-led. At some stage, as those of us who have been in local government or the Scottish Parliament for a while will know, the chickens will come home to roost. Demand-led funding has inherent dangers.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Helen Eadie: In a moment.

Christine Grahame talked of "narrow-minded disputes". When we examine in detail what is happening in SNP and Liberal Democrat councils across Scotland, we can see the utter hypocrisy of the SNP. I will revisit that point later, with particular reference to one or two councils.

Lord Sutherland had an answer to the funding shortfall: reinstatement of the attendance allowance, which has not been paid to those who are in care homes since free personal care came into effect. He speaks of how that would work, although there are apparently other ways in which we can tackle the problem. There is, however, a serious drawback to his suggestion. The key objection is that the top-up is a short-term fix—*The Herald* said that earlier in April—and, as the review commission acknowledges, it would stabilise the policy only for the next five years, which is when the demographics would really begin to bite. Much more than £30 million will be needed then because the problem will be much more profound.

Ross Finnie did not take account of that vital point in his speech. However, we have to think about the big picture. I remember Lord Harry Ewing saying to me 20 years ago that, across Europe, demographics is the biggest issue that we have to face. Every policy that is dealt with by this Parliament will have to take that into account.

David McLetchie said all that I wanted to say, particularly in regard to meal charges. I agree with him that the cabinet secretary should require councils to take action now to ensure that funding comes into play. The SNP is letting down local authorities and pensioners in failing so far this year to plug any of the gaps in free personal care funding that Lord Sutherland highlighted, which is fundamental.

More urgently, ministers must take account of all the points that Help the Aged has made. I agree with Help the Aged that the consequences of the Macphail ruling in relation to self-funders' access to free personal and nursing care should be examined further. There are fears that that group of people will be put at the bottom of the waiting list because some people might argue that their needs are not being met.

I seek clarification on whether the waiting times targets will be considered as an option to deal with the delays between referral and assessment that were identified in the Scottish Parliament's Health Committee inquiry into care and the report on free personal care by Hexagon Research and Consulting. The public have high expectations from a much-trumpeted policy, leading to a greater demand and therefore to a much higher cost than had been envisaged. It is now clear that those costs will increase even further, with the number of very elderly people in the population now expected to be vastly more than was projected in 1999.

The Sutherland commission's recommendation that clients and carers should have a clear understanding of their entitlement and the minimum standard of service that they can expect was well covered by Irene Oldfather—I do not need to go further into it.

The key point is the hypocrisy of the SNP and the Liberal Democrats, which is evident in what is happening in Fife. When Fife Council was controlled by Labour, every year the social budget was overspent—to the tune of £6 million last year—yet Labour's team always put money back into balances at the end of each financial year. Last year, almost £3 million was placed in balances when Labour lost office.

I ask members to compare that to the accountancy approach of the SNP and Lib Dem-controlled council, under which frail elderly people now pay £7 for each shopping delivery when previously, under Labour, it was free. Each frail elderly person now pays £11 an hour for their care package when, under Labour, it was under £4 per week. A disabled person under the age of 65 is now not means-tested, but pays £11 per hour—again under Labour, that was £4 per week. Fife Council's new Liberal Democrat leadership needs to answer; and the SNP and the Liberal

Democrats need to get that council under control. Shame on you, Ross Finnie.

16:22

Aileen Campbell (South of Scotland) (SNP): I am pleased to participate in today's debate and am glad of the opportunity to join in discussions about a policy that parliamentarians who were here in 2002 are right to be proud of.

It was a landmark achievement to remove the costs and stress associated with growing old and infirm and requiring residential care or care in one's own home. It proved that the Parliament had come of age and that parties could work together for the benefit of the people and summon the gumption to travel a radically different route from that proposed and followed by Westminster. It showed that where consensus prevailed, the people benefited.

However, despite the policy being implemented with the very best of intentions, it has had its flaws, its unintended consequences and its critics. We have heard about the pressures that an ageing population will have on the policy; about food preparation problems from Christine Grahame; and concerns about nail trimming from Help the Aged. Perhaps Mary Scanlon will be pleased to learn that my sister is a podiatrist, so I understand how essential her skills are to the elderly population. That is why it is right that the SNP Government, sticking true to a manifesto commitment, commissioned an independent review of free personal care. I am heartened by the tone of Nicola Sturgeon's motion, which shows that the Government is reacting positively to the Sutherland report by accepting in full all its recommendations, and by her intention to work with COSLA to ensure openness and transparency on waiting times.

I thought that most of us in the chamber would want to echo the consensus of the past and would try to be as constructive as possible to ensure that this flagship policy does not wither on the vine, but flourishes as intended. I assumed that most members would welcome the Scottish Government's intention to pursue vigorously the attendance allowance that the UK Government so callously withdrew. It just goes to show that one should never assume anything, because it is clear from the Labour Party's amendment, which scrubs from the cabinet secretary's motion the bit that will allow her to pursue the attendance allowance, that the supposedly socialist Labour Party has performed yet another remarkable U-turn and does not want the Scottish Government to get that money back.

The Labour motion also appears to be mixing up Wanless reports—I think that the one cited in the

motion was done not for the Government but for the health charity, the King's Fund. I share Ross Finnie's concerns about that review.

As we have heard, Lord Sutherland's review categorically states:

"The Review Group considers that the Care Development Group was right to view Attendance Allowance in care homes as a UK contribution towards personal care costs."

It also says that the Scottish Government should

"In the short-term seek the reinstatement of the £30 million in Attendance Allowance withdrawn to those in care homes at the time of introduction of the FPNC policy in Scotland and for those arrangements to stand until the wider assessment of funding streams for long-term care at a UK level ... can be made."

If we have a £40 million shortfall and we are due £30 million, we should ask for it. That sounds like a sensible plan of action. Just because the Scottish Government is going to engage in dialogue to get the money back does not mean that it cannot work constructively with the UK Government on a longer-term review of care provision and benefits.

Margaret Curran, in her amendment, fails to see that point. Alex Salmond cited in his statement to Parliament yesterday examples of when the Scottish and UK Governments have worked together and when the Scottish Government has shown itself ready to co-operate with Westminster to meet the challenges that the countries face. The issues about free personal and nursing care, attendance allowance and wider long-term reform should be no different. Henry McLeish recently said, in an interview on "Good Morning Scotland", that parliamentarians should be putting petty, party-political squabbling to the side, that this was not a petty discussion about a small amount of finance and that every political party in Scotland should be supporting the move. I agree with him whole-heartedly on that.

The new politics currently enjoyed in Scotland should be about doing what is right, not what political masters in London say should be done. The people of Scotland voted for a devolved Government that has responsibility for and a duty of care to its people. The people of Scotland want their representatives to stand up for what is right and, as Christine Grahame said, not to continue to have their policies constrained by what goes on in London. That is exactly what the Sutherland review wants the Scottish Government to do. It has identified a legitimate flaw in the policy of the Department for Work and Pensions to keep the money and it has suggested that the Scottish Government ask for it back. It is simple, it is supported in the briefing supplied by Help the Aged and it is something that each party—I thought—supported.

