

MEETING OF THE PARLIAMENT

Thursday 12 June 2008

Session 3

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Scottish Parliament

Thursday 12 June 2008

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

Education Cuts

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a Labour Party debate on motion S3M-2120, in the name of Rhona Brankin, on education cuts.

I remind members that all speeches should be made through the chair, by which I mean that members should refer to other members by their preferred name or title.

09:15

Rhona Brankin (Midlothian) (Lab): The Scottish National Party has been in power for just over a year and already its education policy is in complete disarray. We are still no closer to knowing where the First Minister stands on his promise to reduce class sizes. On 5 September 2007, he told Parliament that class sizes would be reduced to 18 for primary 1 to 3 by 2011, yet we now know that civil servants are advising that the pledge would take eight to 10 years to deliver. I challenge the Cabinet Secretary for Education and Lifelong Learning: will she either repeat the First Minister's assertion or show some courtesy to members by admitting that the First Minister misled Parliament when he gave that answer? Can we believe anything that the First Minister tells Parliament? Will the cabinet secretary confirm that the SNP has absolutely no intention of delivering its class size promise by 2011?

The SNP has been rumbled and now refuses to give timescales or costings for the class size commitment. The SNP promised the earth, with not even the vaguest notion of how it would deliver it or pay for it—not one extra penny has been given to councils to deliver the class size commitment—and now it is not big enough to admit that the promise is simply being ditched.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Does the member share my concern about Brora primary school, which is about to lose one teacher, which will result in class sizes rising from below 20 to the mid-20s? It is a matter of funding, and the council should make representations to the Scottish Government accordingly.

Rhona Brankin: Yes. That is appalling, and it is being repeated throughout Scotland. In fact, according to a council official in SNP-led

Renfrewshire, class sizes in secondary 1 and 2 maths and English are being put up in order to reduce class sizes in primary 1 to 3.

The SNP has also been rumbled on its physical education promise. The hapless Minister for Schools and Skills inadvertently told the truth on the abandonment of the policy of two hours of quality PE being delivered by PE specialists, resulting in an undignified scramble by the cabinet secretary to get on to “Good Morning Scotland” to insist that the target still stands. Quite how the PE target will be delivered is something of a mystery, given that the SNP's chums in the Convention of Scottish Local Authorities do not agree with it.

If we look back on the first year of SNP education policy, what do we see? We see a catalogue of broken promises and local government underfunding, resulting in school closures, an increase in class sizes and cuts to staffing levels, pupil support and the curriculum. The SNP promises are being quietly ditched and cuts made because the cabinet secretary secured an appalling deal for education in the spending review. Education and lifelong learning received a cash increase of 7.2 per cent in the review—the lowest increase of any department. Even the First Minister's office received double the education increase—enough to keep even Alex Salmond in takeaways for a few years; yet the SNP claims that education is one of its top priorities.

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): Will the member take an intervention?

Rhona Brankin: No. I would like the cabinet secretary to listen to what I am saying. The teachers at Gleniffer high school in Paisley do not believe that education is one of her top priorities.

Fiona Hyslop: Will the member give way now?

Rhona Brankin: No, thank you.

The teachers have written to Renfrewshire's SNP council, unanimously condemning the budget cuts, which

“make it impossible to offer the same level and depth of curriculum, pupil support and quality of teaching and learning.”

Try telling parents at Flora Stevenson primary school in Edinburgh that the SNP prioritises education, when children from within the catchment area are being turned away, and when class sizes further up the school may increase due to a cut in staffing.

In Aberdeen, a £7.8 million package of cuts includes slashing funding for nursery education and disabled children and a plan to reduce the opening hours of all 12 of the city's secondary schools. Aberdeen grammar school's parent

council is so concerned by the cuts, which could result in the school losing 11 teachers next academic year, that it has written to every parent outlining the major effects that the cuts will have on their children.

What will the education secretary say about that? The schools are all under councils where the SNP is in power or shares power.

Can Fiona Hyslop in all honesty tell heartbroken newly qualified primary teachers that education is a priority for the SNP Government when in many authorities hundreds of talented and committed new teachers are chasing a tiny number of posts?

Fiona Hyslop: Will Rhona Brankin give way?

Rhona Brankin: No, I will not.

The general secretary of the Headteachers Association of Scotland has said:

"The bad news is that pupils will see one probationary teacher after another, year after year.

The profession will lose enthusiastic teachers and the quality of teaching and learning will suffer."

I fully expect to hear a familiar refrain from the cabinet secretary, saying that this is all Labour scaremongering and that everything in the SNP's school garden is rosy. She might even wave a rather battered concordat. Only yesterday, COSLA and the SNP had another love-in. They are a pair of lovebird ostriches with their heads in the sand, unable to see the scale of council cuts across Scotland—cuts that the SNP and COSLA would have us believe do not exist. However, cracks are appearing in the relationship: will the cabinet secretary tell me whether class size reductions were included in the original agreement between COSLA and the SNP Government and whether it is true that they were taken out of yesterday's joint statement at the councils' request?

"In its year in power the SNP has already been embarrassed by its education policy If the First Minister is to avoid education becoming his administration's Achilles heel, he needs to get a grip of this emerging crisis in Scotland's schools, and fast."

Those are not my words, but the words of the editorial in last weekend's *Scotland on Sunday*. The message from Scotland is clear. It is not scaremongering from me or the Labour Party; there is a clear story of cuts and crisis in our schools. It comes from teachers, who are the educators of the Scots men and women of the future; parents, who are the guardians of the Scots of the future; and school pupils, who are the Scots of the future. The message is that the Cabinet Secretary for Education and Lifelong Learning is failing Scottish education and the Scots of the future. There is no future for education with the SNP and I fear that, with its shambles of an education policy reduced to rubble in a mere 12 months, there is no future for Scotland.

I urge members to support the motion.

I move,

That the Parliament recognises the lack of confidence expressed by parents, teachers, primary and secondary heads, and directors of education in the SNP government's handling of Scottish education; notes with concern the cuts in education provision across Scotland; calls on the First Minister to clarify the cost and timescale for delivery of his class-sizes pledge, made on 5 September 2007, when he promised the Parliament that his class-sizes pledge on primaries 1 to 3 would be met in the lifetime of this parliament; recognises the growing number of teachers coming to the end of their probationary year who are either unable to find a teaching post or who are forced into taking part-time or temporary employment; worries that if this trend is allowed to continue unchecked, it will undermine the internationally recognised success of the teacher induction scheme, and calls for immediate action from Scottish Ministers to address the impending jobs crisis.

09:23

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The merchants of despair and disaster and the soothsayers of scaremongering are at it again. The harbingers of doom who long for Scotland to fail have found their champion in Rhona Brankin, who vindictively misquotes directors of education, milks the Educational Institute of Scotland's shot-across-the-bows motion—its third motion on industrial action in four years—and fails to recognise that the problems in Aberdeen, Glasgow and Edinburgh have their roots not in the fair local government settlement from this Government, but in Labour management at both national and local level in the past and, in Glasgow's situation, today.

I will set out the details of the local government finance settlement again. There is overall funding of £34.9 billion over the next three years. For 2008-09, there is an increase of 5 per cent; in 2009-10, there will be an increase of 4.1 per cent and, in 2010-11, an increase of 3.4 per cent. That is all in the context of a tight Government departmental spending limit, which is growing by 0.5 per cent this year, 1.6 per cent in 2009-10 and 2.3 per cent in 2010-11.

With the settlement we have not only halted the decline in local government's share of total expenditure but provided an annual increase. Education is well placed, given that it accounts for almost 50 per cent of all local government expenditure.

Jamie Stone: Will the member give way?

Fiona Hyslop: No, I will not.

Labour's views on cuts in provision are not universally shared. John Stodter, the general secretary of the Association of Directors of Education in Scotland—the very association that

Wendy Alexander misquoted at First Minister's question time last week—has said:

"Councils have been given an increased budget settlement this year."

Bruce Robertson, the director of education in Aberdeenshire, stated:

"The budget settlement was certainly tight but there have been no cuts at all and there has been some growth".

East Lothian Council's education budget increased by 2.9 per cent to £74 million and Falkirk Council's education spending increased by 11 per cent. In Fife, there is an increase of £41 million, including £9.6 million to support a reduction in class sizes. East Ayrshire's education budget increased by 6.9 percent in 2008-09 and North Lanarkshire's education budget increased by 5.5 per cent.

Ken Macintosh (Eastwood) (Lab): Will the cabinet secretary give way?

Fiona Hyslop: Sorry, but Labour's front bencher did not take an intervention.

Dundee publicly characterised the education budget as being fair with opportunities for growth. South Lanarkshire is employing teachers to reduce primary class sizes in deprived areas and West Lothian's education budget has increased by 4.1 per cent.

Of course, we recognise that one or two councils face particular challenges, in particular Aberdeen City Council. That is not a direct result of this settlement, as it was caused by a legacy of funding issues: a £50 million overspend under administrations of Labour, Tory and Lib Dem hue. Surely the responsible thing is for all parties to pull together to support Aberdeen. We are working with the Convention of Scottish Local Authorities to do so.

Councillor Gordon Matheson, executive member for education in Glasgow City Council, said on 27 May:

"education's budget in Glasgow, in real terms, will be higher next year than it is this year".

What a pity that the council does not choose to invest that increased budget in maintaining teacher numbers, as it is resourced to do, and cutting class sizes. However, Labour does not believe in smaller class sizes. Let us tell that to the parents of Glasgow as they see class sizes come down elsewhere in Scotland while Labour stands in the way in Glasgow.

Wendy Alexander said in her famous hungry caterpillar speech that our request for 2 per cent efficiency savings was not ambitious enough and that she wanted the figure to be 3 per cent. Labour's position was to take all those savings out of local government.

The councils that are seeking efficiency savings from schools—and it is by no means all councils—are, like Renfrewshire, putting those savings back into education.

Let us talk about Renfrewshire. I quote from the headteacher at Gleniffer, who stated about the said letter:

"I wish to express my concerns as to its creation and contents. I am concerned that staff may have added their names to a document without checking its accuracy."

This is not the first time that Labour has come to the chamber to speak about Renfrewshire without checking the accuracy of its comments. The two local members of the Scottish Parliament were asked to comment on the draft budget and failed to do so. Believe it or not, despite raising the issue in the Parliament and broadcasting a blatantly misinformed letter from teachers at one school, which the headteacher rightly corrected, the two local MSPs—Wendy Alexander and Hugh Henry—have not even offered their local council a meeting or bothered to ask for one.

Hugh Henry (Paisley South) (Lab): Will the cabinet secretary take an intervention?

Fiona Hyslop: No. I am sure that Mr Henry will get his chance to comment.

Hugh Henry: On a point of order, Presiding Officer. Is it not within the normal rules of engagement and debate in the chamber that when members are specifically mentioned by name, they should be given the opportunity to comment?

The Presiding Officer: It does not come under standing orders, Mr Henry. I am afraid that it is entirely up to the member who is speaking whether they take an intervention.

Fiona Hyslop: It is expected that around 6,000 teachers will leave the profession this year—most of them are retiring—and 3,500 probationer teachers are coming into the system. There is plenty of opportunity for councils to maintain teacher numbers at a time of falling school rolls to reduce class sizes throughout the country. The local government settlement provides for that.

In its desperation to find isolated examples of local authorities making changes to how they provide their education services, Labour continues to miss the point. The concordat unfetters local government to allow local authorities to make the choices that they consider most appropriate for their areas. We will continue to work with local government on that task.

More important, this Government will not use children's education for political posturing or to score cheap points. If Labour maliciously fosters discontent, as it is doing, without firm foundation,

parents will find its position on education unforgivable.

I move amendment S3M-2120.3, to leave out from first “recognises” to end and insert:

“welcomes the potential for educational improvement for Scottish pupils offered by the local government settlement which delivered record levels of funding for local authorities and which Labour members voted for; recognises that the Concordat between local and national government is giving local authorities greater scope to improve educational outcomes by freeing them up from unnecessary bureaucracy, as well as giving them greater local accountability, and notes that the new single outcome agreements, which will be finalised shortly, will include specific local and national outcomes which, over time, will deliver real benefits for pupils in every local authority area in Scotland.”

09:30

Murdo Fraser (Mid Scotland and Fife) (Con): I welcome the opportunity provided by the Labour Party to discuss education cuts. Despite what we have heard from Fiona Hyslop, undoubtedly we are seeing cuts in educational provision across Scotland. I accept that some responsibility for that rests with local authorities, but some of it comes back directly to Government policy.

We have heard from all over Scotland about people having problems with accessing advanced higher courses. We have seen the axing of the schools of ambition programme that delivers many benefits to schools across Scotland, particularly to schools in deprived areas. On the Government's flagship policy of reducing class sizes, at least one council—SNP-controlled Renfrewshire Council—has increased class sizes in S1 and S2 English and maths. There is no doubt that there is widespread concern across Scotland about where education is headed.

All that we have heard from the Government—and we can see it in the SNP amendment and we heard it from the minister—is the same old response: “It wisnae me. It's nothing to do with us. It is all up to the local authorities. Under the concordat, they deliver educational services, and therefore all the blame attaches to them, not us.”

I have no difficulty with the general proposition that we should have greater devolution of power to local authorities. The problem is that the SNP does not apply that approach even-handedly. Many of the problems faced by education today are a direct result of the Government's misguided policy on reducing class sizes in primary 1 to 3, and making that a priority above all others in education, despite the lack of hard and convincing evidence that it should be the top priority for education.

We feel that extra resources should be concentrated in many other areas of education,

but the SNP is hamstrung by its manifesto commitment, which it is struggling to fulfil. It is all right for the SNP Government to claim credit for the things that it thinks are going its way in education, such as the class size reductions, but when it comes to all the bad things that are happening, such as cuts, it seeks to pass the buck to local authorities. It simply will not wash.

I turn to the Conservative amendment. I recognise that there are widespread concerns about the current situation in education and I agree with much of the Labour motion. However, that does not excuse the EIS's irresponsible decision, taken at its conference last week, to ballot its members on industrial action.

I well remember—as I was a school pupil at the time—the damage that was done to Scottish education as a result of the last teachers' strike. The teaching profession has done well since then, with the McCrone settlement delivering enhanced status for the profession and substantially enhanced terms and conditions. Whatever concerns the EIS might have, strike action is simply not the answer and is unacceptable.

Those who suffer from any strike are those who cannot defend themselves—namely, Scotland's school pupils. The damage that might be done to the education and career prospects of our young people, particularly those who are at a critical point, facing standard grade or higher exams, could be irreparable. Parliament must condemn the EIS's decision to ballot for strike action and I urge the EIS to show restraint. It does not have public sympathy on the issue, and any residual sympathy it might have will be lost if it calls its members out on strike.

Yesterday, a leading academic, James Stanfield of Newcastle University, made direct criticism of Scottish education. According to him, we have fallen behind our counterparts in England and are still living on our historical reputation. The SNP Government's approach to education is failing, and it refuses to take any responsibility for what is happening in Scotland's classrooms. We cannot afford to see our education system made worse by the first teachers' strike in a generation and the harm that would be done to the life chances of today's youngsters.

I move amendment S3M-2120.1, to insert at end:

“but condemns the decision of the Educational Institute of Scotland at its recent conference to ballot its members on industrial action, and believes that any strike action by teachers will be immensely damaging to educational provision in Scotland and to Scotland's school pupils.”

09:34

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Time after time, we hear the

SNP Government saying that it is delivering on its promises. According to the Cabinet Secretary for Education and Lifelong Learning, every council has more than enough to deliver on them. There is enough money not only to deliver all the Government's education policies but to provide tax cuts—a council tax freeze and a reduction in business taxation—to the tune of more than £1.25 billion. When parents ask why there are education cuts in their local areas, the SNP is clear that the fault lies with the councils, as the First Minister has said and as the cabinet secretary repeated today. Alternatively, we have not had enough money from London, as SNP back benchers say every day.

Today, however, there has been a shift. There is no longer a new relationship with local government per se but a new relationship only with local authorities that agree with the Government. Only councils that have signed up to all the Government's policies without question have been commented on by the cabinet secretary today; those councils that have dared to make their own locally democratic and locally accountable decisions are in the wrong. That is what we heard from the First Minister last week and from the cabinet secretary this morning. Out of the window has gone the new relationship with local government.

Parents and teachers are not stupid; they have seen the contortions of spin from SNP ministers over recent weeks. A few weeks ago, Chris Harvie talked admiringly about what he called small, acrobatic European nations, but their acrobatics are no match for those of the SNP on the crystal-clear promises that it made in the election. The promised reductions in class sizes turned into "year-on-year progress" and then to focusing on deprived areas. The Government now says that the promise will be delivered only for those people who are fortunate enough to live in an area with a falling school roll. In my constituency, where school rolls are increasing, there is no hope of that. The Government had promised access to a fully qualified nursery teacher for every nursery child in Scotland but, one year on, the SNP still refuses to define what it means by "access". The Government had promised to match the Opposition's school building programme brick for brick, but its policy has materialised as simply finishing off the schemes that we started. Not one new school building scheme has been commissioned under the new Government. The SNP had promised to double the number of school nurses, but that promise is now simply to become part of a review of community nursing services.

If the Government had been up front, had held up its hands and had told parents that its policies were uncoded and undeliverable, of course it would have been attacked, but at least it would

have had a modicum of respect. Instead, we have had only spin and contortion since last May.

The Government has now been joined by COSLA, which yesterday issued a briefing to researchers—not MSPs—that states:

"COSLA does not believe that we should be focussing on input measures".

That is a curious position for a negotiating body to have, even one that drafted in Proust to write the historic concordat. I cannot wait to hear whether, when it gets round the table for negotiations on next year's settlement, it will begin by proudly stating, "Government, simply tell us how much you want to give us and we will accept it."

On the school building programme, Fiona Hyslop was perfectly clear last year when she said:

"We think that schools and pupils will obtain far better value from a futures-trust funded school than from a PPP-funded school. ... the futures trust will provide a very attractive option for local authorities and I think that many are waiting with great anticipation to use it."—[*Official Report, Education, Lifelong Learning and Culture Committee*, 27 June 2007; c 40.]

One year on, they are still waiting. Although COSLA welcomes the fact that there is no longer ring fencing, the cabinet secretary knows that discussions took place just last week on reintroducing revenue support grant. Without central Government support such as revenue support grant, local authorities know that they cannot deliver schools.

On class sizes, the First Minister was perfectly clear on 5 September and Maureen Watt was perfectly clear on 13 September. When asked by my colleague Robert Brown whether the Government's education team had estimated the cost of delivering the SNP's promise on class sizes, Maureen Watt stated:

"Of course we have made a bid to meet those commitments."—[*Official Report*, 13 September 2007; c 1757.]

The reference was to a bid to the Cabinet Secretary for Finance and Sustainable Growth to meet the Government's education commitments. Either she misled the Parliament deliberately or the Government has the figures and is unwilling to tell us. The Government must tell not only Parliament but parents, teachers and pupils throughout Scotland. That is why the Government, rather than the Opposition, is losing respect.

I move amendment S3M-2120.2, to insert at end:

"welcomes the assessment from the Association of Directors of Education in Scotland that implementation of the SNP policy to cut class sizes to 18 in P1-P3 requires £360 million of capital for additional classrooms and £62 million of recurring revenue funding, and therefore calls on

the First Minister to confirm to the Parliament whether his government believes that this is an accurate estimate and why."

The Presiding Officer: We come to the open debate. Speeches should be of around four minutes.

09:39

Mary Mulligan (Linlithgow) (Lab): Today's debate comes at a critical time for Scottish education. Just over 12 months ago, prior to the Scottish elections, many promises were made by each of the parties on how they would improve Scottish education.

The SNP has been given the opportunity to fulfil its promises. However, if a week is a long time in politics, 12 months is an age. The Cabinet Secretary for Education and Lifelong Learning must be wondering how it is all going so wrong. Parents who are concerned and angry at budget cuts in education services have been writing to MSPs and councillors. Directors of education—who have not been misquoted—have told the Education, Lifelong Learning and Culture Committee that local authorities do not have the money to deliver class size reductions. Teachers have supported a motion that calls for industrial action. Ms Hyslop said that that has happened before, but the difference this time is that leaders of teachers are calling for it. However, the SNP still has the temerity to move an amendment extolling the virtues of the historic concordat.