Throughout my first year in the Parliament, I have heard accusation after accusation that the Scottish National Party does not care for the most vulnerable in society. The elderly are one of our most vulnerable groups; they are due our care and their dignity must be maintained. The SNP is clear that, by implementing Sutherland's recommendations and, importantly, by getting back Scotland's money to help implement free personal care properly, it will do its utmost for that group. It is also showing the people of Scotland that it is willing to stand up for our country and not shy away when Scotland's interests are jeopardised.

It is depressing that some have decided to break the consensus in the Parliament, to ignore a key recommendation of the Sutherland report and to question the Government's motives in standing up for this country. The debate need not have descended into the partisan bickering that Henry McLeish warned against; it could have been much more. I hope that the Labour Party amendment falls tonight and I am confident that the cabinet secretary and her team will do their best to secure our attendance allowance. I know that those who should be in receipt of it will be grateful for their efforts.

There is a real chance to make this flagship policy work and I look forward to the updates that I am sure the Government will provide as it seeks to make free personal care for the elderly a policy for us to be proud of.

16:28

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I have listened to the debate with the greatest of interest and I agree that it is relevant to us all. I am proud of my party's role in bringing about the policy in the first place. It was groundbreaking stuff at the time of its introduction and, as Lord Sutherland said, by and large it is working well.

My first point is about the title of the report: "Independent Review of Free Personal and Nursing Care in Scotland". Lord Sutherland is no shrinking violet or lickspittle of any political party. A great deal of thought and effort has been put into the independent review and members should therefore treat its recommendations with the utmost seriousness. That is the premise from which I start. I will comment briefly on some of the contributions made so far.

The cabinet secretary went straight to the core of the problem, which is, as we know, the attendance allowance. I will disappoint some of my friends in the Labour Party by saying that I stand full square with my colleague Mr Ross Finnie on that. I do not automatically do so, but I do on this occasion.

Margaret Curran: Jamie Stone's premise is ours, but the attendance allowance is not the core of the problem. The wider issues that elderly people face should be at the core of our focus, rather than the way in which the Government has presented the debate.

Jamie Stone: I do not think that the attendance allowance is the core of the problem either, but it is mentioned in Lord Sutherland's 12 recommendations, each of which is important. We should not look upon his recommendations lightly.

Margaret Curran made good points in her speech. She said that the free personal care policy was groundbreaking and drew our attention at an early stage to demographic change, which I will come to later.

Mary Scanlon, in trusty form, pursued issues that she has been steady on over the years, such as higher funding for council-run homes and the selling of homes to pay for care. She made her points eloquently.

My colleague Ross Finnie outlined my party's position on free personal care. As I said, I stand with him.

Irene Oldfather made a thoughtful speech—surely every member recognises that—which I compliment her on. She went to the heart of things, which is that what really matters out there are the old people who use the services. Her point about people being advised what to do if a carer does not turn up cut straight to the core of where we are. What do people do? It is a big worry. I am sure that all members visit old people and that we all know that wee things that may not seem too big to us are mighty big in their minds. I say well done to Irene Oldfather.

David McLetchie made a full and excellent speech in which he took us through the issue of charging for preparing meals. Shame on the eight councils that are still charging, as he said. I hope that the way in which he and members of all parties have highlighted that issue today will start to move those councils away from what they are doing. They know that the cabinet secretary has the stick of legislation in her back pocket and that that stick can be used when necessary. We shall consider that over the summer. In the meantime, I hope that the councils in question will abandon such a foolhardy and straightforwardly cruel policy.

I turn to two issues that are important to me, one of which Alison McInnes, who is no longer in the chamber, has already hinted at. We must consider how demographic change touches on Government departments. She specifically mentioned housing and pensions. I am sure that we can rely on the cabinet secretary and her colleagues to take a holistic approach. Alison McInnes also mentioned that I talked last week about different rates of

demographic change in Scotland. I will not go back over that issue, as I raised it last week. However, for the record, as everyone knows, there are severe problems in parts of my constituency.

That takes me to the second and final issue that I want to deal with. We shall find out what happens at decision time, but in whatever way we progress from such an excellent report, there will be issues that undermine our best intentions. I will give one small example from Lochinver, which is in the west of my constituency. There is a very small respite care home for the elderly there called the Assynt centre. Until perhaps a year ago—I am not sure of the dates—that centre offered respite care or residency for seven days a week but, for reasons that I do not know, the previous Highland Council decided to cut the services that were offered so that they were offered on five days, with perhaps six weekends when people could stay. If one talks to local people in Lochinver, one will find that that place could be filled right now.

The bottom line is that, despite the best intentions behind the free personal and nursing care policy, old people from Lochinver on the west coast must go all the way to Migdale on the east coast for their respite or residency. There is something wrong if people in their declining years cannot be among the beloved hills and straths from where they come. I will not be so glib as to say that that has been a shocking SNP mistake, but there is a problem and I do not know why it is a problem. I would be grateful if the cabinet secretary could meet me to discuss it at some time, although not today. It is not a big problem in the scheme of things, but it makes a big difference to old people in my constituency and is undermining the good intentions that lie behind the Sutherland report and all that will follow from it.

16:35

Jackson Carlaw (West of Scotland) (Con): I apologise to colleagues for a lack in my usual preparation for the debate. I have been preoccupied today with a family health matter that, if I were to indulge in a bit of black humour, would perhaps require me to declare a personal interest in the matters in hand.

The debate has been well informed and sometimes cantankerous, the latest in a long series of debates concerning the matter of which the Parliament is perhaps most proud—the achievement, supported by all parties, of decisive action in the interests of Scotland's elderly through the introduction of free nursing and personal care. I recognise that no one party has ownership of the issue, as all parties supported it; therefore, seeking to use it to embarrass any party would be, however tempting, something of a cheap stunt. I thought that Michael Matheson's speech was particularly sour in that regard.

Yes, the Sutherland review has arrived at trenchant conclusions, but the appropriate response from all of us—given that the conclusions have been generally welcomed and accepted on all sides—is to act to ensure that further progress is made in support of those who are in need. As Mary Scanlon said, and as the Labour amendment states, we should enter into discussions with Westminster in a mature and dignified way. We support the Government in its efforts to secure the £30 million that has been withheld and we hope that it proceeds in a manner that ensures a successful outcome.

Certainly, I believe that the Government has grounds for optimism. After all, if £2.7 billion can be found at the drop of a hat in a fruitless effort to salvage the reputation of the Prime Minister ahead of Labour's expected defeat by the Conservatives in a Westminster by-election for the first time in 26 years, it ought to be possible, without visiting a by-election on Labour members in Scotland, for £30 million—which is trivial by comparison—to be found by the Treasury to meet Lord Sutherland's judgment. Lord Sutherland states that the money should be reinstated in the short term, which implies a sense of urgency, while accepting the need for larger work to proceed in reassessing the funding streams, which speaks to the Labour amendment.

I turn to some of the issues that have been raised by members during the debate. Mary Scanlon returned to the subject of integrated care homes and made the point that she has made before. David McLetchie spoke at length on the subject of our amendment, just as he did in response to the statement last week. I am sure that he will be invigorated by Helen Eadie's endorsement this afternoon. It is a matter on which he has led in recent times and we make no apology for our demand today that those eight councils that continue to charge should take the intentions of the Government—expressed last week and again today—as the signal to stop doing so now, ahead of any legislation, and to refund all those who have been harangued into paying, quite wrongly, for assistance with food preparation. I repeat David McLetchie's assertion that, although legislation may be required to clear up the confusion, it is not a confusion in law but a confusion that has been created by Scottish Executive contortions on the matter. Indeed, one wonders where an individual who specialises in such policy contortions might find employment today.