Let us look at a few facts. The local government settlement provided local authorities with more money than they had had before, but demand for services is increasing. The suggestion that local authorities should also pick up the tab for SNP promises adds to that financial burden. It is not surprising that some local authorities have had to make cuts in their education spending. Apart from the public cuts in Aberdeen, subject choice has been curtailed in Renfrewshire, departmental budgets have been slashed in Glasgow and school kitchens have been closed in Edinburgh, despite the commitment to provide healthy meals in schools. The squeeze on education spending means that the promised reductions in class sizes to 18 are unlikely to happen; they will definitely not happen over the spending review period, as the First Minister promised last September.

Fiona Hyslop: Can Mary Mulligan bring herself to recognise that West Lothian Council, which serves an area of growing population, will reduce class sizes in 14 primary schools this year? She told the people and parents of Armadale that Armadale academy would not be built if Labour were to lose and the SNP were to win the election 12 months ago. Will she recognise that it is being

built and will be opened under an SNP council and Government?

Mary Mulligan: Let us consider the 14 schools to which the minister refers. Parents are already complaining that they cannot get their children into the Catholic school in Blackburn, although the next-nearest Catholic school is 3 miles away. Westfield primary school was a real challenge—there are only 23 pupils in the whole school, so no wonder class sizes of 18 can be achieved. The Education, Lifelong Learning and Culture Committee heard evidence that the benefits of smaller classes in P1 to P3 may be negated in one Edinburgh primary school by larger classes further up, but the cabinet secretary is happy for that to happen.

The probationary teachers scheme has been hailed as groundbreaking across the political spectrum and beyond Scotland's borders, but it is clear for all to see that cuts to education budgets and the failure to achieve class size reductions place it at risk.

Yesterday, an academic claimed in *The Times* that the Scottish education system was failing our children. I do not accept his accusation, but it is telling that a Scottish Government spokesperson responded to it. Were the cabinet secretary and her ministers not prepared to defend their policies? Ministers' inability to answer questions on their headline policies is worrying. To be fair, I believe that the cabinet secretary wants to deliver those policies, but if she cannot provide the answers to today's Labour motion, she and her ministers may need to reflect on whether, if there were an examination on being a cabinet secretary and delivering policies, they would pass the test.

09:44

Rob Gibson (Highlands and Islands) (SNP): This debate is about confidence or gloom—I suggest that it should be about confidence. Local authority budgets have been increased by 12.9 per cent, to £34.9 billion, by 2011. In contrast, local government's share of Scottish Executive expenditure fell by 4 per cent between 2002-03 and 2007-08. That makes a big difference to the way in which we put the argument.

In its briefing for the debate, COSLA recognises:

"The outcomes approach provides a huge opportunity for local government and all of the public sector agencies in an area to focus their resources on a small number of agreed national outcomes and the contribution that they are able to make to them locally."

I wish to highlight some examples from Highland, the local authority area where I live. There has already been mention in the debate of one of the schools there. We should start off with the class size issue. In Highland, where there is a

falling school roll, 100 of the 183 primary schools have already met the target, and a phased programme is in hand, which includes team teaching and other changes. There will always be changes in how local authorities deploy their resources, because they must constantly meet the changing needs of society, and that will happen no matter whether there is a change in Government.

Rhona Brankin: Will the member take an intervention?

Rob Gibson: Yes, just the one.

Rhona Brankin: Does the member accept that there have been cuts in the services for children with autistic spectrum disorder in Highland? Does he believe that that shows that the SNP holds those children's education as a priority?

Rob Gibson: If members isolate any figure, they can possibly make an argument about it. In Rhona Brankin's case, I do not know the facts around the issue, and she would have to provide them before we could argue over the matter. It was an assertion on Rhona Brankin's part.

It has been suggested that, because of changes in society, Brora primary school will lose a teacher. What was the previous Liberal and Labour Administration doing to build up the population in Brora to ensure that it was possible to keep the numbers up?

Jamie Stone: Will the member give way on that point?

Rob Gibson: All that those parties are doing now is moaning because they are in opposition and picking up on a small point that is nothing to do with the administration of Highland Council.

Jamie Stone: I do think that the member should give way on that point.

Rob Gibson: Siddown.

As far as we are concerned, we are moving into a situation where efficiencies must be made. Let us consider the public-private partnership situation that we have inherited. In Highland Council, about £25 million a year extra is paid because of the cost of PPP. Less maintenance is required for new schools, but the money still has to be paid up front because of that inheritance, so there is no room for flexibility for Highland Council, and school transport, energy and administration now have to be targeted, rather than using a wider palette for making efficiencies.

What else has been going on? The party that brought in PPP is now complaining that schools such as Wick high school have not reached the top of the list. The Scottish futures trust can provide a way forward, in a way that PPP did not. Under the previous Administration, that school got worse and worse. That is the sort of inheritance

that we have to deal with, and that is why I suggest that the confidence that we can bring is much better than the gloom that is being brought to the debate by members of other parties. On numeracy, they claim figures that they cannot prove, because they cannae count. On literacy, they cannot even read COSLA's arguments. Labour's motion is beyond remedial help.

09:48

Hugh Henry (Paisley South) (Lab): I do not intend to engage in the personalisation of the debate that Fiona Hyslop started, but I would be happy to meet her to consider my correspondence to Renfrewshire Council on education and the feeble replies that I have received from that council.

Today, cabinet secretary, I want you to rise above the party politics of this subject. I want you to set aside some of the to-ing and fro-ing and tit for tat that often goes on, and I want you to listen to—

The Presiding Officer: Could you speak through the chair, Mr Henry?

Hugh Henry: Sorry, Presiding Officer.

I want the cabinet secretary to listen to and respond to the voices of ordinary people in Renfrewshire. Will she answer Mrs June Ramsay, who is dismayed that, due to budget cuts, her daughter is in the dark as to whether Gleniffer high school, or any school in Renfrewshire, will be providing advanced higher art? She wants to know what sort of message it sends to snatch away the opportunity to study art from a young person who wishes to stay on at school, and who has been able to study art until now.

The Minister for Schools and Skills (Maureen Watt): Will the member give way on that point?

Hugh Henry: No, thank you.

I want the cabinet secretary to answer Jacqueline Masterson and Ruth Walsh, parents of children at Gleniffer high school, who are concerned about the impact that the withdrawal of supported study and homework club services will have on pupils at the school, particularly those from areas of high deprivation.

I want the cabinet secretary to answer not me but Fiona Wilkie, who is worried about the impact of the removal of all sciences at advanced higher level on her daughter's opportunity to study medicine at university. I want the cabinet secretary to answer Mary Hill, Lorraine Knotts, Moira McKillop and Gillian Hill, parents of pupils at Gleniffer high school, who are concerned about the budget cuts and who are wondering what the point is of building a brand new school if the

resources are not going to be available to run it properly.

I want the cabinet secretary to answer Christopher Voysey, a school pupil who organised a petition that was signed by more than 100 senior pupils from throughout Renfrewshire. The petition was ignored by her SNP colleagues on Renfrewshire Council, who, at the last point of checking, have not even had the decency to reply to Christopher's letter, which was sent along with the petition.

I want the cabinet secretary to answer Erica Wishart, who is not only a parent who is concerned about the impact that budget cuts will have on her child's education but a network teacher who fears for her job in a specialism that is under threat from the cuts.

I want the cabinet secretary to answer the EIS members at St Benedict's high school, who believe that

"with a reduction in teaching staff, increased class sizes, a reduced curriculum, cuts in teaching, learning support and behaviour support, the quality of educational provision in St. Benedict's will be severely compromised".

I also want her to answer properly the EIS members at Gleniffer high school, whom I believe she has misquoted. They have said that the cuts in funding

"make it impossible to offer the same level and depth of curriculum".

I want the cabinet secretary to answer the 80 members of staff at Paisley grammar school, who are concerned about the impact of budget cuts in their school.

The cuts are happening on the cabinet secretary's watch. The parents, pupils and teachers in Renfrewshire are looking to the cabinet secretary for leadership. They want her to use her influence with her SNP colleagues in Renfrewshire. They want her to use the status of her post to protect education. I am asking the cabinet secretary to act for ordinary Scots who are worried. Will she ask Renfrewshire Council to think again? Will she dip into her Administration's budgets to protect education? Will she do the right thing?

09:52

Christina McKelvie (Central Scotland) (SNP): The chamber has been privileged to bear witness to the hungry caterpillar speech. Here, too, the major Opposition party failed to vote for a budget that had been amended as it wanted. Stunning events. Thankfully, they were overshadowed by the implementation of a historic concordat—I repeat, a historic concordat—which is an agreement between the national Government of

Scotland and Scotland's local government to work together. Some of us—I am one—find it incredible that we have had to wait so long for central Government to sit down with local authorities and work out a strategy to improve the governance of Scotland. No wonder that Labour councils are saying, "Thank God for the SNP Government."

At the beginning of last month, Wendy Alexander and her staff were running around Renfrewshire, trying to stir up a story about exam choices that proved to be untrue. Scaremongering is bad enough in any circumstance, but when school pupils and their futures are at stake, it is nothing short of a disgrace. At the end of the same month, Wendy Alexander's staff were again peddling lies, putting words into the innocent mouth of COSLA and alleging a shortfall of £400 million—

The Presiding Officer: Excuse me, Ms McKelvie. You cannot accuse other members of lying in the chamber. I ask you to revisit that sentence.

Christina McKelvie: Let me revisit that. I said that Wendy Alexander's staff, not members in the chamber, were peddling lies.

The Presiding Officer: I find that terminology unacceptable, Ms McKelvie. I ask you to apologise and move on.

Christina McKelvie: Okay. Wendy Alexander's staff were peddling untruths. They alleged a shortfall of £400 million and that councils were clamouring for a return to ring fencing.

The Presiding Officer: I am sorry to keep interrupting, Ms McKelvie, but I have asked you to apologise for that terminology. I would be grateful if you would do so.

Christina McKelvie: I apologise to the chamber, Presiding Officer.

COSLA, of course, knew nothing about that fabrication and dismissed the allegation. It was revealed later that the figures that had been used were nothing more nor less than an invention on the part of Labour staffers. It has been reported that none other than the chief Labour number cruncher, Arthur Midwinter, came up with them. Fakery, indecision and falsehood—Labour's lines on education funding are about as certain as Labour's referendum policy. Labour's credibility on Scottish education is about as solid as Alistair Darling's credibility on income tax, Harriet Harman's credibility on leadership donations and—after last night—Gordon Brown's credibility. Believing Labour's figures on education would be like believing that it did not do too badly in Crewe and Nantwich.

Not only do we have the unedifying sight of Labour members lumbering into this chamber to

churn out inaccuracies, supposition and invention in support of the decidedly dodgy dossier on education, they add to that disgraceful performance by refusing to apologise for the smears when they are challenged.

Labour's numbers on education simply do not add up. They have never stacked up, and they never will stack up, as long as its attention is focused on pouring vitriol on the SNP Government rather than on contributing positively to the debate. If last month's nonsense was an indication of the state of Labour's research, it is no wonder that the country was in such a mess when the SNP Government took over last year.

It is a long, hard road to restore Scottish education, but the Scottish Government has started out on it. The concordat—yes, the historic one—between the SNP Government and Scotland's councils has freed up local authority funds for education, and councils the length and breadth of this country are taking advantage of that to improve education services.

It is a pity that Labour members do not put as much trust in their councillors as the SNP Government does. Perhaps they should pay attention to the joint statement that was signed yesterday by the First Minister, on behalf of the Scottish Government, and Councillor Pat Watters, the president of COSLA, which said:

"These changes give power back to local people, better able to judge for themselves, on a consistent basis right across Scotland, the quality and value of their local services."

Government in Scotland is no longer focused on the whinges of the past, but focused on how we can build a better future. Perhaps Labour members will want to learn that lesson while they still have a chance to recover some semblance of relevance as a party.

09:56

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I start at the point at which Christina McKelvie ended, on the so-called historic concordat:

"These changes give power back to local people, better able to judge for themselves, on a consistent basis right across Scotland, the quality and value of their local services."

In one of the local authority areas that I represent—South Ayrshire—the cuts that are taking place are affecting some of the youngest and most vulnerable school pupils. South Ayrshire Council has decided to scrap free school bus travel for a number of school pupils who currently receive it. I can tell the chamber that the parents, pupils and teachers who have contacted me and other local representatives about the matter are

judging the concordat and finding it wanting in several ways. I might be about to sound critical of the Tory leader of South Ayrshire Council, but I think that he is a decent person and I hope that he will forgive me if I sound overly critical; my comments are not meant to be personal. However, he has made it clear that further unpalatable decisions—those words have been used recently—will need to be made because of the cuts and the underfunding of local government.

To get back to the parents, I questioned the Minister for Schools and Skills on their comments and she kindly sent me a written answer in which she made it clear that the Government did not expect that changes would be made in relation to the travelling distances for school transport. The decision was taken in South Ayrshire without consulting parents, it flies in the face of what is deemed to be good practice and it has caused real concern. Concern has also been caused by the fact that some of those who took the decision—I refer to both Conservative and SNP councillors—have gone to ground and seem unwilling to meet parents to justify their decision or even to consider the constructive options that parents have suggested to solve the problem.

I appreciate that difficult decisions have to be made—of course they do. Anyone in a Government position has to make them—I had to do so—but I hope that they would be prepared, at the very least, to meet parents rather than, as one response to parents said—[*Interruption.*] The cabinet secretary is making comments that I cannot make out, but I hope that she will answer this point in her summing up. The response said that parents would be better to

"get together to form 'walking buses' ... one or two will walk all their neighbours' weans to school. I am told this works well in some other districts ... and is a better use of campaigners' time than harassing councillors."

Is that the kind of local democracy that the cabinet secretary supports? Will she intervene, as Hugh Henry has asked her to do, and at least secure a fair hearing for the parents before an irreversible decision is taken?

I asked East Ayrshire Council, which is the other local authority in my constituency, for an assurance that its single outcome agreement would contain a commitment to reduce class sizes to 18 over time. In its response, the council said:

"The SOA has focused on largely strategic matters and may therefore not make specific reference to this operational recommendation. For example, this recommendation would be considered as an input which may impact on the strategic outcome of raising attainment across the authority."

Will the cabinet secretary tell the parents, teachers, pupils and local authority officers of East

Ayrshire whether they must reduce class sizes to 18 by 2011? Will that happen or not?

10:01

Stuart McMillan (West of Scotland) (SNP): I noted with interest the Labour Party's decision to bring this debate to the Parliament and I anticipated that Labour would take its usual attacking approach to Scottish National Party strategy. It is sad that I have been proven correct.

The broken record from the Labour benches on class sizes and teaching strikes is beginning to be boring. However, time and again Labour members fail to mention their failure on class sizes. They are no strangers to U-turns: the previous Executive set a target of a maximum of 20 pupils in mathematics and English classes; before last year's election it changed the target to an average of 20 pupils; and it then abandoned the plan altogether. The EIS has campaigned for small class sizes since the Parliament opened, and was understandably furious at Labour's decision to ditch its plans. The EIS voted last week for a strike ballot on class size reduction, but it should be noted that under the previous Labour-Lib Dem Executive the EIS voted twice—in 2004 and in 2006—for industrial action over class sizes.

Rhona Brankin rose—

Stuart McMillan: To add to Labour's disappointment, COSLA said that at no point had the EIS ever raised its concerns on education budgets with COSLA. It is time that Labour stopped harping on about an issue on which it failed to deliver. It should consider that COSLA also said:

"in this debate we also need to be clear that nothing stays the same for ever."

Under the SNP, local authority budgets will increase by 12.9 per cent, of which around half will be spent on education. The Renfrewshire Council education budget is £146.7 million this year, compared with £139 million last year. I allay any lingering fears on the part of Labour members by saying that £958,000 of the budget has been invested in reducing class sizes.

We must appreciate the importance of understanding the local authority role in deciding education budgets. In that context, I mention the position of Labour members of Renfrewshire Council, who wanted to make an estimated £800,000 of cuts or efficiency savings—or whatever terminology members want to use—from the reduction in school rolls. The actual cut or efficiency saving was £430,000—almost half what was hoped for. How does a Labour proposal for such a huge cut or efficiency saving take into consideration the wellbeing of young people in Renfrewshire? It does not do so, and neither do

the majority of Labour suggestions. COSLA said:

"Put simply, we should be concentrating on the difference we make to children's health, well-being and attainment rather than individual lines of spend and every input they resource."

The *Greenock Telegraph* this week carried a story about Wendy Alexander, who was complaining—nothing new there—about the apparent lack of new schools in Inverclyde. Perhaps she should have done some research about the pitiful two new schools that were built in Inverclyde under Labour between 1999 and 2003. In the article, she is quoted as saying that when people leave school they should be allowed to go on to college. I agree, but she should also have said that she and her colleagues voted to maintain the graduate endowment, which placed an extra burden of debt on students.

I am pleased that COSLA does not think that the Labour motion is worth signing. I agree, and I ask members to reject the time-wasting motion. Let us get on with the job of delivering a better, well-educated Scotland, with local authorities delivering for Scotland's schoolchildren.

The Presiding Officer: We come to the closing speeches.

10:04

Hugh O'Donnell (Central Scotland) (LD): The debate has been interesting. A range of facts and figures, some of them debatable, have been bandied across the chamber. I see no great value in reciting a further litany of the damage that this SNP Government is doing to the education system in Scotland by inflicting a death by a thousand cuts on education services across the country. However, in and through this debate, we must continue to highlight the negative impact that its imposition of uncostered policy decisions is having on services in our local communities.

The level of complacency on the part of both the Cabinet Secretary for Education and Lifelong Learning and the Minister for Schools and Skills is completely breathtaking. It is simply not acceptable for them to pass the buck to Westminster or to browbeat councils into taking responsibility for delivering Government policies without them having the resources to do so. Frankly, those two make Pontius Pilate look decisive.

Time and time again—indeed, almost always—the Government's response to legitimate and reasoned questions on costs, buildings and other issues is that it is someone else's fault or responsibility. On almost every question that I have asked the Government on schools, teachers or class sizes, the response has been, "It's nae us, it's the councils." Indeed, such is the concern at

local government level that even SNP councillors, in private meetings, are asking searching questions about the cabinet secretary and the whole management of the education department under her stewardship. I am told that such is the panic at the heart of the SNP Government and its education department that guidelines have been issued to local authorities to use the fully funded places scheme to try to meet the class size commitment.

Every member has heard accounts of probationers being told that there is no permanent job for them and being offered supply work and stories of staff being shuffled, reallocated and repositioned. Regardless of how it is done, and no matter how it is defined, if a cut is made in the level of support services to children with special needs, it is a cut. If teachers are redeployed so that they have larger numbers of pupils, the level of support will be nothing like it was beforehand.

Let us look at the success of the flagship policy of cutting class sizes, through the example of two councils: North Lanarkshire Council and Clackmannanshire Council. In North Lanarkshire, a mere 49 schools will, perhaps, have a primary 1 class size of 18 or under. The average class size across the council will be 20.5 pupils, with composite classes averaging 21.4. In Clackmannanshire, the numbers in 10 P1 classes will exceed 20 and the numbers in a further 11 composite classes could be as high as 24. On hearing those figures and others that we have heard in the debate, the SNP Government cannot continue to believe that it is delivering its class size commitments—it is not. The Government needs to be held to account at every opportunity for making promises that it is clearly failing to deliver.

10:08

Elizabeth Smith (Mid Scotland and Fife) (Con): This time last year, I was writing my last set of school reports. I could not help but be struck by the change in style that had taken place since I began my teaching career. Gone were the days of bluntly telling a parent that their little treasure had failed an exam and in were the days of saying that they had met the grade-related criteria in question 1, but done not so well in questions 2 to 10. As Rob Gibson said, in education these days, the way in which things are said seems to matter more than what is said. Frankly, this is where the Government has got itself into what the French would describe as “une débâcle totale”—I am practising for the French baccalaureate that we hear we are getting—otherwise known as a complete mess.

Let us take class sizes. I am sure that the Scottish Government is well intentioned in seeking

to reduce the numbers in primaries 1 to 3 to a maximum of 18. However, ministers have completely failed to realise that the directors of education in our local authorities are telling them that, in many cases, setting specific targets is not the right way to do things. The Government insists on doing that, but authorities are telling it that delivering on class sizes simply cannot happen without spending an additional £420 million on more teachers and classrooms. That is many times the sum that the SNP originally estimated—so much for a Government that prides itself on numeracy and literacy.

Take the example that Jamie Stone mentioned of Brora primary school in the Highlands, which is being forced to lose a member of staff simply because its school roll has dropped from 97 to 96 pupils and because the local council says that it must adhere to a mathematical formula, never mind the local circumstances. There is also the instance of Renfrewshire Council, which, as Rhona Brankin said, is scrapping current class size limits in English and maths in S1 and S2 to pay for the new ones in P1 to P3. Those are two very blunt messages, but the Government is not listening.

In addition, the Government has got into a complete mess on flexibility. It insists that it wants more flexibility for local authorities and headteachers, so why did it persist with scrapping the successful schools of ambition programme, which acknowledges that schools know their situation much better than the Government ever could and allows them the freedom to decide how best to spend their money?

Fiona Hyslop: Will the member at least admit that the Government is spending more on schools of ambition in this parliamentary session than the previous Government spent on the programme?

Elizabeth Smith: If that is true, why is the Government scrapping the programme?

Many people are upset because the inflexibility can only create problems elsewhere. We know that advanced higher courses are being cut, as Murdo Fraser set out. We also know that, on PE and outdoor education—or, in SNP language, walking to school and healthy living—schools are struggling to come up with enough resources to find the specialist teachers. Ironically, that is at a time when many probationary teachers cannot find a job. I am pleased that the SNP is taking our policy proposals on some of those matters seriously, and I am grateful for the support of other parties, too, but I will be much happier, as will the teaching profession and parents throughout Scotland, when we have real devolution in our schools at local level, so that we can ensure that those activities happen.

The final report card is not looking too good for the Government. There are too many lapses of concentration; problems with sums; not enough exercise; and maybe even problems with the bullies in the playground, who this time are not Labour members but EIS members, whom I believe are seriously endangering the lives and educational futures of our children through the action that they have taken. Let me say unequivocally that we do not support the EIS in any way on strike action, because that puts into jeopardy the whole situation. We support the EIS in some of the complaints that it is making, but not on strike action. The Government must do better. Just for once, can we put educational needs rather than targets at the top of the agenda?

10:13

The Minister for Children and Early Years (Adam Ingram): Unlike Hugh O'Donnell, I am hard pushed to think of a more mean-spirited debate in the Parliament than the one that we have had this morning. Indeed, "debate" is far too dignified a word to describe the whining performance of the Opposition parties. It has been scaremongering, factually inaccurate, sour and carping. That is the tone of the contribution that we have come to expect not only from Rhona Brankin, but from the Labour approach to opposition, which is encapsulated in the motion.

Let me do a little deconstruction.

Jeremy Purvis: Will the minister take an intervention?

Adam Ingram: No, I will not. Sit down, please.

According to Labour members, there is a lack of confidence in the Scottish Government—they wish. On the contrary, I see and hear enthusiasm for the Government's agenda up and down and across the country as I undertake my ministerial duties. The most oft-heard description of our approach is that it is a breath of fresh air. There is a great deal of support for our focus on the early years and widespread anticipation of the policy framework that we are developing. In primary schools, I find a huge welcome for and willingness to engage with the curriculum for excellence. To be sure, there may be more sceptics in the secondary sector, but many teachers there have less than fond memories of the higher still reforms. Their concerns are about not policy principles or intentions, but implementation, and we are working hard to address those concerns.

Jeremy Purvis: Will the minister give way?

Adam Ingram: No, I will not.

As for directors of education, Wendy Alexander brazenly misrepresented their view at First Minister's question time last week. Like Bruce

Robertson—the immediate past president of ADES—most directors of education acknowledge the reality. Mr Robertson said:

"The budget settlement was tight but there have been no cuts at all and there has been some growth."

In her speech, the cabinet secretary ran through a list of education budget increases across the country. Facts are chieftains that winna ding, and they give the lie to Labour's absurd claims. Even Gordon Matheson, Glasgow's education convener, has had to admit that the education budget in Glasgow will be higher next year than this year in real terms.

As for efficiency savings, Labour members will remember their leader's hungry caterpillar speech, in which she berated this Government's efficiency targets as being not ambitious enough and demanded a 3 per cent figure. Members should remember that, under the SNP, local authorities get to keep the efficiency savings that they make to reinvest in services, whereas Labour clawed back the savings to the centre. Now those were cuts.

Rhona Brankin: Will the minister take an intervention on that point?

Adam Ingram: No. Sit down, please.

Let me turn to class sizes. Again, Labour doublespeak is to the fore, with condemnation for our historic concordat, which commits local government to show year-on-year progress towards delivery of our policy of reducing class sizes to 18 in P1 to P3. Apparently, that cannot deliver quickly enough. But wait a minute—Labour does not even believe in the policy. According to Wendy Alexander, class sizes are not a good measure of what matters. Steven Purcell gave the game away completely this week when he claimed that reducing class sizes was not a productive way of improving education. We beg to differ—and what is more, the Scottish public agree with us. The research evidence backs that up.

Finally, there is the rubbish about probationary teachers. According to the General Teaching Council for Scotland, 92.7 per cent of last year's probationers are teaching—a 5 per cent rise on last year. At a time when more teachers are being trained than ever before—20,000 in the next three years—that is a brilliant result. Okay, some are working part time, and some are in supply, which is not ideal, but they will get permanent full-time jobs as 6,000 teachers retire year on year for the next few years.

Can Ken Macintosh tell us what other group of graduates have better prospects of pursuing their preferred career? I contend there are not any—especially now that the wheels have come off Gordon Brown's much-vaunted economic policies.

I commend the SNP's amendment to a motion that is as crass and incompetent as any that has ever appeared in this chamber.

10:18

Ken Macintosh (Eastwood) (Lab): I thank Mr Ingram for raising the tone of the debate above the "carping" that we heard earlier.

This week saw the publication of some very worrying UK figures that will have confirmed to all of us the extent of the challenge that faces us in eradicating poverty in this paradoxically wealthy country of ours. The figures will have dismayed those of us who are in politics to try to tackle and reduce inequalities of wealth and opportunity. However, what made me even more depressed was the response of SNP ministers. They did not roll up their sleeves and get on with the task in hand; their response was to blame Westminster and to call for separation. Motions then followed from the back benchers calling for control of our benefits and taxation systems. The motions did not say what the SNP would do with those systems; they simply called for control.

It was depressing that none of the SNP's press releases spoke about what we could do here in the Scottish Parliament to tackle poverty, using the range of powers and controls at our disposal. Arguably one of the biggest and most important weapons in tackling child poverty is education. Education is key to improving the life chances of our children, no matter the circumstances in which they are born, yet the SNP Government is cutting funding to vulnerable two-year-olds.

Education is crucial to our success in tackling poverty, yet the ministerial budget for education received the lowest settlement of all ministerial budgets. The SNP talks long and hard about how control over our affairs is the solution to all our ills, yet when it is given total control over education policy, it fails to deliver on any of its promises or commitments across the board.

The SNP promised to build schools. However, not only has it failed to commission a single school, it has introduced a funding mechanism in the form of the Scottish futures trust that has attracted scorn and derision and has more to do with a dramatic obsession with PPP than with the practical reality of building schools. The SNP promised smaller class sizes throughout the country, but it seems happy to sit back while its colleagues in SNP-led councils close schools, lose teaching posts and, in Renfrewshire, apparently reverse the class size cuts in secondaries that Labour introduced.

On the one hand, the SNP is quick to blame Westminster for all the evils under the sun, but, on the other hand, as Murdo Fraser, Jeremy Purvis,

Rhona Brankin and others in the chamber pointed out, the SNP is setting up local government to be the fall guy for its broken promises. The cabinet secretary's sole argument seemed to be to decry those who complain, such as the 75 teachers at Gleniffer high school, and to accuse the Opposition parties of scaremongering. She was unable to point to a single success or achievement of her Administration. However, she intervened later to try to claim success in West Lothian, until my colleague Mary Mulligan pointed out that the SNP had achieved the class size target in a school with a total roll of 23.

Even though the cabinet secretary and her team are expected to show leadership on teacher recruitment and workforce planning, they are happy to entice hundreds of bright young graduates into the teaching profession while presiding over local authority cuts, which will mean that posts are lost and that there are no jobs for those probationers. Mr Ingram dismissed that issue as "rubbish".

Fiona Hyslop: Does the member acknowledge that the bulk of the education budget is in the local government settlement, which went up under this Administration after years of going down under Labour?

Ken Macintosh: Such rewriting of history by the SNP is incredible. We had real-terms increases in education budgets every year under Labour and class sizes came down—we delivered lower class sizes. However, the cabinet secretary just says, "It's not our fault; it's all up to local government."

I would be surprised if any constituency MSP had not received a letter from a probationer teacher. However, in case some have not had a letter, I refer them, and the minister, to the website of *The Times Educational Supplement*, which lists the experiences of probationer teachers; I will quote a few examples. One probationer said:

"there are two posts advertised for the school I currently work in and I found out last week that there were almost 300 applicants for those 2 posts".

Another said:

"I researched the job situation before doing the PGDE but I didn't think it would be quite as desperate as it is".

A third probationer said:

"if all else fails I hear they're looking for teachers in Dubai".

Dubai is not a country that the SNP normally quotes as being in the crescent of success—or whatever it is called.

Last week, in answer to a parliamentary question that I had asked, the minister suggested that she was taking action at last and said that Joe Di Paola would be heading up a working group. However, she is yet to tell Parliament when that

group will meet, who is on it, whether it will be accountable to Parliament and, more important, what timescale she has set for it to make recommendations—in other words, what she will do to ensure that the jobs are there. I am delighted that the minister is taking action to talk about the problem, but I suggest that teachers are looking for a little more in the way of delivery.

My problem could be that I still regard the promises that the SNP made to the electorate as commitments that the SNP might wish to keep. The truth appears to be that the SNP has no real intention of delivering on its pledge on class sizes. It is difficult to see how anyone can trust the Administration when ministers refuse to say how much implementation of the pledge will cost and the First Minister and his cabinet secretary contradict each other directly on when it will happen.

The SNP has failed to express any vision for education. It borrows the language of social democracy when it suits it, but it fails to deliver on the funding or the policy decisions to back that up. Anxiety and frustration are mounting among people from directors of education to deputy heads and from experienced teachers to trainees.

The Parliament has sent a simple message to the SNP Administration this morning: it should face up to its ministerial responsibilities and deliver on its promises.

Bus Transport

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-2121, in the name of Des McNulty, on bus transport.

10:24

Des McNulty (Clydebank and Milngavie) (Lab): The key theme that I want to develop is the need for Parliament, and ministers in particular, to focus their attention on bus travel, asking constructively what can be done to improve affordability, accessibility, comfort and journey times.

If we are to address climate change, buses are vital. We can reduce the use of private vehicles only if people have alternative and convenient means of getting about. For most people in Scotland, the main alternative to the private car is likely to be the bus.

The previous Administration made significant strides in increasing bus patronage. The most important single measure was the introduction of free concessionary travel, first through local schemes and then the national scheme. Although some might argue for the smoking ban as the single most popular measure to be introduced by the devolved Parliament, most people would agree that free bus travel for the elderly is the measure that has made the most difference to people's lives. In my constituency, and I am sure in those of other members, the freedom that older people now have to pursue their interests, to meet their friends and to get to and from the shops without having to count the cost of each journey has been a huge benefit—and one that has been enthusiastically taken up.

Increased bus patronage is not attributable solely to concessionary travel, and passenger numbers have increased throughout Scotland, in rural areas as well as in conurbations. Increased patronage is a consequence of joint work among local councils, bus operators and regional transport partnerships. They have worked together to introduce bus priority measures, invest in new vehicles with improved accessibility and lower emissions, and initiate schemes such as the streamline corridors on the busiest routes in the Glasgow conurbation, where operators will be expected to meet higher standards.

However, progress is not universal. There are concerns about infrequent services in some areas of Scotland, especially in the evenings and at weekends, and about uncollected litter and a lack of cleanliness on some vehicles. There are concerns about the number of substandard vehicles still in use and about slow journey times

caused by bus congestion, as well as other forms of congestion on some of our city streets. There are also worries about passenger and driver safety from attack or vandalism. It is time to look again at partnership working and at existing regulatory arrangements and enforcement mechanisms to see what improvements are needed to make bus travel a positive choice for everyone, including those who currently opt to drive instead.

I do not think that anyone would claim that the current statutory arrangements are working as intended. There have been no quality contracts, and quality partnerships have tended to be informal rather than formal agreements ratified by ministers. The fact that the main players are working round the legislation raises questions about whether the framework functions properly. It is clear from the work that was undertaken to arrive at the bus action plan in 2006 that there are deficiencies in the implementation of the current regulatory system and in the effectiveness of transport planning. Those matters need to be addressed.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Does the member share my delight at the stronger enforcement action that was taken by the traffic commissioner for Scotland, which has resulted in five companies being taken off the road in Scotland? Does he agree that we should all encourage further strong action on lower-standard operators?

Des McNulty: I agree absolutely. That is one aspect of the work that we want to be done, but it is not sufficient on its own—other matters need to be addressed.

Since 2006, two additional factors have come into play. One of those factors is the end to ring fencing and the introduction of single outcome agreements, which I believe will place transport investment and the funding of regional transport partnerships at risk. Councils are likely to be reluctant to allocate resources outside their own boundaries, even when it might be logical in transport terms for them to do so.

The second factor is the massive increase in the cost of fuel, which presents both a threat and an opportunity to the bus operators. The opportunity for operators is that increased fuel prices will be a spur for people to reduce their use of private vehicles. The threat is that the fare increases that were announced recently, which are double the level of inflation, will have the reverse impact.

I am a realist—I accept that fares needed to rise to take account of increased operator costs, the largest element in which is the rising price of fuel, which is driven by pressures in the global oil market. However, in the context of everything that

has been said about climate change, congestion and changing people's use of transport, how is it sensible for the Scottish Government to withhold the uprating of the bus service operators grant to offset increases in fuel duty, leaving operators in Scotland with the highest costs in the United Kingdom?

Stewart Stevenson: Will the member give way?

Des McNulty: No, I will carry on.

In its ruling last month, which was the trigger for fare increases well above inflation, the Competition Commission highlighted the actions of the Scottish Government as the justification for the removal of the cap on fares in Glasgow and Edinburgh, which previously held fares at inflation plus 1 per cent. The Government needs to rethink quickly its position on the BSOG. I am sympathetic to efforts to change the basis of payment to promote environmental objectives, but operators in Scotland cannot be left financially unsupported when their counterparts in England are receiving rebates.

Ministers need to shift their stance on concessionary fares. They have frozen reimbursement for the next three years at a level that will not meet the expected increase in patronage, so what gives? Will we have new restrictions on benefits that elderly and disabled people enjoy or higher fares for paying passengers, or are bus operators supposed to pick up the tab? I do not object to ministers driving a hard bargain, but Parliament needs reassurance that the scheme will continue and that anomalies such as that which affects people who receive the lower rate of disability allowance will be resolved.

On his website, Alex Neil says:

“the eligibility criteria”

for free travel

“should be extended to include those”

disabled people

“who receive the lower rate mobility component”.

I agree. Members of all parties have signed motions in the names of Angela Constance, Charlie Gordon and—most recently—Jackie Baillie that declared that it is wrong that some disabled people are ineligible for concessionary travel.

Tonight, members will have the opportunity to vote for a motion that would establish the principle that the people who are affected—many of whom have severe learning difficulties and who previously qualified for free travel under local schemes but have been excluded under the current eligibility rules—should be given free travel. The motion calls on ministers to effect that change urgently.

I believe that the Parliament is at one in wanting further growth in passenger numbers. To achieve that, affordable fares and continuous improvement in service quality are vital. Passengers need to feel safe on buses. If we want people not to pick up the car keys, we need a service frequency that minimises any inconvenience of planning travel via scheduled services.

The debate needs to continue. I expect us to conclude that some aspects of the regulatory regime should be updated or modified. In his amendment, Patrick Harvie makes the important point that we can learn from how regulation works elsewhere.

We need to have better—not more—regulation, partnership working that involves employee and passenger representatives and the determination to ensure that bus travel is a positive choice rather than a last resort.

I move,

That the Parliament believes more effective implementation of regulatory arrangements is needed to improve the quality, affordability and accessibility of bus travel; considers that resources are needed by local authorities and regional transport partnerships to permit them to complete the action points in the Bus Action Plan, vital if more people are to be encouraged to use buses rather than cars; expresses concern about the sharp increase in fares throughout Scotland caused by increasing fuel prices and the SNP government's decision not to increase the Bus Service Operators Grant in line with the rebate provided by the UK Government to bus operators in England and Wales; calls on ministers to promote through-ticketing, to seek a review of the Competition Commission's stance on the level of communication that can occur between public transport operators on issues such as timetabling which would assist greater integration with other forms of public transport and to review penalty clauses in rail and ferry contracts which inhibit multi-modal travel; determines in principle, in the interests of inclusion and social justice, to extend eligibility for concessionary travel to people with learning disabilities and other disabled people in receipt of the lower rate of disability living allowance, and calls on Scottish Ministers not to defer this change until the completion of the three-year review of the National Concessionary Travel Scheme.

10:32

Alex Johnstone (North East Scotland) (Con): Des McNulty is famous for the length of some of his motions and amendments. Today, I can claim to have superseded his record, as I have produced an amendment that is longer than his motion. I was tempted simply to read out the amendment, but as I have only six minutes for my speech, I do not have time to do that.

The Conservative amendment would retain the Labour motion's opening line. We would do so because we share the industry's concern that more needs to be done to deal with the so-called rogue elements in it, which are most obvious in the west of Scotland. The standards that we expect

from our operators must be enforced throughout the industry and anyone who fails to comply should be punished.

I do not accept the reference in the Labour motion to the bus action plan. I strongly support the plan and I agree that local authorities need to invest in services in pursuit of it, but I detect in the motion the suggestion that money should be ring fenced. My party believes that local authorities can be trusted to deliver on bus services, and we encourage them to do so, but Labour's heavy-handed approach is not the way forward.

Despite accepting the Labour motion's opening line, I confess to being slightly uncomfortable with its tone, which implies—albeit subtly—that if we want better bus services, we need more regulation. Some Labour politicians—notably Pauline McNeill in her members' business debate in September 2006—have explicitly called for that.

Stewart Stevenson: Does the mayor of London, Boris Johnson, intend to deregulate bus services in London?

Alex Johnstone: I am tempted to answer by saying, "Who knows what Boris Johnson will do?" I am sure that David Cameron holds a similar concern.

I am saddened that the Labour motion found no place to celebrate the success of bus deregulation, which the previous Conservative Government implemented. Even a cross-party report of the previous Local Government and Transport Committee, which former Labour stalwart Bristow Muldoon chaired, admitted:

"In many areas, the de-regulated market has provided benefits in the form of increased frequency of service, reduced fares, better vehicles and improved infrastructure."

I was especially disappointed that Labour felt unable to mention in the debate companies such as Stagecoach and FirstGroup—two global giants of the bus industry, whose contribution to the Scottish economy has been immense. In addition to those companies, my amendment mentions Lothian Buses, whose first-rate services are known to many of us; as my amendment states, Lothian Buses is officially

"the best bus company in the United Kingdom".

Some people like to argue that because Lothian Buses is a council-owned company, its success is a reason for reregulation. That could not be further from the truth, as our much-missed former colleague Tommy Sheridan discovered when he questioned the chief executive of Lothian Buses, Mr Neil Renilson, during the Local Government and Transport Committee's inquiry into the Transport (Scotland) Act 2001. Mr Renilson proved to be one of the most passionate advocates against further regulation of our bus

services, noting that Lothian Buses is wholly deregulated, thanks to the Transport (Scotland) Act 1989, which required local authorities to establish their municipal bus funds as arm's-length companies.

Speaking of the quality contract approach, Mr Renilson stated:

"Such a contract would take control of the bus network and design of the services and timetables away from the people who run the buses."—[*Official Report, Local Government and Transport Committee*, 5 October 2004; c 1183.]

The Scottish Conservatives welcome the new money that the Scottish Government has already allocated to the bus service operators grant as a result of pressure that we brought to bear on the Government at the time of the budget. It is a bit rich for the Labour Party to raise the issue when Labour at Westminster has presided over sky-high levels of fuel duty and is therefore at least partly responsible for the terrible state in which many bus operators find themselves. As a result of the massive increase in fuel costs, even since the budget, there is now a strong case for reviewing the entire scheme, with a view to making it much more effective rather than more restrictive.

Tavish Scott (Shetland) (LD): On the bus service operators grant, the Confederation of Passenger Transport's briefing said:

"To spin this £4 million as an increase to protect fares and services is a complete misrepresentation."

Does the member agree with the CPT on that point?

Alex Johnstone: I accept the member's point, which is why I wish the scheme to be reviewed still further.