Ross Finnie hugely exaggerated the emphasis that the Labour amendment places on the Wanless review. He got his just come-uppance from Helen Eadie for having the temerity so to do.

Ross Finnie: I quote briefly from the Wanless review. Under the heading "Assessing the

options", it states:

"The frontrunners differ in important ways."

It refers to "The partnership model", the "Free personal care" model and "A limited liability model". Under the heading "Choosing a funding system", it states:

"On balance, the Review considers the partnership model the best option".

Which words does the member believe that I have misunderstood?

Jackson Carlaw: We are not being asked to endorse the Wanless review; we are being asked to support the Labour amendment, which merely notes the review's recommendations in the context of a wider debate.

I agree with what Irene Oldfather had to say about young people with dementia—a sector that is small at the moment, but which is set to grow.

I welcome the return of Duncan McNeil to the chamber in such good voice. Perhaps he took the advice of the late Denis Thatcher, who, when asked by the Duchess of York why she was getting universally bad press, replied, "Have you tried just shutting up?" Perhaps Duncan McNeil's loss of voice last week was, in the circumstances, helpful to him. Nevertheless, I am glad to have him back in full voice. He spoke on Inverclyde, where not only are the elderly expected to increase in number, but the overall population is expected to decline significantly. The issue of free nursing and personal care is significant in that local authority area.

In response to an intervention, Jamie Stone said

"I do not think that the attendance allowance is the core of the problem either",

despite the fact that he had just said,

"The cabinet secretary went straight to the core of the problem, which is, as we know, the attendance allowance."

That is surely a U-turn even faster than those to which we are becoming accustomed in the Parliament.

In closing, I return to the point that I raised in my question on the Government's welcome statement last week. In acting to improve matters in practice, we all have a responsibility to those who will follow us. I agree with Margaret Curran—who made this case with characteristic passion this afternoon—on the demographic trends and predictions, which most members have seen. Many of us know the concerns of professionals about the likely future incidence of dementia in the population. We have been told about the public health need to change lifestyles and to tackle obesity and the various addictions, such as to alcohol and drugs. We see the deteriorating standards of sexual health and the still too low immunisation percentages. With

our policy of free personal and nursing care, do we send an unintended contradictory signal?

The policy of free personal and nursing care is proudly advanced by this generation to ensure that those who went before us who did so much are rewarded with a standard of care to which we feel all should be entitled. However, the policy should not be seen as a signal to those who follow us that we or they can be casual or reckless in life about our health and lifestyles in the certain knowledge that the state is now set up to pay up. If free personal and nursing care is to be a gold standard, it is essential that we bring about a culture in which people understand that the policy has been achieved to ensure that those who need such care receive it but that all of us, throughout our lives, must act responsibly to minimise the need to access such care in the first place.

There is a concern about the future affordability of the policy. In truth, we can offer only our best guess on that. Changes and advances that could massively affect the future position—for good or ill—could occur at any time. However, to make the policy affordable and sustainable, we need to avoid being rosy-eyed about the future by ensuring that, whatever future funding streams are eventually set up, it becomes part of the public grain that we all have a duty to the national health service to act responsibly.

Christine Grahame: On a point of order, Presiding Officer. I seek your guidance. In the summing-up speeches, several members have been named who contributed to the debate but are not now present in the chamber. It may be that they have sought leave not to be here, but I ask you to look into that. I have always understood that those who contribute to a debate should be present for the summing-up speeches.

The Deputy Presiding Officer: Such absences are deprecated by the chair and are taken note of for future reference.

16:42

Dr Richard Simpson (Mid Scotland and Fife (Lab): This has been a curate's egg of a debate. It will have been a wasted opportunity if the Parliament is unable to unite around the Labour and Conservative amendments, which provide a reasoned approach that will allow the Parliament as a whole—all of us together—to approach the UK Government to discuss the attendance allowance question. We oppose the SNP motion because of its tone—as David McLetchie and Mary Scanlon made clear. If our amendment is voted down by the nationalists with the support of the Liberals, they will be responsible for losing this opportunity to achieve consensus.

The Minister for Public Health (Shona Robison): Will the member give way?

Dr Simpson: No, I must carry on. The minister will have a chance to respond in her summing up.

The Labour Party is clear that it supports free personal care, but we had hoped that this welcome debate would provide an opportunity to consider the situation that the Parliament faces. Lord Sutherland has made it clear—that, as a country and as a United Kingdom, we are faced with demographics that we can only guess at.

Let us remember that when the original Sutherland report was approved and the policy of free personal care was implemented, the funding that was put in place was based on demographic information in a report that was published in 1998-99 and that, within six years, those figures were wrong—the demographics were underestimated and the costs rose much more quickly than they were expected to. If that can happen in six years, what is the likelihood—given the sort of medical advances that we are seeing—of even greater changes in the five-year period over which Lord Sutherland believes the policy is fundable? Within those five years, changes could occur that would cost huge sums of money.

Mike Rumbles: Will the member give way?

Dr Simpson: I will give way to Mike Rumbles when I have finished this point.

My point is that the debate should be about how we can take forward a policy on which we are unanimously agreed and which provides dignity to old people. It is regrettable that, instead, the SNP has tried to use the debate as an opportunity to kick Labour. That is what the SNP has been about, and it will suffer for it.

Mike Rumbles: There has been a certain amount of rewriting of history by Labour members. If we recall the first session of Parliament, it becomes clear that Labour has never really been in favour of universal benefits. When the announcement was made, Susan Deacon, who was the Minister for Health and Community Care, refused to back the policy. Tom McCabe had to come to the Parliament and do it for Labour. Labour has never been in favour of the policy. A lot of hypocrisy is coming from Labour members.

Dr Simpson: Mike Rumbles is trying to rewrite history. I accept that there were divisions in the Labour Party, but we have to consider why. There were divisions because of the Lipsey minority report, which was important because it pointed out exactly what we should have been debating today: the long-term sustainability of the policy. Mike Rumbles is forgetting history.

In the 1980s, in Scotland, there was long-term continuing care for the elderly as part of the health service. The Conservative party decided that that

was not the way to proceed, for some good and some bad reasons. The result was that people who had planned their old age were unable to meet the requirements, so they had to sell their homes and so on. That led to the Sutherland report. Some bits of history are crucial. I am not denying that we were divided on this issue, but the division was on whether the policy was sustainable in the long term. We cannot come up with policies that we will have for only a few years; policies have to be long term.

Labour's amendment states clearly that we feel that we need to enter into discussions to try to achieve short-term reversal of the attendance allowance policy, but not to regain the attendance allowance as it stands, which would be impossible. That is why it refers to the benefit commissioners. We are talking about a benefit that goes to individuals, but any money that we got back would have to come within the block grant, not to individuals, because that would be against the benefits rules. The UK Government is not going to unravel the benefits system for the sake of a very small number of Scots whose position has been altered by this Parliament's policy.

Christine Grahame: Will the member give way?

Dr Simpson: No, I need to make progress because I am almost halfway through my time.