I am disappointed that the Labour Party continues to play politics with the extension of the national concessionary travel scheme to those on lower-rate allowances. It has a brass neck for bringing the issue before Parliament again. There is a case for extending the scheme, and we support the review, but the Labour Party excluded such people from the scheme while it was in Government. A little more humility would be welcome from Labour members who speak on the issue with such moral indignation.

I direct the minister to the Scottish Conservatives' contribution to the bus inquiry that was conducted by the previous Executive. He will find many more useful suggestions there for improving bus services in Scotland.

I move amendment S3M-2121.1, to leave out from "considers" to end and insert:

"notes that statutory quality partnerships and quality contracts introduced by the previous administration have failed to produce any meaningful results; notes in contrast

that voluntary partnerships between bus operators and local authorities are flourishing and delivering an excellent service to passengers across Scotland; congratulates Perth-based Stagecoach and Aberdeen-based First Group on their unparalleled global success, achieved in the deregulated bus environment; further congratulates Lothian Buses on being named the best bus company in the United Kingdom for 2007 and notes the success that this company has achieved since the de-regulation of municipal bus companies under the provisions of the Transport (Scotland) Act 1989; expresses concern about the sharp increase in fares throughout Scotland caused by increasing fuel prices and therefore calls on the Scottish Government to review the operation and funding of the Bus Service Operators Grant in consultation with the industry; calls on ministers to seek a review of the Competition Commission's stance on the level of communication that can occur between public transport operators on issues such as timetabling which would assist greater integration with other forms of public transport and to review penalty clauses in rail and ferry contracts that inhibit multi-modal travel; notes that Labour and Liberal Democrat ministers in the previous administration chose not to grant eligibility to people with learning disabilities and other disabled people in receipt of the lower rate of disability allowance when they created the National Concessionary Travel Scheme, and supports the review that may lead to improvements in the scheme as drawn up by Labour and Liberal Democrat ministers."

10:38

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): As members have said, the recent substantial increases in fuel costs present us with challenges, but they are also an opportunity to highlight bus travel—particularly to current non-bus users—as an efficient and effective alternative to many car journeys. I am encouraged by the work that is being undertaken by a number of local authorities in conjunction with bus operators. In particular, the recently publicised work by Glasgow City Council to move towards a statutory quality partnership is an encouraging example of what can be done.

On the subject of the regulated environment, I note the success of London Buses in its heavily regulated environment. I am confident that the successful companies in Scotland would have been equally successful operating in that regime. That is what they are good at.

I and my ministerial colleagues are considering the future levels of bus service operators grant. The budget for BSOG is around £61 million in 2008-09—£4 million more than was allocated in the strategic spending review. We are working with the industry to restructure the grant so that it becomes more environmentally focused and we are making good progress. In passing, I observe that Labour in Wales has followed exactly the same path as we have in Scotland.

We are working with the Office of Fair Trading to develop guidance on bus competition. It has given us to understand that bus companies can discuss subjects of joint interest, but not prices, when such

discussions are carried out under the oversight of a third party, such as the local transport authority. In due course, we will write to the CPT and the bus companies to apprise them of the results of our discussions.

We are also working with the traffic commissioner for Scotland to ensure that the regulatory regime operates efficiently and effectively for bus users. As part of that activity, joint working arrangements have been developed across Government specifically to target non-compliant bus operators. The police, the commissioner and other parties are also involved, and Strathclyde partnership for transport has also played a valuable part by providing staff resources to gather evidence of non-compliance and punctuality failings. I encourage other local transport authorities to consider whether they can provide similar support.

In line with commitments that the previous Administration made, we will start the major review of the Scotland-wide free bus travel scheme for older and disabled people next week. It will review eligibility criteria, delivery arrangements, funding and legislation. I take the opportunity to correct the motion: subsection (v) of section B of part 4 of the form for applying for a pass concerns mental health issues; the form to which that subsection refers—the certificate of eligibility, which can be signed by a wide range of people—clearly covers learning disability, so it is clear that learning disabled people are already inside the scheme. As we go forward, we will consult stakeholders. We have already written to a wide range of equality groups to invite their views on the current operation of the scheme.

The Scottish Government recognises the essential contribution that the bus industry makes and has provided £280 million this year for buses. We have also provided local government in Scotland with record levels of funding and increased its share of Government funding. To encourage more people to consider using buses, we need to drive up quality; we will support efforts that do that. Buses are an important part of the transport solutions that we need to deliver on our climate change agenda, and the Scottish Government will continue to support them.

I move amendment S3M-2121.1.1, to insert at end:

“notes that increasing fuel costs present a significant opportunity for bus transport to demonstrate that it is an efficient and effective alternative for many car journeys, and condemns the failure of the Westminster government to respond to the sudden increases in the price of crude oil which are bringing uncertainty to a wide range of businesses and domestic users of oil and putting at risk the positive developments in the bus industry in recent years.”

10:42

Alison McInnes (North East Scotland) (LD): I thank the Labour Party for allocating this time to a debate on bus transport. At a time when everyone is struggling with the impact of spiralling fuel prices, people must have access to effective alternatives to car travel. Seventy per cent of public transport journeys are made by bus, so let us ensure that the people who already use buses not only continue to do so, but are rewarded by better, faster and more reliable journeys and that more people are attracted to using them for some of their journeys.

In recent years, the most effective and lasting improvements to the bus network have come from partnership working between the industry, local authorities, RTPs and Government. The Labour motion acknowledges that policy levers exist to help bring about that partnership working, but they need to be implemented more effectively. The climate of co-operation and close working must continue to be actively fostered. RTPs in particular can be pivotal in improving bus networks.

Providing first-class bus services involves a package of measures and is as much about what happens off the bus as on it. Improvements that are rightly expected from the industry—such as modern buses, value-for-money fares, consistency and reliability—must be supported by public investment in infrastructure, whether measures to ensure that buses do not get caught up in congestion or schemes such as park and ride. Congestion causes operators to use 10 per cent more buses than should be needed to maintain timetables, which is an unnecessary cost.

Rural areas rely heavily on bus services but are more susceptible to cuts in services as costs rise. Therefore, it is important that established community transport and demand-responsive transport schemes throughout the country be supported and protected. I agree that the concessionary fares scheme should be extended to claimants of the lower rate of disability living allowance, but it is also unfair that its full benefits are not felt in rural areas because community transport services are not currently eligible to take part in it.

Stewart Stevenson: The member may recall that I secured a members' business debate on that subject in the previous session of Parliament, so she will know of my interest in it. I take the opportunity to assure her that we will include the matter in our consideration of the scheme.

Alison McInnes: I welcome that statement, because the issue needs to be resolved. Extending eligibility will cost more, which is why it is important to flag it up now, ahead of the review,

to ensure that next year's budget is constructed to support the changes.

The Government said that it would work with the industry to take forward the bus action plan and some of the minister's comments in his speech were supportive of the industry, but he has failed to grasp opportunities to make a real difference. Significantly, at a time when the industry is struggling with the high cost of fuel, the Government chose not to pass on the Westminster-funded fuel duty rebate. Therefore, £7.5 million that should have gone directly to operators to help keep bus fares down was siphoned off to pay for other SNP promises. As a result, bus passengers across the network have had to cough up for higher fares. The minister's hypocrisy is breathtaking. He condemns the failure of the Westminster Government to respond to the increase in the price of oil while his own Government has refused to deliver a rebate from which bus passengers in England benefit.

The Minister for Transport, Infrastructure and Climate Change told Parliament this morning that he is working with the industry to create a more environmentally focused grant. Although he is moving on with that, would it not have been fairer to keep the original scheme in place until he had developed his ideas? Is not the reality that the minister needed to raid this budget and did not care to consider the consequences?

Let us be ambitious for bus and coach travel. We have world class home-grown bus operators in FirstBus, Stagecoach and Lothian Buses, besides many good local independent operators. There are exciting developments around, such as FirstBus's ftr, Stagecoach's bio-bus in Kilmarnock and wi-fi on the Fife to Edinburgh corridor.

Innovation and investment from bus companies must be matched by vision and investment from Government.

I move amendment S3M-2121.3, to insert at end:

"recognises that, in rural areas, buses are often the only alternative to car use and that rural areas therefore suffer disproportionately from bus fare increases or reduced bus services; considers that the review of the National Concessionary Travel Scheme should extend eligibility to older and disabled people using community transport in rural areas, and believes that the provision of efficient and affordable bus services must be supported with the necessary infrastructure on both local and trunk roads, including expanded park-and-ride schemes, bus passenger priority measures and accurate and accessible timetable information."

10:46

Patrick Harvie (Glasgow) (Green): I welcome the opportunity to debate bus transport and I am glad that the issue has been raised. As has been

said, Des McNulty's motion is more of an essay, although I can support some of the issues that it mentions, such as the need to cut fares, through-ticketing and better integration. Most of us would raise no objections to any of that, but Des McNulty is essentially arguing for better application of the current regulatory regime. I would like not only the Labour Party but others to go further than that.

The Local Transport Bill at Westminster takes some steps in the direction of regulation, but Labour peer Lord Berkeley goes beyond the Government's proposals with his amendment on so-called "tendered network zones", which would give real power to local authorities to designate an area in which it will design the services that are to operate.

The Labour Party's elected members could have gone in the direction of their colleague Huw Lewis in the National Assembly for Wales. His proposed provision of bus and coach services legislative competence order—the assembly's jargon is even better than ours—would reintroduce a public service ethos to public transport provision and require local authorities to ensure that communities are well served by a regular, modern and safe bus service. That public service ethos and direction towards some form of regulation is something that the Labour Party's elected members in other parts of the UK are working on; I hope that we will see something more in that direction than merely applying the current regulatory regime.

As for the Conservative amendment, the response to Des McNulty's essay is a dissertation from Alex Johnstone, who speaks of an

"excellent service to passengers across Scotland".

I am not sure whether the Conservatives live in the same Scotland as I do. I am not surprised that they extol the virtues of competition, but the reality—I hope that they can accept this—is that the impacts of competition are mixed. There is little doubt that in some areas competition has been beneficial, but there is equally little doubt that in many other areas competition has failed bus passengers and is still failing them.

The Conservative amendment places an emphasis on companies that are enjoying "unparalleled global success". I have no objection to Scottish companies enjoying success, but in this case the amendment seems to imply that the success of those companies should be an objective of transport policy—it should not. Good quality bus services at an affordable price should be the objective. I suspect that political thought in this area still owes something to the misguided words of Margaret Thatcher, who apparently said that any man who finds himself on a bus at the age of 30 can consider himself to be a failure. Too

many still see buses as the option of last resort for those who cannot afford anything else.

I am advised that the Liberal Democrats' position of welcoming Labour's reregulation proposal is a federal position, but apparently it does not hold throughout the federal structure. It is possible that federalism is working about as well inside the Liberal Democrat Party as it would if it were applied to the whole country. Alistair Carmichael said:

"David Cameron's Tories are now totally isolated on this issue",

but perhaps he should have said that David Cameron's Tories and the Scottish Liberal Democrats are now totally isolated on the issue.

The SNP's position is interesting. In opposition, it supported reregulation. Kenny MacAskill's proposed member's bill received support from Kenneth Gibson, Linda Fabiani, Nicola Sturgeon and others. I hope that the SNP will revisit and revise its position on reregulation in the interests of bus passengers, not in the interests of bus operating companies.

I move amendment S3M-2121.2, to insert at end:

"recognises the need, beyond the short term, to consider the most appropriate regulatory environment for bus services to operate within, given the mixed impacts of competition in the industry and the positive results that have been achieved in countries and cities which use stronger forms of bus regulation, and calls on the Scottish Government to consult on the full range of options for the future of bus services."

10:51

Cathy Peattie (Falkirk East) (Lab): Public transport is one of the most persistent and widespread sources of dissatisfaction among my constituents. With the possible exception of our larger cities, I suspect that that is a common experience among MSPs.

I wish that First ScotRail would give my constituents a better deal. Fares from Falkirk and Polmont to Edinburgh and Glasgow are more per mile than most. A passenger station in Grangemouth would also be exceedingly welcome.

Rail might be expensive and serve too few places, but bus travel is undoubtedly the biggest bugbear. If we are serious about tackling climate change and encouraging people to use public transport, we need better buses, more routes and timetables that meet the public's needs. It is too easy to say that there is no demand when the lack of services has forced travellers to use private transport. It is too easy to say that people would rather use their cars and that buses are uncomfortable, inaccessible and expensive. It is

also too easy to say that services are not viable when, if the truth be known, they arrive late, leave early and miss connections, if they appear at all. People need reliable and affordable public transport that is a pleasure to use, not a nightmare. Without it, we will not achieve our targets for modal shift and climate change.

To be fair, some bus companies realise their shortcomings and the better among them attempt to take on board passengers' views, but the bottom line is always profits, not people.

Competition between bus companies is often imperfect, if it exists at all. In such circumstances, we cannot expect companies to provide adequate self-regulation and to achieve proper integration of public transport. We need Scotland-wide regulation. We also need to address the Scottish Government's policies, which have left Scotland's bus operators with higher costs than those in other parts of the United Kingdom and have led to massive fare increases for bus passengers throughout Scotland. We have seen a secret deal to extend the rail franchise and higher-than-inflation increases in rail fares. There has also been outrage among users of ferry services on the Clyde, in the northern isles and on most routes in Argyll because of discrimination in ferry fares between islands.

In particular, we should strive for better provision for older and disabled travellers, and young families with prams and small children. Bus timetables should include information about low-loader and accessible buses. I still hear stories about disabled people waiting an hour or more for an accessible bus. That is not good enough.

Free bus passes have been very well received by the people of Scotland. I have yet to hear a good reason for not extending concessionary travel to those who are on the lower rate of the disability allowance. We must also address the need for a concessionary travel scheme for those who depend on community transport, and I welcome what the minister said about that. It is time to stop dithering and to regain the momentum to improve public transport in Scotland.

10:54

Christopher Harvie (Mid Scotland and Fife) (SNP): I will address themes that are raised in Age Concern's paper on the situation for the elderly, as I suspect that we heroic band of wrinklies have contributed rather more than Mr Johnstone's politicians to the relative rise in the use of bus transport over the past couple of years.

The graph that I am holding up shows that in 1983 there were about 650 million bus journeys a year. Today, that figure has declined to about 480 million journeys a year. That has happened at a

time when the pressures on the oil supply have been demonstrated by the price per barrel of oil, which has increased fourteenfold since 1999. In fact, we may now be at a clinch position such that, within the next 20 years, we shall have to say farewell to our conventional notions of motoring. If that means saying farewell to Jeremy Clarkson, I am all in favour. It is dreadful to think that, instead of Clarkson, we once had the marvellous cultural phenomenon that was—alas no more—the Central Scottish clippie, who could do wonders for fashion with hairpins and dayglo ties and things like that.

Today, the situation in Scotland is that on average we travel about 120 times a year by bus. In Germany, where people do not have concessionary fares, they travel about 240 times a year by bus. The Swiss—not a nation noted for impoverishment—travel anything up to 420 times a year by their enormous and varied forms of public transport. In my town of Tübingen in Germany, our bus patronage increased by 300 per cent between 1995 and 2006, from 6 million passengers to 18 million passengers. If we compare that with the Scottish situation, we realise how well Europe has been doing on bus transport.

How do those countries do that? They have co-ordination and accurate timekeeping. Here, anyone who attempts to take the number 35 bus will have a good saga of what we might call wilfulness on the part of bus routes. There, the buses turn up on time and the driver's cab includes a thing that goes "Ping!" to show the driver which stop he ought to be at. They also have interavailability of tickets.

Alex Johnstone: Does the member recognise the irony in the fact that what most delays Edinburgh's buses at the moment is the construction of the tramlines?

Christopher Harvie: We have a common cause, although I think that even Mr Johnstone supported the trams. When we have a tramway, we will have the natural progress of a rise in bus patronage because buses will have to become more efficient.

An important point is that 80 per cent of German bus passengers travel on season tickets, so buses need to spend seconds, rather than minutes, at each stop. A bus that is paused, like a tram that is paused, is a piece of totally useless metal; buses need to be in circulation all the time. That happens in Germany but not here.

I agree with Help the Aged's programme: we need convenience, effective timetabling and good toilets. Alas, I have reached the Mr Godfrey stage, where that last point is becoming very important.

The skill and dedication of our bus crews are undeniable—anyone who takes an X95 out on the

A7 needs the reflexes of a battle of Britain pilot—but we must have better management. We must also look at competition policy as a way of, if necessary, banging heads together. However, co-ordination can also be achieved in that way.

The bus is our future. If we miss it—thinking in global terms—there will not be another one along ever.

10:59

Elaine Murray (Dumfries) (Lab): Before I start my short speech, I associate myself with Christopher Harvie's views on Jeremy Clarkson, as I agree that the deification of petrol heads as role models for our young people is not good in the current situation. On the issue of intelligent bus stops—those that tell passengers when their bus is expected—I point out that we had hoped to introduce such stops in Dumfries but, unfortunately, they have been delayed by more than a year due to the clawback of a considerable amount of funding from the south-west of Scotland transport partnership. I still need to get to the bottom of why SWESTRANS has lost out on hundreds of thousands of pounds that would have been invested in improving public transport in Dumfries and Galloway.

Some of the most acute transport problems are faced by residents of rural Scotland, where public transport services are much less frequent and where, because of the low population density, a higher proportion of bus routes require subsidy—by passenger transport partnerships such as SWESTRANS—to be viable. The provision of integrated public transport is a significant challenge in rural Scotland, which results in greater reliance on the private car. However, demographic changes in rural areas mean that an increasing number of rural residents are elderly and that the private car may become untenable for financial or health reasons.

The increases in the price of fuel have been mentioned. There are difficult political views on how the issue could be addressed, but I doubt that there is any disagreement about the fact that they have caused a particular problem in rural Scotland, where prices at the pump are generally higher, distances travelled are greater and traveller numbers are lower than in urban areas. In such areas, it is difficult to sustain low fuel prices. The Scottish Government's decision not to pass on the bus service operators grant to compensate for rises in fuel duty will hit rural services harder, as they have higher mileages and lower passenger numbers.

Bus operators in Scotland now have the highest fuel costs in the UK. Unfortunately, there has been a huge percentage increase in fares in Dumfries

and Galloway, where, as in other parts of Scotland, many people are reliant on buses. As fares go up, the attraction of using public transport is reduced, especially to families and larger groups. Recently a lady came to a surgery to complain to me about the cost of bus services from Brydekirk to Annan and from Annan to Carlisle. Sadly, there was not much that I, as a local member, could do about that.

I was encouraged by the minister's response to questions about the national concessionary travel scheme, especially as that may relate to community transport. The capping of the scheme at a time when ticket prices are rising raises concerns that it will not be possible to develop it as many of us hoped, so I am gratified by the minister's response to Alison McInnes. I, too, would like concessionary travel to be extended to community transport schemes, which provide a tremendous service in places such as Dumfries and Galloway.

There is an extremely successful community transport scheme in Annandale. Transport is provided by volunteer drivers, who take elderly people to day centres and general practitioners and on supermarket trips, days out and visits to leisure facilities. Vehicles have been purchased through a variety of capital funding schemes, including the Scottish Executive's rural community transport initiative, but generally revenue costs must be met by users, many of whom are entitled to concessionary travel but are currently unable to use it on community transport buses. The previous Executive committed itself to consider extending the scheme to community transport after the first two years of its operation. I add my voice to those of Cathy Peattie and Alison McInnes and ask the minister to give careful consideration to including voluntary transport schemes such as community transport initiatives in the new concessionary travel scheme, so that those passengers, too, may access the scheme.

11:03

Keith Brown (Ochil) (SNP): I intended to open my speech with the same quotation that Patrick Harvie used a short time ago—Margaret Thatcher's dictum that anyone over the age of 26 who is on a bus can consider themselves a failure. It is a mark of progress that these days most people would indulge in self-reproach if they found themselves not on a bus, but the lone person in a car driving to work.

A few years ago, Scotland's parties recognised the importance of bus travel by coming together to set up the national concessionary travel scheme for older people. Once again, they followed where the innovative and pathfinding SNP council in Clackmannanshire had led. In fact, the national

scheme was a step back for Clackmannanshire. In 1999-2000, when we received a genuinely bad local government settlement, as even the Labour opposition agreed, we introduced a completely free concessionary travel scheme that operated not off-peak but throughout the day—the best scheme in Scotland before or since.

Scotland already recognises and values bus travel more than any other part of these islands. Scotland spends 20 per cent more per head than England on the bus service operators grant and almost double what England spends on concessionary travel. That is real money, and it makes the carping from Labour and the Liberal Democrats look a bit sour. We have heard accusations that the Government treats its time as starting from year zero. That is certainly true of the Liberal Democrats and Labour as far as this debate is concerned. It is as if nothing had gone before; as if the refusal of those parties to make the changes that they are now calling for had never happened.

By contrast, it was a positive development when the Parliament came together on the concessionary travel scheme. People could point to something good coming from the Parliament and see how politicians could work to improve their lives. In an ideal world, we would give free transport to everybody but, as David Hume first observed, when a society is not in a state of total abundance and does not have unlimited resources, it must prioritise.

In government, Labour prioritised not to give the groups concerned free travel. In opposition, Labour members have apparently changed their minds. That is their prerogative, but if they now want the Government instantly to pre-empt its own review to introduce a measure that the previous Administration did not, and which Labour did not propose at the time of the budget, that is at the very least presumptuous.

Charlie Gordon (Glasgow Cathcart) (Lab): Will the member take an intervention on that point?

Keith Brown: No, I will not. It is certainly hypocritical of Labour. To be fair, Alison McInnes should consider where the breathtaking hypocrisy in the debate lies.

One of the underlying problems is the cost of fuel, which has been mentioned. We spoke about the effect of that on food prices in a Conservative-led debate a few weeks ago and it is an inseparable part of the issue that we are discussing now. Even with the spending by the United Kingdom Government, bus fares are going up throughout the UK, including in Reading, east Yorkshire, York, Bolton, Eastbourne, Sheffield and Oxford.

The SNP at Westminster has proposed that any increase in VAT revenue derived from rising fuel prices should automatically be spent on a corresponding reduction in fuel duty. That fuel regulator proposal is thoughtful and revenue neutral, and it has the support of just about every industry group going. It would have been nice to have heard some views on the matter from Labour members.

People are obviously concerned about increasing bus fares. I have had correspondence from people in Kinross about the above-inflation increases on the Kinross to Edinburgh route. Perhaps that is another reason for a direct Perth-Kinross-Edinburgh rail link—but I am sure that I will be told that that is a debate for another time. The Minister for Transport, Infrastructure and Climate Change reopened the rail link in Clackmannanshire just recently and we have undercut the bus journey to Stirling. Together, rail and bus, with a through-ticketing system promoted by the Scottish ministers—which the motion calls for—can help us to address Scotland's needs.

Figures released yesterday from the annual Scottish household survey say that the percentage of people going to work by car increased from 67 to 69 per cent between 2006 and 2007—although I heard on the news last night that there has been a 20 per cent reduction in fuel use for private travel. Better bus transport can help us to reduce the percentage of car commuters, which would contribute to making Scotland wealthier and greener. I would much rather be here debating a range of constructive, and even original, ideas than a motion that is just an anti-Government wish list calling for more money and more central control. I support Stewart Stevenson's amendment to Alex Johnstone's amendment.

11:07

Pauline McNeill (Glasgow Kelvin) (Lab): Not so long ago, I led a debate on the 20th anniversary of bus deregulation, asking whether it had served the country well. We had a good, balanced debate that evening. Although deregulation has brought some clear benefits, communities that have had their services changed or withdrawn or that have no service at all have been disadvantaged. It is extraordinary that neither central Government nor local authorities have powers to challenge that. Instead, the public purse has had to subsidise services that have been reinstated by transport partnerships. That is why Des McNulty is correct to raise the question of funding for transport partnerships, as they are often the safety net for remote or poorer communities whose services have been withdrawn. In some cases, the bus operator that withdrew a service has put in a bid for the same service in order to get a public

subsidy. There are no powers to prevent that, or the cherry picking of the best routes.

We need to consider some powers of direction if we cannot achieve the necessary agreement or partnership with the bus industry. The Conservatives call such an approach heavy handed, but in government they presided over deregulation. Alex Johnstone failed to point out that there is now virtually no regulation at all and no restriction on competition. I feel passionately that we must get the balance right. We must continue to make changes to the current system.

The motion in Des McNulty's name also refers to "the Competition Commission's stance on the level of communication that can occur between public transport operators on issues such as timetabling".

If we cannot achieve agreement on such issues, we might need stronger powers over the bus industry. The Parliament and ministers must be able to give bus users the services that they need and want, ensuring that bus operators co-operate on timetabling and through-ticketing. Indeed, any issue that gives the public the service that they should have—even if it slightly interferes with competition—must win through.

Stewart Stevenson: It may be helpful if I tell the member that I am absolutely confident that we will be able to create a structure for timetabling co-ordination between competing companies.

Pauline McNeill: I am pleased to hear that. Progress has been too slow, and we all know where we need to be on that.

In fairness, the attention that the Parliament has been giving to the bus industry is beginning to provoke a response from bus operators, largely because they do not want any form of regulation to be introduced. I welcome the discussions that I have had locally with bus operators who have responded to service change and the withdrawal of services. However, we cannot slacken in our determination to see change in the bus service framework, or the bus industry will slacken, too.

Every member has experienced services being withdrawn from their communities and it is a priority for the Parliament to make progress on that. There are some great examples in the Strathclyde partnership for transport area, where the use of compliance officers and the five-point action plan demonstrate that we can achieve things through working in partnership.

Through the concessionary scheme bus subsidy, bus operators get one third of their profits from public money, so they must be accountable to the public in some way and it is up to us to ensure that they are.

The SNP Government must please say whether it will extend the concessionary scheme to those who are on the lower level of incapacity benefit.

11:12

Willie Coffey (Kilmarnock and Loudoun) (SNP): If bus travellers today were asked what they want from their bus services, not many would come up with

“effective implementation of regulatory arrangements”,

although I am willing to give that a wee try tonight by asking a few passengers on the bus home from Glasgow to Kilmarnock. If anything is needed in the industry, it must surely be stability in costs to operators and improved quality service at an affordable price to the public, which would allow them comfortably to switch from their cars to buses and trains.

The improvements that have been made in bus services in Ayrshire over the past few years have been very impressive, and passenger numbers are on the up. The quality of the buses is first class, and service frequency is responsive to passenger demands. Service improvements are encouraging people on to the buses, so we must try to build on the successes that have been achieved.

One of the biggest threats to the industry is the rise in fuel prices. As has been mentioned, Lothian Buses has estimated that its fuel costs are 83 per cent higher than they were a year ago. We must not forget the rising utility bills that are also faced by the industry. Stagecoach in Ayrshire estimates that its utility bills have risen by 40 per cent year on year. To its credit, Stagecoach has pegged back its price increases to date, but it expects that increases will be required in August, which is when it has its annual fares review. If fuel prices continue to rise, Stagecoach will inevitably have to think about further fare rises during the course of the year. Those are the real factors that are influencing what is happening, and they present significant challenges to Government as it tries to respond effectively. They are the real threats to the gains that have been made over the past few years.

The fuel duty regulator, which has been mentioned by my colleague, is a practical response to the currently increasing fuel prices. The proposal would see extra taxes from higher pump prices being used to cut fuel duties. Why should the Westminster Government rake in £4 billion in additional North Sea oil revenues yet do little to alleviate the damaging effects on the bus industry and the wider transport industry in Scotland?

I turn to some of the points that are made in the motion and the amendments to it. The SNP

Government has invested about £260 million a year in buses and has increased the bus service operator grant by £4 million. Local authority budgets will increase by 13 per cent over the next three years. All those measures will help to drive down costs, encourage new routes and offer the travelling public a real choice.

The congratulations that have been offered to Lothian Buses, First Group and Stagecoach are well made and certainly merited, as are congratulations for the Stagecoach bio-bus in my constituency, which was mentioned by Alison McInnes.

The Labour Party excluded from the concessionary fares scheme people who are on the low-grade disability living allowance. I hope—as do many members—that something can be done in the forthcoming review of the scheme to address that to ensure that people who deserve concessionary travel receive it.

We are living in a time when serious choices have to be made. Those choices are about how we go about our daily business and, in the context of this debate, how we get to work and back. The daily commute that sees hundreds of thousands of motorists heading in one direction in the morning and then in the opposite direction at night every working day is a crazy situation that is not sustainable in the long term.

Perhaps we should reflect on new ideas to encourage motorists out of their cars and on to buses and trains. We have to keep improving the services with more park-and-ride opportunities to make the switch easier for people to make. Perhaps new incentives are required, too. I made the journey from car to bus and train a few years ago and it was a great decision—no more endless traffic jams and frustrations about being late for appointments. Instead, I could look forward to the calm and relaxing atmosphere of the buses and trains, the opportunity to work and to relax and the chance to meet people going about their business. That is the real challenge behind the debate. I have great pleasure in supporting the Government's amendment.

11:16

Patrick Harvie: Des McNulty began by asserting that free bus travel was perhaps the best measure that has been taken by the Scottish Parliament. It is a strong contender for that crown, not least because, unlike the smoking ban that we supported with few exceptions, the policy of free bus travel can be further progressed. That is why it will continue to grow in popularity.

Des McNulty acknowledged that aspects of the policy are not working, but they are not just failures in quality partnerships and contracts; I

argue that they are also failures in competition. I suspect that Des McNulty and many of his colleagues would agree. He talked about the cost of fuel and the changed relationship between central and local government as two new factors. It is right in new circumstances to look again at the regulatory environment, not just to enforce and apply it better, but to change it and truly achieve transformation in our transport system.

Des McNulty also talked about climate change—we all talk very well about that these days. We call for transformation in our energy system, in housing, in industry and in transport. However, we are not seeing the required transformation. We are seeing a wee bit of change in the right direction but sometimes, too, a wee bit of change in the wrong direction. Road traffic levels are still rising, so buses must be seen as more than merely a supplement to the car or a choice for people who do not own cars.

Alex Johnstone emphasised the fact—it is a fact—that competition has brought some improvements, which I accept. Those of us who advocate reregulation accept that. It is true, but it is insufficient because aside from the improvements, too many people are still putting up with expensive, dirty and unreliable services that are not designed to meet their needs. I continue to regard public transport as a public service: therefore even if—as they are in many cases—the services are operated by private companies, they should be designed and configured in the public's interests.

Stewart Stevenson made a general defence of the Government's policy. There is no great surprise in that; it is his job. He acknowledged the essential contribution that bus services make, but I did not get the feeling that he regards them as part of the public service ethos that I am trying to describe. He also said that buses could make a contribution to climate change, but I regret to say that as with almost every announcement on climate change from the SNP Government, there was no specificity about what will be achieved on climate change and how.

As for the minister's amendment, we all know what he is calling for when he says he wants the UK Government to take measures or to make a response to fuel price rises. We know what he means and I cannot support it. I suspect that no one who has an eye on the long-term consequences could support it, either.

Cathy Peattie spoke clearly in favour of reregulation. I suspect that many members in both major parties hold the same view. The number of Scottish National Party members who signed Kenny MacAskill's bill proposal on the matter in the first session of Parliament supports that view. I had hoped that Sandra White would speak in the

debate—perhaps it was decided that no member who had signed the bill proposal should be called. I would be disappointed if that were the case.

Labour and the SNP should be natural supporters of stronger regulation of bus services. Both parties can make progress towards such a position and I hope that they will do so. The amendment in my name invites the Government merely to begin the process that was supported by Kenny MacAskill and others in a previous session of the Parliament.

The Deputy Presiding Officer: Time is tight, so members must stick to their allocated time.

11:20

Tavish Scott (Shetland) (LD): I always say that to myself as I stand up to speak.

I welcome Willie Coffey's remarks about calm and relaxing bus travel, although that is not always how it feels on the number 5 bus in the morning. Indeed, Mr Renilson, whom Alex Johnstone mentioned, was on the receiving end of a sharp e-mail from me yesterday about why the number 5 never seems to run on time, although maybe that is just a personal impression.

I agree with Alex Johnstone that many more of us are using buses. Members of all parties have talked about the reality of rising fuel costs and changing travel patterns: that has been the flavour of the debate. I agree with Patrick Harvie—although we agree on little else—that travel patterns are changing.

Christopher Harvie was most unfair to Jeremy Clarkson. Professor Harvie and Mr Clarkson are two of a kind in many ways: they are both hugely entertaining, and although we might not agree with everything they say, they certainly enliven debate. Professor Harvie and I serve on the Economy, Energy and Tourism Committee and no meeting is complete without an illustration of the problems that Professor Harvie has encountered on the morning bus from Melrose. The committee is none the worse for that and it is always useful to hear from Professor Harvie.

I was intrigued when Patrick Harvie rubbished the SNP on climate change—he used a word that I will not try to pronounce—given that I thought that the other day he and Mr Stevenson had made a joint announcement on climate change. Mr Harvie seems to be in a slightly difficult position.

The tenor of Keith Brown's remarks was a little difficult to understand, given that the Government motion mentions the risk to

“the positive developments in the bus industry in recent years.”

Mr Brown should perhaps have thought about what he was signing up to before he made his speech.

Yesterday in Parliament Alex Johnstone and I took part in a good old-fashioned ideological debate about tax and spend in relation to business rates. I thought that today's debate would be about regulation versus deregulation—there has been some of that.

I acknowledge what the minister said about the bus service operators grant, but it is important to note what bus companies and the Confederation of Passenger Transport say. I am sure that the minister pays a great deal of attention to the CPT—he would be well advised to do so. In its briefing for members of all parties, the CPT said:

“The £4m allocated to BSOG during the debate will only cover a shortfall in funding that has been apparent since the publication of the Scottish Spending Review. To spin this £4m as an increase to protect fares and services is a complete misrepresentation.”

Those are not my words or those of Labour or Conservative members; they are the CPT's words. I am sure that the minister will reflect on them, and that he has ideas on how to improve the situation in the coming years, but he should not tell Parliament that all is well when the industry says clearly that that is not the case.

I understand and sympathise with many members' comments on concessionary fares. It is important to reflect on the budget lines that Parliament considered earlier this year, which cut the budget in real terms by the end of this parliamentary session. The minister might say that he plans to change that, but parliamentarians can go on only what is in the spending review, according to which the budget will reduce from £189.4 million in 2007-08 to £181.4 million in 2008-09. Members who argue for a widening of the concessionary fares scheme, which is a fair and reasonable argument, must also ask the minister why the budget is being cut and how eligibility for the scheme can be widened while the budget is being cut. That seems to be a difficult circle to square. We look forward to hearing from the minister how he will do that.

11:24

Gavin Brown (Lothians) (Con): Clearly, bus travel is extremely important in Scotland today and it will, and should, become even more important in the future. Scottish Conservatives welcome the debate that the Labour Party has brought to the chamber today.

Before I move on to address some issues that have cropped up in the debate, I will dwell for a minute or two on the response that we made to the former Scottish Executive's inquiry into bus

transport in 2005, “Bus Policy: Scotland's National Transport Strategy Consultation”. I understand that the Scottish Conservatives were the only parliamentary group to submit a response.

I turn to gaps in provision that have resulted from deregulation. Deregulation has been hugely successful, but I accept that there are gaps and that we need to address them. One idea that we referred to in our response in 2005, but which has not been raised in the debate thus far, is stakeholder boards. That ambitious alternative is based on the model that the Oxford Bus Company has put in place south of the border. Its stakeholder board sits separate from the company board and is tasked with a monitoring and advisory role. Membership of the stakeholder board includes employees, customers, local business and transport user groups. Crucially, although it sits to the side of the company board, it is chaired by the company's managing director. The stakeholder board is not simply a talking shop; it is an integral part of the company's operations. If that model can operate successfully south of the border in Oxford, perhaps something like it can be part of the solution north of the border, too.

It is also worth looking at the fact that voluntary partnerships between bus companies, local authorities and transport groups have been more successful than the statutory partnerships. Des McNulty made the point that no statutory partnerships were set up as a result of the legislation. We have to ask why. Perhaps too much red tape was involved or the costs were too high. By comparison, voluntary partnerships such as the one between Stagecoach and Perth and Kinross Council have been relatively successful. In its evidence in 2005, the former National Federation of Bus Users—now Bus Users UK—stated that bus users are

“best served where there are voluntary partnerships”.

If the voluntary approach is deemed to have been more successful than the statutory approach has been, instead of simply harking back to the 1980s and saying that regulation is the answer, we need to learn that lesson.

I was looking forward to hearing what Patrick Harvie would say in the debate on regulation. His amendment is intriguing: it suggests that he was going to tell the chamber about lots of “countries and cities” where regulation is extremely successful. He made two speeches in the debate, but said not a jot on that subject. He simply stated that regulation would be successful, but gave no examples. Certainly, he gave no example of where a country or city has successfully gone from deregulation to regulation. It was a pity that Parliament did not hear about that—perhaps there are no such examples.

We welcome the review of the bus service operators grant, albeit that the process should be speeded up. Of course, the additional £4 million was welcome at the time, but I accept the point that various groups have made that it covered only a shortfall and that it leaves Scottish bus companies at a relative disadvantage to companies south of the border, particularly since the 2p increase came into effect in October 2007.

Scottish Conservatives do not want to turn the clock back; we want to move forward with the ideas that we have proposed. We welcome the concessionary scheme review that is to commence next week. I reiterate the point that we made earlier that we cannot ignore the fact that the former Executive did not open up the scheme to other categories of disability: the Labour Party is wrong in what it said on that. Perhaps in its closing summation, it will address why it did not do that.

11:28

Stewart Stevenson: I am not grossly offended by having remarks that Margaret Thatcher made directed at me in the debate. Two members may have quoted her, but I speak as a minister who has been out and about in Edinburgh this week on the number 1, 22 and 36 bus. Heigh-ho—that is how it goes.

Cathy Peattie made some particularly valuable remarks on disability. Both of us share a strong interest in ensuring that disability is not a barrier to participation in transport and wider society. I know of her long-held position on the subject and I agree that there is a big challenge to be met in respect of all transport modes. I am glad that more and more buses are becoming accessible for wheelchair users. That is one aspect of improvement, but we must do more.

Chris Harvie referred to patronage levels in 1983. Interestingly, patronage levels started to rise—albeit slightly—before the introduction of the concessionary fares scheme, so members have slightly misunderstood the issue. There is a complex mix of factors. The preliminary figures for the past few months suggest that, at least for the time being, car usage is falling for the first time in recent history, which presents a challenge and opportunity for buses and other modes of public transport.

On the more environmentally focused BSOG, we seek to reach a situation in which only 25 per cent of what is paid relates to mileage.

Alison McInnes: Will the minister give a date for when the negotiations on that will come to a conclusion?

Stewart Stevenson: I cannot give a date at this stage. We are having positive discussions on the

issue with the bus companies and the CPT. We want a scheme that helps companies to improve the quality of their fleets and to move up to the Euro 4 and 5 standard buses that are coming. The proposals are geared to promoting that. We are engaged with the companies and we will make the best progress. We have had comments on partnerships and regulation, on which I will say a little more if I have time.

The Labour motion talks about

“more effective implementation of regulatory arrangements”.

We are making real progress on getting people working together, including the police, the Vehicle and Operator Services Agency and councils. The motion mentions the need for resources for regional transport partnerships and councils to complete the bus action plan. Those resources are available, in the increased share of public spending for local government.

The motion expresses concern about fare increases. We should all be concerned about that, but the biggest contributor is undoubtedly the additional tax on the rising fuel prices. People know what can be done about that; I hope that members at Westminster will take it on the chin and do what is required.

The Labour motion highlights through-ticketing. Last week, we announced moves on integrated ticketing. With the completion of the roll-out of new equipment in buses and ScotRail, we are moving ahead on the aim to have one ticket that enables people to access multiple modes of transport. I referred to the discussions that we are having with the Competition Commission, in which we are making good progress.

The point in the motion about

“penalty clauses in rail and ferry contracts”

is a total misunderstanding. There are, in the contracts, no constraints that materially inhibit good connections, although there are significant issues for the industry as a result of other players, such as Network Rail and the charges that it imposes for use of train stations. We are working on that, too.

Are high fuel prices a threat or an opportunity? The answer is that they are both. They are an opportunity for public transport to show what it can deliver. It is rising to the challenge effectively, as there is increased patronage and reduced car use. However, high fuel prices are also a threat in that they put pressure on the cost base, which is an issue that we will need to watch carefully. In reviewing the concessionary travel scheme, we are continuing measures that our predecessors put in place. We support the Green amendment, because improved regulation has a role. Mr

Johnstone should note that we have far from bought into the idea that everything that is good in buses stems from the deregulation that the Tories introduced.