There have been thoughtful contributions. I thought that Irene Oldfather's speech was the best I have heard in this Parliament for a long time. To use Jamie Stone's words, it really did go to "the core" of the issue.

The debate is about the dignity of the elderly, equity and fairness and the clarity of the policy—which the cabinet secretary failed to mention in her speech. A lot of people still think that free personal and nursing care means that if they go into a home, everything is free. We heard nothing from the cabinet secretary about clarity of expectations, to which the Sutherland report referred. She did not mention that aspect of the report, although she accepted the recommendation. We heard nothing from her about improving local accountability or about ensuring that the costs are monitored and reported accurately. I welcome the fact that the cabinet secretary accepts those recommendations, but she did not address them in her speech.

Mary Scanlon and Alison McInnes made good points about nail trimming, which is another example of where the policy needs to be clarified.

The Conservative amendment, to which Mary Scanlon and David McLetchie spoke so persuasively, makes it clear that the Parliament's message today is that charging for food preparation must cease now, not tomorrow when the Government has the chance. The Sutherland

report has made it clear what the situation is. I accept that there have been inequities in the policy. The charging to which the Conservative amendment refers is not the only inequity that has not been addressed until now. Having made the statement that the Government now accepts that the policy is clear on that, it should not expect individuals to sue the remaining councils, which they will have to do unless the Government sends a clear message. The whole question of equity is important.

Other members made helpful speeches. Helen Eadie's comments about waiting times were important, and I ask the Minister for Public Health to provide a clearer answer to that question when she sums up. Last week, after her statement, the Cabinet Secretary for Health and Wellbeing was asked what she meant when she said that those assessed to have critical and serious needs would be dealt with within six weeks. Surely everyone who is assessed should be dealt with. There must be equity in waiting times.

This was an opportunity to have a really good debate on all the issues that are raised in the Sutherland report, which we all accept. Some members attempted to have that debate but, apart from Angela Constance, those on the Government side simply reiterated the same points about the attendance allowance.

I urge the Parliament to agree to the Conservative amendment, which relates to food preparation, and to coalesce unanimously around Labour's amendment, which proposes that we enter into discussions with the UK Government to get this money back. After all, we all accept that that is appropriate. If we do not do that, the SNP will forgo the opportunity to send a clear, unanimous message from this Parliament on how these issues might be addressed.

16:51

The Minister for Public Health (Shona Robison): Today's debate confirms that the free personal care policy continues to have strong support in the Parliament and that there is a shared desire to ensure that it operates effectively. People now receive for free the care that they would previously have had to pay for. That applies not only to people whose care is entirely arranged by a local authority but to those who arrange their own care, with support for only the free personal and nursing care element organised by a council.

The Scottish Government is committed to addressing the issues that Lord Sutherland's report highlights. As a result, we will meet the additional £40 million per year funding shortfall from 2009-10 that Lord Sutherland has identified, take forward specific action to improve local and

national information systems at national and local levels to ensure greater transparency in future costs associated with the policy and—as the Cabinet Secretary for Health and Wellbeing stated in her opening remarks—renew our efforts to improve public information and understanding of the policy.

We will clarify the legislation and guidance on cross-boundary placements, work with COSLA to ensure an effective performance framework for long-term care services for older people within the single outcome agreement approach and introduce legislation to clarify once and for all the issue of food preparation.

Margaret Curran: I asked in my speech whether the Government will meet COSLA to discuss funding issues that might arise this year and, indeed, whether COSLA had made any representations about such issues. Will the minister address those questions?

Shona Robison: We meet COSLA regularly. I have to say, though, that Margaret Curran has a brass neck coming to the chamber to demand funding for local authorities for this financial year when, year after year, the Administration of which she was a member did not give them even an inflation increase. I think that that shows a little bit of weakness. For the first time in all those years, local authorities have received an inflation increase—and we have given it to them.

We have agreed the need for a wider set of joint work streams to review demographic pressures and other practical issues that will have an impact on the current and future demand and cost of care. That work must start now, ahead of the next five-year review that has been recommended by Lord Sutherland and to which many members have referred.

As the cabinet secretary noted, a number of well-documented problems with the policy need to be fixed. Current difficulties of interpretation and variability have emphasised the need for more clarity and consistency in what people can expect. Lord Sutherland concludes that such difficulties have, to a degree, overshadowed the policy's success and continue to undermine its operation. Our job is to fix those problems and, with local government's assistance, we will do so.

I agree with Margaret Curran on one thing: the need, as Sutherland has recommended, to reassess all the funding streams. However, I must take issue with her on another: had she read the motion, she would have realised that its focus—and that of the debate—is the attendance allowance. Given her failure to deal with it when she was part of the previous Administration—let alone set up a review to address the issues that

we are discussing today—she has no credibility on the funding issue she tried to raise.

Mary Scanlon seems to have a bit of a hang-up about “pursue vigorously”. The phrase means what it says and it is what the people of Scotland would expect us to do on their behalf to retrieve the resources. To be helpful, I will quote the words of Malcolm Chisholm when he was the Deputy Minister for Health and Community Care:

“Let no one be in any doubt that we are pressing the case strongly for resource transfer.”—[Official Report, 27 September 2001; c 2875.]

I do not see much difference between “pressing the case strongly” and “pursue vigorously”. Far be it from me to ponder on words, but I suggest to the Tories that there is little difference between Malcolm Chisholm’s approach in 2001 and the approach that we want their support for today.

Mike Rumbles: Labour members have expressed concern about the affordability of free personal care in the future. Does the minister agree that, at a cost of less than 1 per cent of the Scottish Executive’s budget, it is a policy that we should, in a modern, civilised society, back to the hilt?

Shona Robison: Absolutely. It is only 10 per cent of total spending on elderly people, but we must put the right policies in place to ensure that we sustain it into the future. We will do that.

Ross Finnie made a considered speech. He hit the nail on the head when he pointed out that Labour is trying to hide behind the Wanless report, which explicitly rejects free personal care and well and truly exposes Labour’s position. I will elaborate on that point in response to Richard Simpson’s comments. Not only is Labour’s position exposed on that ground, but pages 9 and 20 of the UK Government’s consultation on the reform of social care in England state that any changes to benefits

“that may emerge will not affect existing benefit recipients”.

It explicitly rules out any effect on attendance allowance. *[Interruption.]*

The Presiding Officer (Alex Fergusson): Order. I apologise for interrupting the minister, but there is too much noise in the chamber. I ask members who are coming in to respect members who want to listen to the end of the debate.

Shona Robison: Irene Oldfather made a considered speech and I recognise her long-term interest in the issue. Entitlement is key and it is important that public understanding is assisted by simple and clear information, particularly for people with dementia and their carers. I totally accept the need for that and will take the matter forward, as I indicated to her at lunch time at the cross-party group on dementia.

I recognise that Michael Matheson draws on his experience in the care sector. He usefully reminded us of Lord Lipsey’s minority report and the way that it followed through to the UK Government’s political position over free personal care.

The Sutherland review found that, although the UK Government followed the letter of the current law,

“It is clearly contrary to equity that entitlement to AA has stopped for those in care homes in Scotland, while it continues for those residing in care homes elsewhere in the UK.”