11:34

Charlie Gordon (Glasgow Cathcart) (Lab): Improving bus services matters a great deal to many ordinary Scots, but one might not think so from reading the Government's amendment, which in effect says that high oil prices are a significant opportunity for the bus industry, but that it cannot take that opportunity because of high oil prices. Yesterday, the Great I Am, also known as the First Minister—that former oil economist who predicts a rosy future for an independent Scotland because of high oil prices—skipped his day job so that he could complain at Westminster about high oil prices. No doubt, we will hear more of that today at First Minister's questions—ad nauseam, if not ad infinitum.

Ordinary Scots mainly want to hear the Scottish Parliament address issues such as the one that is raised in Labour's motion—issues that are within Parliament's competence. Bus services really do matter to the man on the Cathcart omnibus. To be fair, Stewart Stevenson made a substantially constructive contribution to the debate.

The Government's informal coalition partners—the Tories—are Thatcherite about buses. According to them, everything in the garden is rosy thanks to Maggie's Transport Act 1985, which deregulated the bus industry. The reality on our streets is somewhat different. Recently, an academic travelled to Glasgow for a seminar on bus deregulation. He had never been there before. He took a train to Glasgow Central and went to a bus stop on nearby Hope Street, where he asked a Glasgow woman, "How do I get to the university?" "Stick in at yer exams, son," she said. He soon boarded a number 44 for Glasgow University. After 10 minutes, the bus had travelled 200 yards up Hope Street, which is always congested with buses. Agitated at the thought of being late for his seminar, the academic remonstrated with the bus driver: "Can't you go any faster?" "Aye, pal—but Ah'm no allowed tae leave the bus unattended."

That is just one way in which market forces are failing Glasgow bus users, but there are others. High emissions are caused by bus congestion. In March, eight operators were reported to traffic commissioners by Glasgow City Council for 158 breaches, and 10 firms were reported the following month for 108 breaches. The city council seeks agreement to a tough new code of bus standards. In a poll on 9 June, 95.7 per cent of *Evening Times* readers who replied agreed that bus

companies should be forced to agree to such a code.

Evening Times readers are not the only people who hunger for a better deal on the buses. In its briefing for this debate, Help the Aged puts emphasis on, among other things, better accessibility on vehicles and the need to allow community transport vehicles into the national concessionary scheme.

The Transport, Infrastructure and Climate Change Committee's inquiry into ferry services has heard plenty of evidence of poor integration of buses with ferry services. Integrated or through ticketing involving buses is still a rarity.

Of course, plenty examples of good practice exist through voluntary partnerships between bus companies and local authorities—for example, quality bus corridors and real-time information schemes. Bus lanes are being combined with higher-quality bus service inputs.

I want to make a central point: it can be argued that councils that invest in bus infrastructure are gambling with council tax payers' cash because bus companies are under no legal obligation whatever to co-operate in the use of such infrastructure. It seems that provisions for quality bus partnerships and quality bus contracts under the terms of the Transport (Scotland) Act 2001 are dead letters, as they have never been used. Perhaps the provisions should be enlivened by having them address some of the issues that have been mentioned in today's debate, such as the co-ordination that Professor Harvie talked about, service integration, through ticketing, fare levels, emissions, vehicle accessibility and community transport. Many issues are reserved powers, but there are ways around that. Another issue to consider is the trade union rights of bus workers.

Despite the mean-spirited points that were made by Alex Johnstone and Gavin Brown, the cost of concessionary travel for the vulnerable groups we are concerned about was already in the Scottish Government's base budget of last year. I ask the Government in all conscience to restore, please, those vulnerable people's travel cards. Let us stop playing politics with vulnerable people.

We note the revelation from the minister that people with learning difficulties are eligible and that the Government will advise them all to reapply. As Patrick Harvie pointed out, legislation on a degree of regulation is being mooted in both England and Wales. At this stage, no one is advocating a return to municipal bus operations or London's bureaucratic and expensive bus franchising system, but we must act on the concerns of bus passengers, which means that leaving them at the mercy of market forces is no longer an option.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

North Lanarkshire (Pupil Attainment)

1. John Wilson (Central Scotland) (SNP): I draw to members' attention my entry in the register of members' interests.

To ask the Scottish Executive what discussions are taking place with North Lanarkshire Council in respect of concerns highlighted in its audit of best value report about pupil attainment levels in secondary 3 to S6. (S3O-3718)

The Minister for Children and Early Years (Adam Ingram): The quality of education in North Lanarkshire is a matter for the council. We expect North Lanarkshire Council to take the necessary action to secure continuous improvement in its schools, and our experience is that that is happening. The education functions of the council remain subject to regular review by Her Majesty's Inspectorate of Education.

John Wilson: I draw to the minister's attention the Accounts Commission report of May 2008, "The Audit of Best Value and Community Planning: North Lanarkshire Council", which states that the council

"needs to improve some core services, most importantly in S3-S6 secondary educational attainment and pupil attendance".

Does the minister agree that that issue should be looked at? Will he take on board the fact that he might have to discuss S3 to S6 attainment and attendance levels with North Lanarkshire Council?

Adam Ingram: It is important to stress that the best-value report contained no recommendations for ministers to take forward. North Lanarkshire Council has responsibility for addressing the issues that auditors or inspectors bring to its attention. Of course, Government policies such as the early years framework should help to address some of the disadvantages that children in North Lanarkshire face. Implementation of the curriculum for excellence will also bring significant advances.

The council will, no doubt, refer to "included, engaged and involved part 1: attendance in Scottish schools", the national guidance on promoting attendance and managing absenteeism, which the Government produced last December.

Karen Whitefield (Airdrie and Shotts) (Lab):

Does the minister agree that it is disappointing that Councillor Wilson has chosen to highlight one of the few negative points in the audit of best value, which is on an issue that North Lanarkshire Council raised at the beginning of the audit process? Does he agree that it is important that we acknowledge the many positive points that the best-value audit made about North Lanarkshire Council's education service and that we congratulate the council on the improvements that it has made in attainment in primary education and early years across the authority area and on its widely recognised work on vocational education for pupils in S3 to S6? Perhaps Councillor Wilson should raise the points that he made with the council.

Adam Ingram: I suggest to the member that this is an appropriate place for any member to raise concerns about issues that affect their constituents. That said, I am prepared to endorse her approval of North Lanarkshire Council's education function. I have had the pleasure of visiting North Lanarkshire and have seen the good work that is going on there.

Exam Results

2. Joe FitzPatrick (Dundee West) (SNP): To ask the Scottish Government whether there are any plans to review the presentation of exam results. (S3O-3700)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The Scottish Government provides a range of information on exam results through national statistics publications and the Scottish schools online website. Those products have been designed to provide a clear and rounded picture of attainment by placing the results in context. We regularly consult stakeholders on the presentation of statistical information on attainment. That will be particularly important in light of the curriculum for excellence programme.

Joe FitzPatrick: The cabinet secretary will be aware that college suits some pupils better than school. Those pupils begin their qualifications in school and go on to complete them in college. It seems unfair that the school gets no credit in the official statistics for those success stories. In fact, in the way in which the figures are calculated, the school's performance is marked down. Will she agree to examine how the results are presented to ensure that schools are not penalised for supporting students in making the best choice for their individual attainment?

Fiona Hyslop: Exam results are presented in a way that provides the most accurate picture of attainment by an entire cohort. Staying-on rates are also presented alongside exam results to give

an indication of their potential impact on the figures.

We launched a consultation document on national qualifications arrangements on Tuesday. The presentation of exam results will be considered in line with curriculum for excellence developments and national qualifications arrangements resulting from the consultation. We will bear in mind the points made by the member, but I reassure him that the staying-on rates should give some recognition to the fact that some pupils go on to college to take examinations.

Adults Returning to Learning (Support)

3. John Park (Mid Scotland and Fife) (Lab):

To ask the Scottish Executive what plans it has to provide opportunities, support and empowerment for adults who wish to return to learning. (S3O-3753)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): Our skills strategy "Skills for Scotland: A Lifelong Skills Strategy", which was published last year, set out our plans and aspirations for a cohesive lifelong learning system. A key ambition is establishing a learning environment with simple structures and supported transitions, making it easier for all Scotland's individuals to access and move through learning.

We are turning that ambition into a reality, and the Government has produced a number of initiatives. We have announced changes to individual learning account Scotland that will specifically direct more funding at harder-to-reach learners—those on low incomes, with lower skill levels or with adult literacy and numeracy needs. We have developed the new higher education £500 part-time grant that will be delivered through ILA Scotland and which will be introduced for the 2008-09 academic session. The grant will give thousands of low-income part-time students fee support for the first time. We are also providing an additional £1 million annually to higher education institutions' discretionary funds to support part-time students' study, travel and child care costs.

Those are examples of how we are realigning our skills infrastructure to ensure that the learning and skills opportunities available to all continue to meet the needs of Scotland's individuals and employers.

John Park: I thank the cabinet secretary for that comprehensive answer. I look forward in particular to seeing how the ILA proposals develop.

The cabinet secretary will be aware that a legal right to time off is being discussed at Westminster, and the United Kingdom Government proposal has support from both the Confederation of British Industry and the Trades Union Congress. It may

be that that is an educational right rather than an employment right. Where does the Scottish Government stand on that? Will it support the UK Government's view that it is an employment right? If it was an educational right, would the Scottish Government support it for Scottish workers?

Fiona Hyslop: I am well aware of that development and the member's proposed apprenticeship rights (Scotland) bill, which deals with related matters. We will examine closely the on-going question whether the Westminster Government's proposal is for a legal right to time off, which is an employment issue, or a legal right to request time off, which is perhaps an educational issue. We will monitor developments, and I will be pleased to talk to the member further as the consultation on his bill progresses.

Ian McKee (Lothians) (SNP): Is the cabinet secretary concerned that the high cost of community use of some school premises because of private finance initiative contracts could inhibit some adults from returning to learning?

Fiona Hyslop: I recognise that the member has a clear interest in the point. One benefit of ending ring fencing as part of the historic concordat that we signed with local government is that that has given South Lanarkshire Council, for example, the opportunity to remove the costs of many of the lets of its community facilities and schools, enabling greater provision of a variety of activities, including community education.

Class Size Reductions

4. Marlyn Glen (North East Scotland) (Lab):

To ask the Scottish Executive how it intends to reduce class sizes in primaries 1 to 3 to a maximum of 18 by 2011, in light of the findings of last month's survey by the Association of Directors of Education in Scotland. (S3O-3732)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The concordat states that, as quickly as possible, local authorities will reduce class sizes in P1 to P3 to a maximum of 18. Local government will be expected to show year-on-year progress towards delivery of the class size reduction policy. At the meeting of the Education, Lifelong Learning and Culture Committee on 28 May, ADES expressed support for that concordat commitment.

Between 6,000 and 6,500 teachers are projected to leave teaching each year for the next few years. The Scottish Government will deliver more than 20,000 teachers in training by 2011 to support educational needs, including reducing class sizes. There are specific resources in the local government settlement to maintain teacher numbers at 53,000 at a time of falling school rolls,

which will enable the concordat commitment on class sizes to be met.

Marlyn Glen: We know that ADES is concerned about the programme's costs, which are £62 million each year for staffing and £360 million for 900 additional classrooms. I note from the cabinet secretary's answer the promise of year-on-year progress and reductions "as quickly as possible", but the promise was to reduce class sizes by 2011. Will she share with members the details of whether each local authority has included plans for class size reduction in its single outcome agreement? How and when does each authority plan to achieve the promised reductions?

Fiona Hyslop: I refer the member to the variety of written answers that have been supplied on single outcome agreements.

A briefing from the Convention of Scottish Local Authorities that members might have received in recent days says:

"We are also aware that there have been ... references in the media and in political circles to the need for £360m to meet the costs of reducing class sizes in P1-P3. This figure emerged in an ADES submission to the Education Committee. The ADES submission makes it clear that this is their estimated cost of implementing this policy with immediate effect. ADES have acknowledged that immediate implementation of the policy"

for everyone all over Scotland

"is not the intention and we are happy to re-emphasise this point."

Ryder Cup (Scottish Representation)

6. Tom McCabe (Hamilton South) (Lab): To ask the Scottish Executive what further action it can take to ensure significant Scottish representation at the 2014 Ryder cup at Gleneagles, in light of recent concerns raised by Scottish professional golfers. (S3O-3743)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government fully supports the two major objectives of "Reaching Higher: Building on the Success of Sport 21", the national strategy for sport, which are to widen participation in sport and improve the performances of Scottish athletes on the international sporting stage.

For golf, we are demonstrating our commitment to those objectives by providing a funding package, which is delivered through sportscotland, of £500,000 per year for clubgolf until 2009-10. In addition, golf receives approximately £400,000 annually from Government and lottery funding that sportscotland distributes, which supports governance, development and performance programmes. The most talented golfers also receive significant support from the Scottish

Institute of Sport and the six area institutes of sport.

Tom McCabe: I acknowledge the good work that the previous Administration did on clubgolf, which the current Administration has continued. However, I respectfully suggest that a significant difference exists between encouraging young people to participate in the sport and the transition from significant amateur achievement to significant achievement on the professional stage.

Scotland will be brought to the world's attention in 2014 through the Commonwealth games, the Ryder cup and other events. It would be tragic if, as the world paid attention to the home of golf in 2014, Scotland did not have significant professional representation at Gleneagles. Will the minister acknowledge the significant gap between the good work on clubgolf and the transition between amateurism and professionalism?

Stewart Maxwell: We recognise the importance of golf to Scotland. Scotland is the home of golf. Clubgolf is not just about giving youngsters the opportunity to experience golf; it involves coaching, competition and spotting the talented golfing stars of the future. The focus of clubgolf's strategy will shift from schools to clubs, where retention, progression and sustainability will be a priority.

Sportscotland supports several golfers—approximately 10 golfers a year—who are in the transition from the amateur to the professional game. Each golfer receives up to £5,000 per annum and they can continue to receive support from the governing body's performance programme, the area institutes and the Scottish Institute of Sport when appropriate.

The evaluation of clubgolf is complete. It identifies the programme's many strengths and the challenges in continuing to develop and deliver it. The evaluation's findings will inform the production of the strategy for 2009 to 2014, which I am sure that Tom McCabe and I agree is a critical phase for the development of golf in Scotland.

The Presiding Officer (Alex Fergusson): I should have pointed out earlier that question 5 has been withdrawn.

Ocean Youth Trust Scotland (Fleet Base)

7. Stuart McMillan (West of Scotland) (SNP): To ask the Scottish Government what representations have been made about where to base the Ocean Youth Trust Scotland's fleet of three boats. (S3O-3710)

The Minister for Children and Early Years (Adam Ingram): The Scottish Government has received no representations about the base for the Ocean Youth Trust Scotland's fleet. However, we

are aware that the trust is working with the Riverside Inverclyde urban regeneration company to examine the feasibility of creating a permanent new headquarters at Victoria and east India harbour in Greenock. The Scottish Government recently announced a funding package of £19 million over three years to support the URC's work.

Stuart McMillan: As the minister is aware, Inverclyde is undergoing a regeneration programme. By encouraging businesses and organisations such as the OYT, we will greatly aid that work. I ask him to ensure that the work that is under way with the Riverside Inverclyde URC is sped up and that Inverclyde benefits from the OYT relocating there.

Adam Ingram: I support the Ocean Youth Trust and recently attended the launch and naming of the newest addition to its fleet, the Alba Endeavour. I met the young participants and saw for myself the trust's excellent work in helping to make our young people confident individuals, successful learners, responsible citizens and effective contributors. I look forward to hearing the outcome of the feasibility study into locating its headquarters in Greenock, and I hope that that outcome is achieved.

Affordable Rural Housing

8. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Executive how it is supporting the provision of affordable rural housing. (S3O-3734)

The Minister for Communities and Sport (Stewart Maxwell): In addition to investing £114 million in rural areas this year, we are setting up the new rural homes for rent pilot scheme. Further, we have extended the open market shared equity pilot to several rural areas. The housing supply task force is examining the issues that hamper development in rural areas.

Rhoda Grant: This Government has cut funding to Highlands and Islands housing associations by 26 per cent, which shows ignorance of the cost of providing affordable houses in rural areas. Small Highlands and Islands housing associations such as Lochalsh and Skye and Hebridean, which provide high-quality housing in some of the remotest areas of Scotland, are facing real cuts. In some cases, grants are being slashed by more than half. That will mean less affordable housing in areas that are crying out for more. Will the minister review that decision as a matter of urgency and ensure that people in my constituency are not further disadvantaged by funding cuts?

Stewart Maxwell: That is a rather unimpressive attempt to scaremonger about the affordable housing investment programme over the next

three years. We are investing some £1.5 billion in housing over the next three years. Rural Scotland has retained its share of the national programme. Our budget for rural areas is approximately £114 million, which will provide nearly 1,400 affordable homes in rural areas.

There are a number of other programmes, including rural homes for rent and the open market shared equity pilots that I mentioned. We are investing more money and we will build more houses and ensure that people throughout Scotland get the affordable housing investment and homes that they require. Unfortunately, that was not delivered by the previous Administration.

Johann Lamont (Glasgow Pollok) (Lab): At yesterday's meeting of the Local Government and Communities Committee, one of the minister's officials explained to members that to deal with the cuts in housing association grant, housing associations should look to their reserves. Is Argyll Community Housing Association scaremongering when it explains that because it is a debt-funded registered social landlord, it has no free reserves to subsidise HAG? It has said:

"If these proposals are to be implemented, it would appear the association could only get access to HAG by increasing its rents by over £20 a week."

Is that what this Government describes as better housing that is accessible to those in need?

Stewart Maxwell: Week in, week out, Johann Lamont attempts to scaremonger about the meltdown in the community-based housing association movement. That is a despicable way to behave in the chamber. The Scottish Housing Regulator could not have been clearer when it reported that the sector overall is in good financial health. The sector is well placed to develop more new houses. There is no evidence to suggest that transfer associations and others are in need of special treatment.

The Presiding Officer: Before we come to First Minister's question time, I am delighted to say that the diplomatic corps of Caribbean high commissioners has joined us in the Presiding Officer's gallery for First Minister's question time. High commissioners, on behalf of the Scottish Parliament, I warmly welcome you.

First Minister's Question Time

12:00

Engagements

1. Ms Wendy Alexander (Paisley North) (Lab):

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-869)

The First Minister (Alex Salmond): Later today, I will have meetings to take forward the Government's programme for Scotland. Among my engagements, I will present medals to members of the Lancastria Association of Scotland, who are survivors and relatives of those who perished in the sinking of the Lancastria in June 1940, which was the worst single loss of life for British forces during the second world war. I would like to recognise one of those survivors in particular: Charlie Napier of Inverurie, who is with us in the gallery. *[Applause.]*

Ms Alexander: I add my welcome.

I am sure that the whole Parliament will wish to extend condolences to the family and friends of all the patients who have suffered as a result of contracting *Clostridium difficile* in hospital. So far this year at the Vale of Leven hospital, there have been 54 cases, in 41 of which the patient acquired the infection in hospital, and 22 people have now died. Does the First Minister agree that an independent inquiry is now essential?

The First Minister: As Wendy Alexander knows, the Cabinet Secretary for Health and Wellbeing has announced robust measures to get control of hospital-acquired infections in Scotland. All members share the regret and mourning for those who have suffered and died in these circumstances. The best thing that we can do is to reinforce the measures that the health secretary has outlined in order to tackle and defeat the scourge of hospital-acquired infection.

Ms Alexander: I draw the First Minister's attention to the fact that lesser outbreaks at Stoke Mandeville hospital and Maidstone hospital have led to external inquiries. Given that the outbreak may be the most severe ever in Scotland in terms of the mortality rate, an inquiry would be valuable and should be seen to be independent of Government. I urge an inquiry on him.

Given that there was an increase in the number of cases above expected numbers in January and February, why was there a delay until May in investigating the incidents? When were ministers first informed that there was a possible problem?

The First Minister: The Greater Glasgow and Clyde NHS Board inquiry took place when it did—incidentally, we know the full extent of the

outbreak because of that investigation—because it was thought that the immediate priority was to take the robust measures that were required to control the rate of infection. I am sure that Wendy Alexander will understand and support that. We now have the information that we have—the appalling detail of the consequences of the hospital-acquired infection—because of the Greater Glasgow and Clyde NHS Board inquiry into the precise circumstances. The health secretary is perfectly willing to consider whether further inquiry is necessary and is doing so at the moment.