Attendance allowance is a UK state benefit for individuals throughout the UK. It is a contribution towards personal care costs and, as such, should cover those services for individuals in Scotland too. That money rightly belongs to Scotland and with the Parliament’s support we will seek to recover it—not through any back-door pretendy words that hide behind an issue that has no bearing on the matter whatsoever, but through taking up an explicit, united position that we want those resources back for the elderly people of Scotland. If members do not support our motion, their position will be exposed.

Decision Time

17:00

The Presiding Officer (Alex Fergusson):

There are four questions to be put as a result of today's business. The first question is, that amendment S3M-1902.3, in the name of Margaret Curran, which seeks to amend motion S3M-1902, in the name of Nicola Sturgeon, on free personal care, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 59, Against 63, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S3M-1902.1, in the name of Mary Scanlon, which seeks to amend motion S3M-1902, in the name of Nicola Sturgeon, on free personal care, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)

Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 75, Against 0, Abstentions 47.

Amendment agreed to.

The Presiding Officer: The third question is, that amendment S3M-1902.2, in the name of Ross Finnie, which seeks to amend motion S3M-1902, in the name of Nicola Sturgeon, on free personal care, be agreed to.

Amendment agreed to.

The Presiding Officer: The fourth question is, that motion S3M-1902, in the name of Nicola Sturgeon, on free personal care, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)

Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Whitefield, Karen (Airdrie and Shotts) (Lab)
Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 79, Against 43, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the publication of Lord Sutherland's independent review of free personal and nursing care and the Scottish Government's acceptance in full of the report's recommendations, including the commitment to provide £40 million a year in additional funding the source of which will be identified in next year's budget; notes Lord Sutherland's clear conclusion that the UK Government should not have withdrawn the attendance allowance funding in respect of self-funding clients in care homes, currently valued at over £30 million a year; urges the Scottish Government to pursue vigorously with UK Ministers the reinstatement of this funding while longer-term work to re-assess all funding streams relevant to the care of older people in Scotland takes place, and calls on the eight Scottish councils which continue to charge for assisting with food preparation to cease to do so forthwith and all councils which have levied such charges to refund everyone who has been wrongly charged for this service.

Upper Forth Crossing

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-1297, in the name of John Park, on the upper Forth crossing. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the progress being made in constructing the Upper Forth crossing; looks forward to its planned opening in 2008; recognises that when both crossings are operational this will greatly improve the road infrastructure and cut journey times around Kincardine; is concerned that increasingly the Forth Road Bridge is closed to high-sided vehicles, placing a burden on the A985, A907 and A997; accepts that the existing Kincardine crossing is planned to close for a maintenance period following the opening of the Upper Forth crossing; is concerned that Kincardine will suffer severe traffic congestion as vehicles are diverted through and around the village to the new crossing, and is further concerned that the villages situated on the A907, such as Oakley, Blairhall, Carnock, Saline and Gowkhall will also be subjected to unprecedented levels of traffic congestion.

17:05

John Park (Mid Scotland and Fife) (Lab): I am pleased to open the debate. I am also pleased that representatives of the communities of west Fife have made it to the Parliament to watch at first hand MSPs take an interest in the issue.

One advantage of being a regional member is that it allows one to talk about issues that cover a wider area. Developments around Kincardine have an impact on roads not just in Fife, but in Clackmannanshire and Perth and Kinross, which are all areas that I represent.

I welcome the excellent improvements that have been made in and around the Kincardine bridge area in recent years and, like many people, I look forward to the upper Forth crossing opening soon. The eastern approach road, which opened in 2004, has delivered improved journey times, particularly for people who travel from east to west, and has greatly improved the lives of people who live in Kincardine who, for many years, were subjected to a constant stream of traffic from the east side of the village. As someone who has crossed the Kincardine bridge countless times over the past 30 years, I am the first to acknowledge the benefits that those improvements have brought.

When both bridges are operational, the only traffic that goes through Kincardine will be generated by local people going about their business or people who are travelling between Clackmannanshire and Fife. The net result will be the transformation of Kincardine, significantly less

congestion on both sides of the Forth and shorter journey times for all concerned.

However, there is a problem, which I have highlighted in my motion. Road developments in the area are important not only for the people of Kincardine but for those who live in the surrounding towns and villages. Tonight's debate is designed to ensure that the minister and the transport department are fully aware of the possible implications for Kincardine and the surrounding area of the temporary closure of the existing bridge for planned refurbishment, following the opening of the new crossing.

There are three main factors that must be borne in mind when we consider the implications of that closure. The first is the impact on Kincardine of most of the traffic that crosses the existing bridge going through the village to get to the new crossing. The second is the attractiveness of alternative routes, particularly those that are adjacent to the west Fife villages. The third is the effect on all routes that lead to Kincardine when the Forth bridge is closed to high-sided vehicles—I know that the minister is fully aware of that issue.

When the existing bridge is closed, the first thing that will happen is that there will be a significant increase in the number of vehicles that pass through Kincardine, which will lead to increased pollution, increased noise and increased congestion. In addition, the local school, Tulliallan primary, is virtually next door to the main route for the diverted traffic.

In an effort to avoid going through Kincardine and having to navigate the complicated traffic light systems in the village, commuters will look for alternative routes. For people who travel from Dunfermline and the east, one of the most attractive alternative routes is the A907, which passes through the heavily populated villages of Carnock, Oakley and Blairhall. Carnock and Blairhall have primary schools on the route.

The third factor is outwith our control, as it relates to inclement weather. Over the past few years, the Forth bridge has been closed to high-sided vehicles numerous times. The vast majority of those vehicles use the Kincardine bridge as an alternative. As anyone who has travelled the route between the Forth and the Kincardine bridges knows, delays of between half an hour and an hour are not uncommon when such diversions are in place. The impact on the west Fife villages and Kincardine cannot be underestimated in any way, shape or form.

The A977, which brings traffic down from the M90 at Kinross, will also be an attractive alternative route. In effect, the road connects the M90 and the M876. According to Transport Scotland, traffic volumes on the road are expected

to increase significantly as a result of the construction of the upper Forth crossing, which will affect many front-facing villages such as Powmill.

One of the main reasons for constructing the new bridge and improving the surrounding road network was to alleviate the social and environmental impact on Kincardine. I hope that the minister will take the points that I have raised in the spirit in which they are intended. It would be helpful if he could indicate what steps are being taken to alleviate any problems that might arise from the closure of the existing bridge; perhaps he has had discussions with officials on the matter. I would like the minister, in the time that is available before the new crossing opens and the existing bridge closes, to consider options other than full closure. Perhaps he can give us some detailed views on that.

As I said, the final result will make a real difference for Kincardine. It will significantly reduce congestion on the A985, the A977 and the A876. Let us think about what that will mean for the village, which I know very well. House prices will go up and the school will no longer have to suffer a significant level of transport going past it on a daily basis. It will improve the air quality and the environment, and ease congestion around the school. It will enhance the possibility of comfortable living for everyone in the area—I have no doubt about that. People are watching the issue with interest.

What plans has the Scottish Government put in place to mitigate the impact of the full closure of the bridge? What would that mean for the routes in the surrounding area? Is there any alternative to full closure of the existing Kincardine bridge when the upper Forth crossing opens? Any such alternative would be beneficial for everyone concerned, and I would certainly support that. Could any other traffic-calming measures be introduced on the A907, bearing in mind the fact that villages such as Carnock and Blairhall have primary schools?

A year or two down the line, I would take no pleasure from saying "I told you so" to the minister if nothing happens at this stage, and I do not think that anyone in the affected communities in Fife would do, either. I would appreciate it if the minister, in summing up, could provide some comfort and assure us that those concerns are being considered and thought through by the Government.

17:12

Jim Tolson (Dunfermline West) (LD): I thank John Park for bringing the issues of concern for debate. While he raised issues that impact on many constituencies around the upper Forth

estuary, most people would agree that the impact is likely to be greatest in my constituency of Dunfermline West. Our constituents have been concerned for longer than Mr Park and I have been members of the Parliament. Plans for a replacement crossing have been in the pipeline for many years, and the public have raised their concerns with my Westminster colleague, Willie Rennie, since his election in 2006.

The need for a replacement upper Forth crossing and a new crossing at or near Queensferry has been known about for many years, not least to the commuters and holidaymakers for whom life moves at a snail's pace whenever the road infrastructure loses a main link. Fortunately, the previous Administration advanced the case for a new upper Forth crossing, and the present Administration made the right decision on the location of the new bridge at Queensferry and its type. However, major problems arise when the Forth road bridge is restricted or closed. Where does that impact more than anywhere else? Kincardine is where the greatest impacts of any Forth road bridge problems are focused. Not only now, but for the foreseeable future, Kincardine will carry the bulk of the diverted traffic.

No one, including Kincardine residents, disputes the requirement not just for the new bridge but for the refurbishment of the 1936-opened bridge. However, my constituents are right to be concerned that when the new upper Forth crossing is opened later this year, and the existing Kincardine bridge is closed for 18 months for its refurbishment, there will be a major impact on the west Fife villages that I represent. Not only will very large volumes of traffic—particularly heavy goods vehicles—go through the centre of Kincardine again, but many of the smaller villages in west Fife will be adversely affected as people go to and from the new crossing.

I have recently tried to get answers from the Scottish Government about the steps that it will take to minimise the traffic chaos that is bound to result in west Fife in the 18 months or so from the autumn when the old bridge closes for refurbishment. Other than the fact that the traffic coming off the new crossing and going towards the Gartarry roundabout—which is about 2 miles north of Kincardine and less than 50yd into Clackmannanshire—will be advised by the Government to take the A977, which will be signposted as the preferred route, the Government is ignoring all the associated problems.

Yes, it is true that much of the traffic that will come across the upper Forth crossing will be heading north and that the A977 will be a sensible link, as it takes traffic towards the M90 and Kinross, but the vast majority of the commuter

traffic that adds to the general flow is based in west and central Fife. There is no chance that drivers from those areas will take the A977. They will either take the A907 from the Gartarry roundabout or go back through Kincardine town and pick up the A985 trunk road towards Rosyth. Both those options are fraught with dangers, which is why concerned constituents have been contacting Mr Rennie, Mr Park and me.

However, when drivers come across the new upper Forth crossing and find that neither the suggested A977 nor the likely A907 is the best route for their destination, many will go south before the Gartarry roundabout and back through Kincardine. Before the current Kincardine bypass was built, Kincardine was one of the most polluted places in Fife. Thousands of extra vehicles a week going through the town—right past local primary schools, as John Park outlined—will only put lives at risk again.

Usually, members' business debates are non-contentious. I am grateful to Mr Park for bringing the matter to the Parliament. It only helps to highlight the traffic nightmare that is coming to west Fife in the next few years.

17:16

Keith Brown (Ochil) (SNP): I congratulate John Park on securing the debate and the motion that he lodged to get it, which I was happy to sign. He has taken exactly the right approach in raising matters of real concern, but I disagree in large part with Jim Tolson. The bridge project was advanced not only by the previous Administration but by many people in Clackmannanshire, different councils and other groups. However, it is worth bearing in mind the fact that we are dealing with a scheme that was advanced by the previous Administration.

That is not to say that there are no potential problems, as John Park said. I will concentrate on the areas in my constituency that will be affected: the Gartarry roundabout, which has been mentioned, and places along the A977, such as Crook of Devon, Blairingone and Forest Mill, which will experience a substantial increase in traffic and, along with Kincardine, currently experience a huge effect when the Forth road bridge is closed to high-sided vehicles.

It is important that the required refurbishment of the Kincardine bridge is carried out. I will wait to hear what the minister says, but I am not convinced of the feasibility of not having a full closure. The better solution might be traffic-calming measures, as has been mentioned. I hope that they will be considered.

It is right to raise those issues, but this is a great day for Clackmannanshire, the area surrounding it

and Kincardine, because today, the Stirling-Alloa-Kincardine rail line was open for the first time in 40 years. I was pleased to attend that opening earlier with the minister.

The bridge will have a huge impact on traffic. Looking further down the line, we could have four bridges, but there will inevitably be disruption in the meantime as one of them is constructed or substantially refurbished. Having spoken to the local councillor for Kincardine—or the chap who was the local councillor; his ward is now larger—again this morning, I appreciate that the town has seen the benefit of the bypass of late, but that it will face a surge of traffic when the bridge closes.

Despite that, I am delighted that the new bridge is being built. I am hopeful that the minister will take the right decision and call it the Clackmannanshire bridge. We have been asking for that for some time, but we will have to wait and see how the decision goes. I am sure that it will go the right way if it is down to the efforts of people in Clackmannanshire, who have written in. We will see.

I know that this does not address the precise point that John Park raised, but I hope that, in the longer term, the passenger service that now runs from Stirling to Alloa will go right the way through Kincardine and on to Rosyth and Dunfermline. I have not addressed that point to the minister as yet, but I am sure that he will hear about it. If we can create an integrated transport system that takes people and goods from west to east and vice versa right across the north side of the Forth, it will have a huge impact on Kincardine and all the other places that John Park and Jim Tolson mentioned.

I am happy to have taken part in the debate. John Park has raised some issues of real concern, and I am hopeful that the minister will deal with them as well as they can be dealt with. I look forward to the opening of the bridge and the easing of the current traffic congestion, which, like John Park, I experience virtually every day on the Kincardine bridge as I come to the Parliament.

17:19

Dr Richard Simpson (Mid Scotland and Fife (Lab)): I, too, congratulate John Park on securing the debate, which is important because it considers the consequences of an important decision that Donald Dewar made during the election in 1999. At that time, he came to the constituency for which I was seeking election and confirmed that we would have a new upper Forth crossing. That was welcomed by everybody in the area. It was one of three projects that, when I served as the member for Ochil, I and others

regarded as vital to opening up Clackmannanshire, which was otherwise isolated.

Members may not remember, but there was something called the road to nowhere, which involved two Europe-funded roads that failed to meet by a matter of a mile and a quarter, which was appalling. If they had been connected, Stirling would have been joined to Alloa with a decent road. I was glad that Jack McConnell, when he was Minister for Finance, quickly agreed to fund a project to join them. So we got the decision on the bridge, followed by funding to connect the Alloa road to nowhere.