Ms Alexander: Many people will be troubled that there was a delay in investigating the incidents until May although there had been a rise in deaths in January and February. That alone deserves to be looked into, but what really troubles many people is that the first outbreak control meeting was called only on Tuesday this week.

I come back to the point about the health secretary's involvement. When was she made aware of the Greater Glasgow and Clyde NHS Board inquiry, when was she made aware that 54 cases were involved and what action did she take? Why have there been no public statements from ministers on the matter so far?

The First Minister: The health secretary was informed throughout of the measures that Greater Glasgow and Clyde NHS Board was taking. The whole range of circumstances came to light because of the investigation of three cases of *C. difficile* as the health board looked back through its records to see the full extent of the infection. All members must accept that the first thing that one does in such circumstances is to put in place robust measures to control the outbreak. We know the full extent of the outbreak because of the investigation. The health secretary has indicated that she is perfectly willing to consider a wider inquiry and she has made statements to the chamber announcing the initiatives that the Government is taking to get hospital-acquired infections under control in Scotland.

I accept that we as a Government face this responsibility. I hope that all members will regard the control of hospital-acquired infections as a responsibility that we should face as a Parliament and not something out of which we should attempt to make political capital.

Ms Alexander: I am happy to pursue outside the chamber some of the questions that I have raised, but let us come to today. A management meeting is currently taking place at the hospital. Given that this is one of the most severe outbreaks ever in Scotland, is any member of the Scottish Government health department present at the meeting? What reassurances can the First

Minister give to patients and their families that action is now being taken to contain the infection?

The First Minister: The health department is in full contact daily with the health board. The need for a robust response on the control of infections is exactly why we have health boards in the structure that we have in Scotland. Given that I think I am right in saying that the Government has increased expenditure on tackling hospital-acquired infection by 10 times, I do not think that even our sternest critic would accuse us of being complacent in facing this scourge, which we must face together.

Given that the health board has had an inquiry and has published the full extent of the awful circumstances, that the Cabinet Secretary for Health and Wellbeing has said that she is perfectly willing to consider a wider inquiry, that the health board is meeting now to ensure that robust procedures are in place and that the Government has increased expenditure on controlling hospital-acquired infection by 10 times, the last thing that we could be accused of is not facing up to the seriousness of this and other hospital-acquired infections.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-870)

The First Minister (Alex Salmond): I have no immediate plans for a formal meeting, although yesterday evening I was in close proximity to him in the House of Commons, albeit in a different lobby.

Annabel Goldie: One does not know who to feel sorry for.

It used to be that criminals and their crimes grabbed the headlines; it is now the criminal justice system that is hitting the headlines. This week, we have read about the increasing number of criminals who are not even being prosecuted. Today, we read that the First Minister had to plead with a mother whose son was thumped in an unprovoked street attack not to flee the country because she no longer feels safe in Scotland. I understand that a similar case of another son who was assaulted will hit the headlines tomorrow. Public confidence in our criminal justice system is haemorrhaging and it will be beyond the power of the First Minister to intervene in every case and to plead with every family of every victim. How will the First Minister stem the haemorrhage and restore confidence?

The First Minister: I read some material that the Conservative justice spokesman released this week about the move to summary justice and the reforms which, incidentally, were supported in the

previous session of Parliament by every party in the chamber.

One concern that I have with the first part of Annabel Goldie's question is that the summary justice reforms carried all-party support and were the right thing to do. They are in the hands of the Procurator Fiscal Service, which is the envy of the world because of its independence of mind and the fact that it is not beholden to anyone for the decisions that it makes and the manner of prosecutions. I do not accept Annabel Goldie's analysis. I think that we have a fine prosecution service, which is discharging its functions extremely well.

We share in common with many western societies an increase in unacceptable violence and disorder and, although we have it in full measure, an overcrowded prison system. The Scottish Government is tackling both those issues, first by increasing prison capacity and, secondly, by introducing the reforms that are required to ensure that some of the people in prison who should not be in prison are not in prison, so that we can ensure that those who should be in prison stay there for the appropriate time. Those measures, like the summary justice reforms, should carry the support of all parties in the chamber.

Annabel Goldie: My party does not question the Crown Office's right to allow fiscals to use discretion, but we are certainly entitled to question whether that discretion is being exercised satisfactorily. Our criminal justice system exists to deter, punish and protect, and it is failing on all three counts.

I hope that the First Minister read with concern the letter in today's *Herald* from the Society of Solicitors in Airdrie, in which the society expressed its alarm about the dumping down of our criminal justice system, including cases involving

"charges of lewd and libidinous conduct against children, assault to severe injury and permanent impairment, a variety of indecency cases (again involving children)".

That is in just one sheriffdom. It is part of a growing trend and it is clearly just the tip of the iceberg.

People can seek to blame individuals in the criminal justice system, but the bottom line is that we are seeing a damaging consequence of the Scottish National Party's relentless drive to empty our jails. Does the First Minister agree that we need to get back to a criminal justice system that is there to deter, punish and protect? Does he agree that we need to get our criminal justice system out of the dock and get criminals back into the dock?

The First Minister: The summary justice reforms, which are being properly applied by the

Procurator Fiscal Service, were put through the Parliament unanimously in the previous session—that is, with the support of the Conservative party. The Parliament made those reforms because it trusted our Procurator Fiscal Service to discharge its responsibilities, which it does without fear or favour.

I say gently to Annabel Goldie that many people in Scotland have some degree of concern, some of which is legitimate. For example, one of the reasons for the summary justice reforms was to show that we can afford a legal aid system in Scotland. Inevitably, as we discharge justice more effectively, quickly and practicably, some people will not get the same legal aid funding that they got previously, including some well-known firms of solicitors. I understand their anxiety. We should take the information that comes before us from people who can give it without fear or favour and we should remember that some people might have a little bit of a vested interest in making the comments that they do.

I admire Annabel Goldie's stance on a range of issues, but she is on shaky ground when she talks about criminal justice in Scotland, for three reasons. First, the Conservative party did not build a single prison in 17 years in office. Secondly, it created the automatic early release system in 1993. Bill Aitken describes that system as farcical, but we, with the Conservative party's support, are committed to ending it. Thirdly, when Lord James Douglas-Hamilton was responsible for prisons as Scottish Office Minister for Health and Home Affairs, there were 98 absconds from the open estate in Scotland, as against 69 last year. However, the open prison population then was 290 as against 444 last year. In other words, under the Conservatives, there were three times as many absconds per prisoner as there are now.

I make those points not just to reply in party-political terms to Annabel Goldie—[*Laughter.*] I said “not just”. The Conservative party should take a bit of care and remember its—how shall I put it?—form before it poses as the defender of justice and law and order.

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-871)

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

Nicol Stephen: Two weeks ago, on 27 May, the Scottish Government put out a press release celebrating that “hidden waiting lists” have been removed, and that there is now “full transparency”

on waiting times. It said that the Government has got rid of the “smoke and mirrors” and that the number of people waiting for 18 or more weeks is now zero. Does the First Minister think that there are any patients who are not celebrating? For example, does he know how long people are waiting for access to sleep apnoea clinics in Scotland?

The First Minister: As the former Deputy First Minister well knows, such services are not, and never have been, included in the waiting list guarantees. I think that he would be right to recall that smoke and mirrors and hidden waiting lists were the situation when he was Deputy First Minister.

Nicol Stephen: It has all changed now, has it? The chief executive of Grampian NHS Board explains the current situation in a letter about a patient who was referred by his general practitioner to the sleep apnoea clinic at Foresterhill hospital. The letter states:

“The current waiting time for routine appointments is approximately one year ... therefore”

the patient

“has waited the average length of time to have these procedures performed.”

In opposition, the SNP said that there was a

“gulf between patients' real life experiences and the statistics highlighted by the government.”

In June 2008, we find that not just one patient but an entire service has a waiting time of more than one year. Is this the Scottish National Party's new hidden waiting list? National health service patients in Scotland are waiting more than 18 weeks at a time when the SNP has told us that the number of people waiting is zero. How many more patients are waiting more than 18 weeks? Why are patients waiting, when the Government says that no one is waiting?

The First Minister: Not only have we abolished the hidden waiting lists for patients with guarantees, we are expanding the number of services that come under the waiting time guarantee. Audiology, for example, has been moved into the waiting time guarantee.

After some considerable experience of Nicol Stephen, I have learned to be cannie with some of the facts that he contributes. Last week, he gave the impression that science funding in Scotland, as demonstrated by the situation in Glasgow, was decreasing. The reason why he referred to Glasgow is that the budget is increasing over the next three years—[*Interruption.*] It most certainly is true. However, the distribution is now based on visitor numbers. I wonder when Nicol Stephen will tell the people of Edinburgh, Dundee and Aberdeen that he wants to reduce the budgets for

their science centres by not basing the funding on visitor numbers.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): What has that to do with the question?

The First Minister: What it has to do with the question, Mr Rumbles, is this: we have learned to look with some care at the detail of Mr Stephen's remarks in the chamber. If Mr Stephen does not like to be reminded of last week, that is no wonder, because the people in Aberdeen will remind him of the implications of the question that he asked last week.

On the health service, the Cabinet Secretary for Health and Wellbeing has already said that she is willing to look carefully at individual cases to effect change. She has already done that for Mr Stephen—one of the few useful things that he has contributed in the Parliament.

The Presiding Officer (Alex Fergusson): I will take a supplementary question from Liam McArthur.

Liam McArthur (Orkney) (LD): The First Minister will be aware of the impact that the fuel protests by French and Spanish fishermen are having on Scotland's shellfish producers. Buyers and truck companies are now unwilling to risk trying to get Scottish products to continental markets, with potentially dire consequences for fishermen in my constituency and elsewhere. In Orkney, the losses to the catching sector are estimated at around £60,000 per week. The level of borrowing by individual fishermen and the local shellfish co-operative is quickly reaching unsustainable levels. Can the First Minister reassure my constituents that he and his Government, in conjunction with United Kingdom ministers, are doing everything possible, both bilaterally with the French and Spanish Governments and through European Union channels, to bring an end to this damaging dispute? Will he ask the Cabinet Secretary for Rural Affairs and the Environment to give urgent consideration to what short-term support the Government could provide to stop small businesses in my constituency being forced to the wall as a result of the blockade?

The First Minister: I thank Liam McArthur for notice of his question. As he will understand, given that we share a huge fishing interest, I am well aware of the situation.

The Scottish Government has been in constant contact—indeed, on a daily basis—with the Foreign and Commonwealth Office and the UK embassy. Richard Lochhead has written to the Foreign Secretary, and I have met and written to the French ambassador. The UK embassy is pursuing the matter at our urging with the French

interior ministry. Seafood Scotland is keeping exporters up to date as quickly as possible with the changing situation—the market is opening and closing as protests take place. That is the full extent and range of the measures that are within our power and province. I cannot stop fuel protests across the continent of Europe, but we are doing everything that we can to ensure that there is free movement and passage of goods for Scottish exporters.

I share Liam McArthur's concern, because seafood export is a sector that is based largely on small companies. There are seasonal factors that make the issue especially acute at this time of year. It is of enormous concern that the losses that may be sustained cannot be recovered and that product cannot be absorbed into the home market. The cabinet secretary is willing to meet Liam McArthur and other concerned members to take the matter forward and to discuss any further initiatives that we can take.

Alcohol and Drugs

4. Nigel Don (North East Scotland) (SNP): To ask the First Minister what steps the Scottish Government is taking to reduce the damage caused by alcohol and drugs by 50 per cent before 2025. (S3F-889)

The First Minister (Alex Salmond): The publication of our new drugs strategy, "The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem", on 29 May marked the beginning of a new era of tackling drug misuse in Scotland. I welcome the fact that, on the whole, it has received substantial support from political parties in Scotland. The strategy sets in motion a programme of action in which more people recover from problem drug use, fewer people start using drugs, early intervention prevents and reduces the harm caused by drugs, and communities are stronger and safer places in which to live and work. In addition, we are developing a long-term strategic approach to tackling alcohol misuse. We are facing up to the scale of the problem in Scotland and will publish our proposals for consultation shortly. We are also making significant investments in tackling both alcohol and drug misuse: £120 million and £94 million respectively have been made available over the next three years.

Nigel Don: The target that I mentioned is an aspiration that is expressed by Scotland's Futures Forum in its report "Approaches to Alcohol and Drugs in Scotland: A Question of Architecture", which was published this week. The report highlights the need for us to tackle problems in Scotland associated with alcohol, which have grown in recent years. Last month, Scottish Government figures revealed that alcohol misuse

is costing the Scottish economy about £2.25 billion each year. What action will the Government take to reduce the impact of alcohol misuse?

The First Minister: Like Nigel Don, I look forward to the imminent publication of our consultation paper on the subject, which will set out a range of measures to enable Scotland to face up to the serious and growing problem of alcohol misuse.

Press coverage of the Futures Forum's report tended to accentuate points of difference with our drugs strategy, which has gathered so much support in the Parliament. That emphasises the importance of moving together in a collaborative way to face up to the drugs problem. As a Parliament, we do ourselves justice and do well when we respond to serious issues in that way. I welcome the cross-party support that the strategy received. I hope that, when we publish our alcohol strategy in the very near future, it will receive similar support and that the Parliament will confront jointly one of the great problems that our society faces.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Does the First Minister agree that it is a matter of concern that workers for a number of voluntary organisations that work on drugs and alcohol face redundancy notices and have done so for a considerable time? Will he undertake to have the Cabinet Secretary for Justice examine the issue? It is a serious matter that such organisations not only do not have three-year funding but do not even have funding for this year. Does the First Minister agree that it is inappropriate that workers in this area should constantly and repeatedly face redundancy notices?

The First Minister: I know that Richard Simpson will wish to provide details to the relevant cabinet secretaries. I will point him to two things. First, the budgets that I have just discussed in response to Nigel Don's question for addressing drug and alcohol problems have been substantially increased compared with previous central Government budgets. I can see by Richard Simpson's gesture that he acknowledges and accepts that. Secondly, he will be aware that, for the first time in a generation, the local government settlement has risen as a proportion of year-by-year Government expenditure in Scotland. I hope that, as we move to single outcome agreements and co-ordinate the work of central Government and local government, Richard Simpson will find much to support in our direction of travel.

Domestic Abuse

5. Margaret Curran (Glasgow Baillieston) (Lab): To ask the First Minister what steps the Scottish Government will take to support survivors

of domestic abuse, in light of the single outcome agreements due to be signed at the end of June 2008. (S3F-895)

The First Minister (Alex Salmond): The Scottish Government is committed to tackling violence against women and, within that, to tackling domestic abuse. We will continue to build on the excellent work that has been undertaken in Scotland to date.

As Margaret Curran well knows, we are currently discussing single outcome agreements for 2008-09 with all 32 councils. We aim to complete the process by 30 June. Subject to agreement with councils, all single outcome agreements will be made publicly available shortly thereafter.

Margaret Curran: There is agreement across the chamber about tackling domestic abuse as a priority. I ask the First Minister specifically to address the issue of what priority will be given to local authority domestic abuse services under the concordat. I am sure that he will be aware of concerns that women's organisations are raising now. They are telling us about a squeezing of services, about posts under threat and about funding being cut and projects merged.

I draw the First Minister's attention in particular to what is happening in the Western Isles, where the local authority domestic abuse co-ordinator post has now been cut. That is a vital loss to the islands community. Women who are experiencing domestic abuse are not part of the concordat discussions, but I do not think that there is one member of the Parliament who does not think that that post in the Western Isles should be reinstated. I ask the First Minister to use his authority and intervene to give the Western Isles back the service that it needs.

The First Minister: We will be discussing such issues with Western Isles Council, as we will with all councils in terms of the single outcome agreements. I do not think that it is possible to doubt the Scottish Government's commitment in this area. We have committed more than £44 million to this agenda for 2008 to 2011, which is an increase of 100 per cent on the £22 million that was allocated by the previous Administration over the previous three years. I do not doubt for a second Margaret Curran's commitment in this area, because I know that it is very substantial. I can only think that she was not able to convince her financial colleagues of the criticality of the position.

In our funding, we have committed support for the national offices of Scottish Women's Aid, Rape Crisis Scotland, the Scottish domestic abuse helpline and the national rape crisis helpline. We have continued with the children's services-women's aid fund and the rape crisis specific fund.

The Scottish Government supports 19 projects in Glasgow across the range of funding streams, which address a range of violence against women issues. That funding amounts to more than £4 million over the next three years.

On the single outcome agreements, I do not necessarily believe that we are totally at one with Glasgow City Council on every specific issue—as with our discussions on the single outcome agreement with Western Isles Council. It might be that, in Glasgow, the Wendy Alexander approach is taken to class sizes, as opposed to the Fiona Hyslop approach to class sizes. However, I would be astonished if, when the single outcome agreements come out, the issue of women's aid and violence against women is not a huge priority in the single outcome agreement for Glasgow.

As we discuss the matter with councils throughout Scotland, I think that, with the increase from the Scottish Government and with co-operation and parity of esteem with local government, we will arrive at a substantially better position for women who are under threat throughout the country.

Commissioner for Children and Young People in Scotland (Report)

6. Margaret Smith (Edinburgh West) (LD): To ask the First Minister what assessment the Scottish Government has made of the report by the Commissioner for Children and Young People in Scotland to the United Nations Committee on the Rights of the Child. (S3F-890)

The First Minister (Alex Salmond): The Scottish National Party manifesto set out our support for the provisions of the UN Convention on the Rights of the Child. In government, the Cabinet Secretary for Education and Lifelong Learning's decision to extend access to higher education to children of asylum seekers has made clear that support, as has the Cabinet Secretary for Justice's statement on ending the remand of under-16s in prison.

The cabinet secretaries have asked officials to explore what changes can be made to policy, practice and legislation to ensure better implementation of the UN convention in Scotland. That work is under way across a wide range of health, education and justice activity.

Margaret Smith: The First Minister will be aware that the report painted a pretty bleak picture of the lives of Britain's children, although key issues such as Scotland's children's hearings system were welcomed. He will also be aware that the report states that, although the United Kingdom Government has ratified the convention, it is unenforceable because it is not part of UK law. That inadequacy of protection has led to some

laws being introduced that are clearly in breach of the convention.

The Scottish commissioner's office believes that the Scottish Government could play its part in improving matters either by introducing children's rights impact assessments, which the Liberal Democrats advocated in our manifesto, or by introducing legislation that incorporates the convention into devolved domestic law. Will the First Minister commit to delivering for Scotland's children by doing either of those things?

The First Minister: We have decided not to respond to each of the reports that have been submitted to the UN. We plan to respond in detail once we have a clear set of recommendations from the UN, which will undoubtedly draw on those that have been made by the commissioners and the non-governmental organisations. We will answer the point that Margaret Smith makes in that context.

The timetable for submission of the periodic reports started in July last year. Many of the most worrying statistics in the report were historical, but we would be kidding ourselves if we did not believe that we still face serious difficulties on a range of issues. As Margaret Smith will know, the children's commissioner pointed to certain recent actions of Government of which she very much approved, which show that the Scottish Government is trailblazing a better way of representing and safeguarding children's rights in Scotland.

There is also the matter of how many of the issues are not within our devolved competence at present. When we produce our comprehensive response to the final UN report, Margaret Smith will see the Scottish Government's huge anxiety to do everything that we can to entrench and protect the rights of Scotland's children.

The Presiding Officer: That concludes First Minister's questions.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: The member may certainly raise a point of order, but I hope that it is not about the fact that I was unable to call her to ask a supplementary question. That would not be a point of order.

Jackie Baillie: Presiding Officer, you were aware of my desire to raise a question, but I recognise that it is your right to select supplementary questions. My point of order relates to the Vale of Leven hospital. I wonder whether you would consider it in order for the Parliamentary Bureau to timetable an emergency statement by the Cabinet Secretary for Health and Wellbeing on the outbreak of *Clostridium difficile* at

the Vale of Leven hospital. It is not just a local issue; it is a national issue. Such a statement should set out the timetable for the investigation to date and the measures that are being taken to control the infection. It should also commit the Government to an independent inquiry.

The Presiding Officer: As you, of all people, know, Ms Baillie, that is a matter for you to pursue through your business manager and the bureau.

Unusually, we have further business today, so I ask members who are leaving the chamber to do so quickly and quietly, please.

Expenses Scheme

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-2092, in the name of Tom McCabe, on the expenses scheme.

12:34

Tom McCabe (Hamilton South) (Lab): I rise, on behalf of the Scottish Parliamentary Corporate Body, to speak to the recommendations of an independent review panel on members' expenses.