As Keith Brown said, today, Stewart Stevenson opened the Alloa to Stirling passenger rail service and the freight service to Kincardine. I do not agree with Keith Brown on many issues, but I agree that we must think carefully about having a passenger service right through to Dunfermline. We must consider that in the context of the overall situation of the new Forth crossing, the lower Forth crossing's problems and possible closure, and the impending closure of the old Kincardine bridge. With a link to Dunfermline, we could get freight and traffic off the road relatively quickly, because the lines already exist. I urge the minister to consider that.

On the closure of the old Kincardine bridge, is 18 months the shortest period of time possible? Can funding be provided to enable the work to be done in a much shorter time? That obviously would benefit people in Kincardine, who undoubtedly will have to endure yet another period of significant traffic pollution. I hope that doing the work in a shorter time is possible, if we cannot keep one lane on the bridge open while the maintenance is carried out. I hope that the minister will give people in Kincardine some help on that.

As Fife and Clackmannanshire open up and more and more people go to live in the area, the need for effective transport across the Forth will increase. As members have said, the pressure on the villages to the north of the Forth, in both directions, will increase. I hope that, at some point, the minister will produce plans for traffic calming in the area, as part of a comprehensive plan to deal with the possible problems with the lower Forth crossing. If we get into the worst possible scenario with that crossing, those villages will be in a much more desperate situation than they have been up to now or will be as a result of the closure of the old Kincardine bridge.

Serious long-term planning issues arise. I am sure that the minister and his department are addressing them, but they must rapidly reassure the people of Fife and Clackmannanshire, particularly those in the villages to which Keith Brown referred, and ensure that we do not have

long-term suffering as well as the short-term suffering that inevitably will occur.

17:23

Ted Brocklebank (Mid Scotland and Fife) (Con): John Park is to be congratulated on securing tonight's debate. His interest in transport in Fife is well known. It sometimes seems that Fife is the forgotten kingdom when it comes to road transport—I gently remind John Park that, under the previous Labour-led Fife Council and the Labour-Liberal Executive at Holyrood, those of us who live in the north-east of the kingdom used to remark jocularly that we could always tell when road journeys northwards left the then Labour heartlands of mid and west Fife, because the main roads immediately switched from dual carriageway to two-lane traffic. We were only partly joking.

John Park: Does the member agree that that is where the houses run out in Fife? *[Laughter.]*

Ted Brocklebank: I hope that the member is not going to tell that to people in Cupar, St Andrews and elsewhere.

It is early days yet for the new administrations at Fife House and Holyrood, but I hear no encouraging noises from either administration about the possibility of upgrading the A92 beyond Glenrothes—which, in terms of accidents, has been the most dangerous road in Scotland over the past five years.

Of course, we welcome the progress that is being made in constructing the upper Forth crossing, and we look forward to its planned opening later this year. Shaped by a geography that saw two great firths separate it from the north and south of Scotland, the kingdom of Fife has, to achieve prosperity, always had to rely heavily on its transport links by land, sea and bridge.

I share John Park's concerns that the Forth road bridge seems to be closing more frequently to high-sided vehicles these days, which places further burdens on the A985, the A907 and the A977. Furthermore, as we have heard, the existing Kincardine crossing is to close for refurbishment following the opening of the upper Forth crossing. Kincardine will suffer even more traffic congestion as vehicles are diverted through and around the village to the new crossing.

I have to accept that the minister's mind is fixed on a bridge rather than a tunnel for the new crossing of the Forth, but I remain unconvinced that it would not have made more sense to go for a tunnel. Let us hope that the existing bridge will be able to continue to operate, although a new bridge is as likely to be susceptible to high winds as the old one is. I would have thought it strategically sensible to have a crossing that would

not be affected by extremes in climate, especially since diverted traffic will continue to cause congestion problems in the villages along the A907.

Of course, I welcome the fact that—with the creation of the new upper Forth crossing at Kincardine, and with the rerouting of traffic away from the town centre—through traffic is expected to drop from 16,000 vehicles a day to fewer than 3,000 a day, which will improve air quality and reduce noise. Anyone who travels regularly through the village, as I do, knows what a blight the traffic has been on locals for years.

I also welcome the fact that—with the new bridge taken along with the existing bridge—the current road capacity across the Forth at Kincardine will be more than doubled. Economic development in the Forth valley area will be encouraged by vastly improved transport links.

All those developments are positive, but people sense a lack of joined-up thinking on predicted traffic flows towards Kincardine—particularly in the next 18 months, but also in the period leading up to the opening of the new Forth crossing, which we hope will be in 2016. There is also uncertainty, because of deterioration of the cable system, as to whether the existing main Forth road bridge will be able to carry heavy goods vehicles after 2014. That could put huge pressure on the roadway system through to Kincardine.

However, I am sure that a man as resourceful and far-sighted as the minister is will be able to provide the reassurances that John Park is seeking in tonight's motion. As a fellow Fifer, the minister might also give us his preferred name choice for the new Kincardine crossing. Given the very real transport problems that Fife has endured and continues to endure, does he agree with me that the Kingdom bridge has a certain ring to it?

17:27

Des McNulty (Clydebank and Milngavie) (Lab): I, too, congratulate John Park on securing this debate. I also echo the welcome that has been given to the different contributions.

I feel as if I am entering into a special place. All the previous speeches have been from Fifers, or from people from the central region who know the roads in the area and the traffic issues much better than I do. I will not, therefore, give a list of the A roads in Fife and point out how congested they are: I would like instead to discuss the need for interim planning.

We welcome the coming of the new Kincardine bridge, and we welcome the Scottish Government's decision on the lower Forth crossing. It seems that we will end up with a

superabundance of bridges in a few years. However, in the interim, between now and 2016, the Government will have to address a lot of traffic management issues.

Ted Brocklebank mentioned the prospect of there being a limit, or even a ban, on heavy goods vehicles using the lower Forth crossing. I am not sure about that, but the phrases seem to have entered into people's thinking recently. Perhaps because of the superabundance of bridges, or perhaps because of its well-known maintenance and structural problems, the Forth road bridge could be used less in the future than it is at present, particularly by heavy goods vehicles. That would necessarily impact on feeder roads to the Kincardine bridge and on much of the road network in Fife.

We need a considered, co-ordinated plan that would anticipate the problems and manage them away, so far as possible, by linking the lower Forth crossings and the Kincardine bridges. However, the problems could be managed away only partially because having a temporary limit on the number of crossings over the Forth would constrain possible options for routing and rerouting vehicles during that time.

Road traffic management has reached a level at which it should be possible to minimise the disruption to businesses and car commuters from foreseeable problems. What is obvious from John Park's motion and from what he has said previously on the issue is his belief that we need to think now about how to anticipate and offset traffic problems in the future.

Let me offer a parallel thought. I represent a constituency that has been affected, in some ways positively, by the removal of tolls from the Erskine bridge. However, that has had an impact on traffic north and south of the Clyde, but particularly on the north because the north bank of the Erskine bridge does not lead into a motorway system, as the south bank does. There are acute congestion problems in the Hardgate area, which I represent, and in adjacent areas because roundabouts need to be modified and widened. That will not require huge expenditure, but such matters must be addressed. I hope that the minister, as well as addressing the general issues in Fife, will cast an eye at Clydebank and assist us in dealing with the traffic problems that we face.

17:32

Claire Baker (Mid Scotland and Fife) (Lab): I congratulate my colleague John Park on lodging the motion for the debate. The crossings across the Forth are crucial to the economy of my region of Mid Scotland and Fife. It is therefore pleasing for me to see that the upper Forth crossing at

Kincardine is coming close to completion and I look forward to its planned opening later this year. The new crossing will improve the road infrastructure in the area and cut journey times from both sides of the Forth.

However, I am concerned that the recent closures of the Forth road bridge, which were due mainly to poor weather, might mean that we would be taking a risk in having only one upper Forth bridge operational when the old Kincardine bridge is closed for refurbishment. I back John Park's calls for the minister to look long and hard at whether the old bridge needs to close entirely, and to consider whether other options can be explored and whether contingencies can be put in place to mitigate the effects on residents in the surrounding area.

Also, with a question still hanging over whether HGVs will be able to cross the easterly bridge from 2013, planning for contingencies around the upper crossings now could help in coping with increased HGV traffic in the future. It is crucial that we do what we can to prevent a gap in HGVs being allowed to cross the easterly bridge, or at least minimise the gap, not just for the sake of hauliers and the economy but because Kincardine residents will feel the brunt of increased freight coming through their villages.

However, a more long-term approach is required to get freight off our roads and out of our villages. I support the reopening of the Leven to Thornton rail link, which could go some way to reducing the demand on the two current and two new Forth bridges. As well as reducing traffic flow on the bridges, getting more freight on to rail could help to reduce emissions and tackle climate change. The south-east Scotland transport partnership is considering the feasibility of reopening the rail link, and I hope for positive news on that in the near future.

As well as dealing with freight, I believe that we can make improvements to the transport infrastructure in the east that would ease the pressure on the two upper Forth bridges. A great priority in Fife is to make improvements to the Redhouse roundabout outside Thornton, which serves traffic from the Levenmouth area and beyond. Also, just this week a petition was lodged with the Scottish Parliament to improve the A92 around the Glenrothes area.

The Deputy Presiding Officer: The motion is quite narrowly drawn, so Claire Baker must take care to ensure that everything else she says refers to the motion rather than to other transport projects in Fife.

Claire Baker: Of course, Presiding Officer. I will try to draw what I say into an overall Fife strategy.

I have, along with my Fife MSP colleagues, spoken to Fife Chamber of Commerce, which believes that transport improvements such as I have described could play a crucial role in growing the economy not just of Fife, but of the east of Scotland in general.

If we can improve traffic flow for the easterly bridge and cut journey times for the buses, freight and cars that use the bridge, we can also reduce demand on the bridges on the upper Forth, which will reduce congestion in the villages around Kincardine. I hope that the minister will look seriously at the proposed transport improvements when they come before him.

It is crucial that we have contingencies in place around Kincardine to cope with increased traffic flow in the short term, when the old bridge is closed for refurbishment; in the medium term, in the event that the easterly bridge is closed due to weather restrictions; and, in the longer term, looking ahead to any gaps in the ability of HGVs to use the easterly Forth bridge.

I hope that the minister can assure us that contingencies will be in place to deal with those consequences and to ensure that the villages around the upper Forth bridges do not suffer the severe traffic congestion that they fear.

17:35

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I commend John Park for lodging the motion and for using the opportunity that it presents to highlight local issues. That is precisely the kind of action that I would expect to see from a committed and energetic member who is representing his area in the proper manner. I congratulate him on what I believe is his first members' business debate, and I hope that he will have more.

We are all looking forward to the changes that we will see at the end of the work that is currently in progress, when the new bridge opens and the existing bridge has been re-engineered. As Keith Brown mentioned, I was in Alloa earlier today, and crossed the existing bridge, which enabled me to once again note how integral the traffic flow from that bridge is to the village of Kincardine. Indeed, my two visits to the new upper Forth crossing have allowed me to become familiar with what is happening in the village. I have a long-term familiarity with what has been happening in Kincardine and, indeed, in many of the surrounding areas. I absolutely respect and acknowledge the concerns that John Park and other members have expressed. We will, of course, get to the point at which we have resolved those problems, but how will that happen?

John Park and others referred to closures of the

Forth road bridge. It is proper to make reference to that because of the effect of diverted traffic from there to the upper Forth crossings. Some 80 per cent of goods traffic crossing the Forth already does so via the upper Forth crossings. Nonetheless, the addition of the other 20 per cent presents a significant problem for Kincardine and other communities in the area.

To mitigate the effect of the occasional closures of the lower Forth crossing and the works in the upper Forth area, we hope to ensure that the diversion signage is placed further away from the crossing than has been the case to date. That will ensure that some of the traffic can anticipate the closure of the Forth road bridge and go north via Stirling, which is an effective diversion route that uses motorways and dual carriageways.

Reference has been made to the fact that the lower Forth crossing has experienced more closures and accidents this year than in previous years. I draw that gently to Ted Brocklebank's attention. However, the numbers are small, so it is difficult to be clear what the effect is each year. Clearly, bridges can be designed so that they are not closed by weather. The new Severn crossing, which uses wind protection of the kind that the replacement Forth crossing will have, has not closed since it was opened, while the older bridge, which is parallel to it, continues to experience significant numbers of closures. That enables us to see the direct effect of the mitigation measures.

There was a call for traffic calming on the A907. I understand that there is a weak bridge on that road, which makes it particularly important that, as far as possible in planning for new traffic flows, we direct traffic away from there. My officials are actively engaged in considering alternative routes. We need to consider changing the ways in which we direct people during diversions, so that rather than having a constant flow of diverted traffic through one route, the routes are changed over time. In other words, that means sharing the pain, which I regret, but it will give relief to communities while we carry out the work on the existing crossing, which was opened in 1936.

Continuing engagement with the communities that will be affected is also important, so that their experience can feed directly into our plans. Members have made reference to further extensions of the railway network, which of course takes traffic off bridges throughout Scotland. I am very keen on railways, as members know. However, that is a subject to which we will return on another occasion.

All the work on the upper Forth should be completed by 2010, some two years from now, which is encouraging. We are preparing a route action plan for the A985 that will look at a series of short, medium and long-term improvements that

will accommodate not only bridge traffic, but east-west movements. That study will be completed shortly. It is estimated that the existing bridge will be closed for 18 months—a number of members have referred to that—but I hope that it will be closed for a somewhat shorter period. We will need to examine that as planning goes forward.

I will engage with officials to consider whether we can keep one lane open, although I am not optimistic that that option is available to us, as there are considerable engineering difficulties with the existing structure, which could be exacerbated if we put traffic on one side of it. I am, however, open to considering that further.

John Park: I ask the minister to communicate that as effectively as he can, not necessarily to members in the chamber but to the communities around Kincardine. It would be useful for them to know whether that will happen or not.

Stewart Stevenson: I welcome the fact that representatives of those communities are in the public gallery, hearing what we have to say. They are hearing that we are continuing to work, and that we wish to work, with communities to come up with the best of all possible options. However, it is worth saying there will be some disruption, which we will have to plan for carefully.

I very much enjoyed my visit to Fife; I was brought up there, as members have mentioned. I hope that the Scottish Rail Preservation Society successfully completed its three planned trips between Alloa and Kincardine today, hauled by steam traction—but let us look forward. As well as preserving the best of the past, I hope that we will be able to deliver for the communities of Fife.

Meeting closed at 17:43.

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