In light of the heated debate that such matters usually generate among the general public, the principle of having recommendations that are independent is critical. The Parliament suffered greatly in 1999 when it left itself open to the charge that its decisions on members' expenses were self-serving and far from independent. Therefore, I hope that the whole Parliament will join me in extending thanks to Sir Alan Langlands and the other members of the panel, who took on the review voluntarily.

Some of the issues raised in other Parliaments in the recent past have brought into sharp relief calls for independent evaluation. When we consider the attention being paid to members' expenses both at Westminster and in Brussels, we see the importance of drawing members' and the general public's attention to the comments in the independent report that acknowledge the transparency of our existing scheme and the fact that if any expense is reimbursed to a member of the Scottish Parliament, it is done as a result of verified receipts having been produced and subsequently made public. Because of that, it was far easier for the panel to recommend that any new scheme should reflect the seven principles of public life: objectivity; accountability; openness; integrity; selflessness; honesty; and leadership.

The panel was keen to dispel the myth of members' allowances. We are discussing the reimbursement of members' expenses that are legitimately incurred. Neither the past scheme nor the new one will give any member additional money over and above their salary.

Much has been said and written about the mortgage interest scheme that operated during the first eight years of the Parliament. Although the panel recognised that there could be a case for continuing the scheme on a value-for-money basis, it felt that the scheme should come to an end for reasons of public perception. There will be a facility for qualifying members to claim overnight hotel or leasing costs and those changes will take effect in 2011. In due course, the corporate body will produce guidance.

On travel, the recommendation is to reduce the current rate of 49p per mile to 40p for the first 10,000 miles and 25p thereafter. As members know, those rates are fixed by HM Revenue and Customs. Although they might not reflect adequately the costs that individuals incur when fuel costs are more than £5 a gallon, our constituents must endure the same rates and it is surely right that we place ourselves under the same conditions—some might say burdens—as our constituents.

It is important to note that the vast majority of recommendations in the report are agreed by the vast majority of members in the chamber. The main point of contention is the difference in the staffing allowance accorded to constituency and list members. The independent panel acknowledged that the evidence base for its conclusions on regional members could have been more robust. In part, that is due to the relatively low response from regional members to the panel's call for evidence. The recommendation has caused considerable concern among list members and, indeed, others. To deal with those concerns in a way that protects the integrity of the Parliament, we should agree to a further review of list members' position as quickly as possible.

I have received many representations since the report was published, but I have received none that challenges the appropriateness of the conclusions for constituency members or the evidence base that led to those conclusions. Nine years into the life of this institution, protecting its integrity and demonstrating its maturity are vital. I do not believe that a solution that merely divides the spoils without any evidence base either protects that integrity or promotes the maturity of the institution. I especially do not believe that a solution that denies parliamentary staff access to fair and decent pay scales will do us credit.

Therefore, in moving the motion on the recommendations in the report, I stress two important caveats. First, the Parliament should acknowledge the need for a leader's allowance scheme, as the independent report recommended, simply because in any properly functioning democracy the Opposition should have the resources to challenge the Government of the day. Secondly, any shortcomings on the recommendations on regional members' staff allowance should be dealt with speedily, on the basis of evidence and not through a political fix.

I move,

That the Parliament recognises that the Scottish Parliamentary Corporate Body ("the SPCB") commissioned and received a report from an independent review panel on the reimbursement of expenses for Members of the Scottish Parliament, notes the SPCB's responsibility to present a scheme to Parliament, and therefore;

(a) by virtue of sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998

- (i) confers functions on the SPCB to pay allowances to members in respect of expenses or costs incurred in each financial year in accordance with the Reimbursement of Members' Expenses Scheme ("the Scheme") annexed as Annex 1 to this resolution and confers other functions on the SPCB as specified in the Scheme;
- (ii) determines that the various limits on expenses or costs under the Scheme are as set out in the Schedule of Rates annexed as Annex 2 to this resolution and that such limits are applicable until the SPCB exercises its power under the Scheme to uprate or vary them;
- (iii) determines that the Scheme shall come into effect on 1 October 2008, subject to any arrangements made under sub-paragraph (vi);
- (iv) directs the SPCB to make such arrangements as it may consider necessary or expedient to allow transition from the Members' Allowances Scheme agreed to by resolution of the Parliament on 21 June 2001 ("the Previous Scheme") to the Scheme, including, but not limited to, continuing in force any provisions of the Previous Scheme beyond 1 October 2008, making apportionments between the Previous Scheme and the Scheme or making arrangements for particular cases or particular classes of case as appropriate;
- (v) directs the SPCB that any transitional arrangements which it determines under sub-paragraph (iv) shall end not later than 31 March 2011; and
- (vi) directs the SPCB to make such arrangements as it may consider necessary or expedient to apply the limit on entitlement to reimbursement of staff salary costs with effect from a date before 1 October 2008, whether by adjusting the amount of the Members' Support Allowance under the Previous Scheme or by backdating reimbursement of staff salary costs under the Scheme;

(b) rescinds, with effect from 1 October 2008, the Resolution of the Parliament of 21 June 2001 in relation to the Equipment and Furniture Scheme;

(c) subject to any arrangements made under paragraph (a) above, rescinds, with effect from 1 October 2008, the Resolution of the Parliament of 21 June 2001 in relation to the Previous Scheme.

ANNEX 1 TO THE RESOLUTION

This is the Reimbursement of Members' Expenses Scheme referred to in the foregoing resolution.

REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME

The Reimbursement of Members' Expenses Scheme

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SECTION 1 - GENERAL RULES

1.1 THE PRINCIPLES OF THE SCHEME

1.1.1 In submitting a claim, a member shall:-

- (a) act in accordance with the Scheme Principles;
- (b) comply with the rules of the Scheme; and
- (c) have regard to any guidance issued by the SPCB under paragraph 1.2.2(c).

1.1.2 The Principles of the Scheme are:-

Objectivity

- A member is entitled to reimbursement of expenses which have been incurred only for the purpose of carrying out parliamentary duties.
- A member shall not submit a claim unless the member is satisfied that the expenses represent value for money and were incurred having due regard to efficiency and effectiveness.

Accountability

- A member is personally accountable for a claim, even if the member delegates the administration of the claim to others.
- A member is entitled to reimbursement of expenses only if the claim is supported by receipts or other documentation confirming the expenditure, unless otherwise determined by the SPCB.

Openness

- A member shall be open and transparent as respects expenses claimed under the Scheme.

Integrity

- A member shall ensure that a claim is in compliance with the Scheme.
- A member shall not submit a claim which relates to party political activity and a member shall not enter into any arrangement which could give rise to a benefit to a party political organisation.

Selflessness

- A member shall ensure that any claim is submitted solely in respect of the performance of parliamentary duties and is not submitted in order to gain financial or other benefit for the member or any other person.

Honesty

- A claim shall be made in good faith.

Leadership

- In complying with the rules of the Scheme and the

Scheme Principles, a member shall lead by example to strengthen public trust in the Scheme.

1.1.3 The SPCB shall exercise its functions under the Scheme so as best to promote and achieve conformity with the Scheme Principles.

1.2 ADMINISTRATION OF THE SCHEME

1.2.1 The Scheme is to be administered by the SPCB.

1.2.2 In exercising its functions under the Scheme, the SPCB may make such arrangements as it sees fit for administration of the Scheme and for determining any claims and may, in particular:-

- (a) prescribe the form and manner in which claims are submitted and the manner in which claims are verified;
- (b) on the submission of a claim by a member, reimburse expenses incurred by that member;
- (c) issue guidance to members on the operation of the Scheme;
- (d) prescribe time limits for the submission of claims and determine the consequences of failure to comply with any such time limits; and
- (e) do anything else which the SPCB considers necessary or expedient in connection with the administration of the Scheme.

1.2.3 In determining any matter under the Scheme the SPCB shall, in particular, consider whether a member has had regard to guidance issued under paragraph 1.2.2(c).

1.2.4 For each financial year the SPCB shall uprate the various limits on expenses or costs which can be reimbursed under the Scheme, having regard to such indices as the SPCB considers appropriate. Such increases shall apply from 1 April in any financial year.

1.2.5 The limits on the reimbursement of accommodation costs under paragraph 2.1.7, staff salary costs under paragraphs 3.2.1 and 3.2.2 and office costs under paragraphs 4.2.3 and 4.2.4 shall be rounded up to the nearest £100 at each uprating under paragraph 1.2.4.

1.2.6 The SPCB may at any time review the limits on the reimbursement of staff salary costs under paragraphs 3.2.1 and 3.2.2 and office costs under paragraphs 4.2.3, 4.2.4 and 4.2.7 and may, following such a review, apply such variation to those limits as it considers appropriate. Any such variation shall apply from 1 April in any financial year.

1.2.7 Where any changes are enacted in respect of constituencies or regions following a review by the Boundary Commission for Scotland, the SPCB may amend such references to constituencies and regions in this Scheme as it considers necessary to give effect to those changes.

1.3 PUBLICATION OF EXPENSES

1.3.1 The SPCB shall publish information on expenses reimbursed to members under the Scheme in such form and at such intervals as the SPCB may determine.

1.4 SUBMISSION OF CLAIMS AND VERIFICATION OF EXPENDITURE

1.4.1 Where a member is entitled to reimbursement of expenses or costs under the Scheme, the member shall complete and authenticate any form or other documentation provided or required by the SPCB.

1.4.2 Where a member is required to apply to the SPCB

for reimbursement of any expenses or costs under the Scheme:-

- (a) in advance of incurring any such expenses or costs, a member shall submit an application to the SPCB for approval of such expenses or costs in such form as the SPCB may require;
- (b) the SPCB may grant its approval for reimbursement of such expenses or costs to such extent as it considers appropriate; and
- (c) following such approval and once any such expenses or costs have been incurred by the member, the member shall complete and authenticate any form or other documentation provided or required by the SPCB and the SPCB shall reimburse such expenses or costs to the extent previously approved by it (or to the extent of expenses or costs actually incurred if that amount is less).

1.4.3 Subject to paragraph 1.4.4, the SPCB shall reimburse expenses or costs under this Scheme only on production of evidence of such expenses or costs in the form of supporting invoices or receipts or such other documentation as the SPCB may determine from time to time.

1.4.4 A member is not required to provide supporting invoices and receipts for the reimbursement of the cost of travel undertaken in the performance of, or in support of, the member's parliamentary duties:-

- (a) in respect of a claim for an amount per mile for a journey, or part of a journey, by motor vehicle (excluding a hired motor vehicle), motor cycle, or bicycle; or
- (b) in such other exceptional circumstances as the SPCB may determine.

1.4.5 The SPCB may determine that in certain circumstances a member shall provide written justification for the use of a taxi. The SPCB shall reimburse a member for taxi costs only to the extent that it is satisfied with the justification provided.

1.5 REVIEW OF DECISIONS AND IMPROPER CLAIMS

1.5.1 Where a member disputes a decision either not to reimburse expenses or costs or not to approve expenses or costs for reimbursement, the SPCB may review that decision. Any decision of the SPCB on review is final and it shall intimate the result of that review to the member.

1.5.2 The SPCB may investigate any claim. Where, following such an investigation, the SPCB finds that a member has submitted an improper claim, the SPCB may report to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the member's entitlement to reimbursement of expenses under this Scheme for such period and to such extent as the SPCB may specify.

1.6 VIREMENT

1.6.1 Subject to paragraph 1.6.2, a member's entitlement to reimbursement of expenses or costs may not be transferred between the different categories of entitlement to reimbursement of expenses or costs in Sections 2, 3, or 4.

1.6.2 Once in any financial year a member may transfer up to one third of the limit on that member's entitlement to reimbursement of office costs to that member's entitlement to reimbursement of staff salary costs. A member making

such a transfer shall notify the SPCB in advance of incurring any costs in respect of the sum transferred.

1.7 POOLS

1.7.1 Any members who set up a pool with one or more other members shall give written notice to the SPCB of the setting up of the pool. Such notice shall be in the names of all of the members in the pool.

1.8 MISCELLANEOUS PROVISIONS

1.8.1 A member is not entitled to reimbursement of expenses where those expenses have been, or will be, reimbursed or otherwise met from any other source.

1.8.2 Where a person becomes a member part way through a financial year, or where a member ceases to be a member part way through a financial year, any limit on the annual entitlement to reimbursement of expenses or costs is to be applied on a pro rata basis or on such other basis as the SPCB may determine.

SECTION 2 - ACCOMMODATION

2.1 ACCOMMODATION IN EDINBURGH

2.1.1 Subject to the provisions of paragraphs 2.1.4 to 2.1.6, a member with a main residence in a constituency listed in Group Two of Annex A is entitled to reimbursement of the cost of overnight accommodation for each night which that member requires to stay in Edinburgh in connection with the performance of parliamentary duties.

2.1.2 Subject to the provisions of paragraphs 2.1.4 to 2.1.6, a member with a main residence in a constituency listed in Group Three of Annex A is entitled to reimbursement of the cost of either:-

- (a) overnight accommodation for each night which that member requires to stay in Edinburgh in connection with the performance of parliamentary duties; or
- (b) leasing residential property in Edinburgh, other than from a close family member, another member or connected person.

2.1.3 Where a member is entitled to reimbursement of the cost of leasing residential property under paragraph 2.1.2(b), the member is entitled to reimbursement in respect of the following:-

- (a) rent;
- (b) council tax and water charges;
- (c) factoring charges, but excluding common repair costs;
- (d) utility costs and telecommunications costs; and
- (e) contents insurance.

2.1.4 Subject to paragraphs 2.1.5 and 2.1.6, a member who has either a main residence or any other residence in Edinburgh is not entitled to reimbursement of the cost of accommodation in Edinburgh under this Section.

2.1.5 A member who has a main residence in a constituency listed in either Group Two or Group Three of Annex A and who also has any other residence in Edinburgh may apply to the SPCB for reimbursement of the cost of overnight accommodation in Edinburgh. The SPCB shall reimburse such costs only if it is satisfied that it would not be reasonable in all the circumstances to expect that member to use that member's other residence in connection with the performance of parliamentary duties.

2.1.6 Where:-

- (a) a member has a main residence in a constituency listed in Group Three of Annex A; and
- (b) the member also has any other residence in Edinburgh which the member uses in connection with the performance of parliamentary duties,

the member may apply to the SPCB for reimbursement of the costs specified in paragraph 2.1.3(b), (d) and (e) in respect of that other residence. The SPCB shall reimburse such costs only if it is satisfied that it would be reasonable in all the circumstances so to do and may determine to reimburse such costs to the extent it considers appropriate.

2.1.7 A member is entitled to reimbursement of costs for accommodation in Edinburgh under paragraphs 2.1.1, 2.1.2, 2.1.3, 2.1.5 and 2.1.6 subject to the limit in each financial year specified in the Schedule of Rates.

2.2 OVERNIGHT ACCOMMODATION OUTSIDE EDINBURGH

2.2.1 A member is entitled to reimbursement of the cost of overnight accommodation:-

- (a) subject to paragraph 2.2.2, outside Edinburgh (but within the UK) for each night when the performance of parliamentary duties prevents the member from using the member's main residence or any other residence; and
- (b) when in Brussels or Strasbourg for meetings with members of the European Parliament and/or with representatives of the European Union institutions in connection with the performance of the member's parliamentary duties.

2.2.2 A member is not entitled to reimbursement under paragraph 2.2.1(a) in connection with the performance of parliamentary duties within the constituency or region from which the member has been returned unless:-

- (a) the member has been returned from one of the constituencies or regions listed in Annex B; or
- (b) in the case only of members returned either from the Cunninghame North Constituency or from the West of Scotland region, the requirement for overnight accommodation arises in connection with the performance of parliamentary duties on an island in the Cunninghame North constituency.

2.2.3 Unless paragraph 2.2.1 (b) applies, a member shall apply to the SPCB for reimbursement of the cost of overnight accommodation for each night which the member requires to stay outwith the UK in connection with the performance of parliamentary duties.

SECTION 3 - STAFF COSTS

3.1 INTRODUCTION

3.1.1 A member may engage staff under a contract of employment (whether on a full-time or part-time basis), under a contract for services or by virtue of an arrangement with an agency and any such staff may be permanent or temporary.

3.1.2 A member of staff may be engaged either by a single member or jointly by two or more members through a pool.

3.1.3 This Section applies in respect of the following costs for staff who are engaged for the purpose of assisting in the performance of the member's parliamentary duties:-

- (a) staff salary costs;
- (b) employer's National Insurance and employer's pension contributions;
- (c) temporary staff cover costs;
- (d) incidental and ancillary employment costs; and
- (e) redundancy costs.

3.1.4 Staff shall not undertake any significant party political activity during any hours of work which are included within claims submitted under this Section.

3.1.5 The SPCB shall:-

- (a) provide a payroll service for members' employees;
- (b) provide an arrangement for employer's pension contributions to be paid to an employee's choice of pension scheme, provided that such pension scheme has been approved by the SPCB; and
- (c) process any other benefits deemed appropriate under the model terms and conditions of employment approved by the SPCB from time to time.

3.1.6 A member shall provide to the SPCB sufficient details about their employees to allow the SPCB to provide the services specified in paragraph 3.1.5.

3.1.7 A member may submit a claim under this Section in respect of an employee only if the employee is employed on terms which are no less favourable than the model terms and conditions of employment approved by the SPCB from time to time.

3.2 STAFF SALARY COSTS

3.2.1 A constituency member is entitled to reimbursement of staff salary costs subject to the limit in any financial year specified in the Schedule of Rates.

3.2.2 A regional member is entitled to reimbursement of staff salary costs subject to the limit in any financial year specified in the Schedule of Rates.

3.2.3 Staff salary costs comprise:-

- (a) in respect of employees, the employee's gross salary, including any overtime payments, and any necessary expenses (other than expenses in respect of the cost of travel or the cost of overnight accommodation) reimbursed to the employee by the member, but (subject to paragraph 3.3.1) excluding employer's National Insurance contributions or employer's pension contributions;
- (b) the amount of any redundancy payment payable to an employee or any costs which arise as a result of any other termination of an employee's contract;
- (c) in respect of self-employed or agency staff, the gross contracted payment to the member of staff or the agency; or
- (d) where members have set up a pool, incidental costs which arise from operation of the pool.

3.3 EMPLOYER'S NATIONAL INSURANCE AND EMPLOYER'S PENSION CONTRIBUTIONS

3.3.1 Where a member is entitled to reimbursement of staff salary costs for an employee under paragraph 3.2.3(a), the SPCB may also reimburse any employer's

National Insurance contributions and employer's pension contributions. The reimbursement of employer's pension contributions will be subject to a limit of 10% of the employee's gross basic annual salary, except in the case of employees in post as at 1 March 2001 where the actual contributions will be reimbursed.

3.4 TEMPORARY STAFF COVER COSTS

3.4.1 A member may apply to the SPCB for reimbursement of the additional cost of employing or otherwise engaging temporary staff when necessary due to the absence of a permanent member of staff lasting in excess of two weeks.

3.4.2 An application under paragraph 3.4.1 shall be supported by adequate medical certificates or other relevant documents confirming the reason for absence.

3.4.3 Any costs reimbursed under paragraph 3.4.1 may include employer's National Insurance contributions and employer's pension contributions subject to a limit of 10% of the employee's gross basic annual salary.

3.4.4 The SPCB shall reimburse costs under paragraph 3.4.1 only if it is satisfied that the employment of temporary staff was reasonable in the circumstances.

3.5 INCIDENTAL AND ANCILLARY EMPLOYMENT COSTS

3.5.1 A member may apply to the SPCB for reimbursement of the reasonable costs of advertising for recruitment of staff.

3.5.2 A member may apply to the SPCB for reimbursement of:-

- (a) the fees incurred for the attendance of a member of staff, a volunteer or intern at a seminar or conference within the UK for the purpose of assisting the member in the performance of parliamentary duties;
- (b) the fees or other charges incurred in providing appropriate training for a member of staff; and
- (c) the cost of travel and overnight accommodation associated with sub-paragraphs (a) or (b) above.

3.5.3 A member who submits an application under paragraph 3.5.2 shall certify the reason for the attendance of the member of staff, volunteer or intern at the seminar or conference or the reason for the training for a member of staff. The SPCB shall approve an application under paragraph 3.5.2 only to the extent that it is satisfied with the reason given.

3.5.4 The SPCB may meet such expenses or costs in respect of such items of a kind which reflect good employment practices and facilities for members in their capacity as employers or for members' staff as the SPCB determines appropriate and subject to such conditions as the SPCB considers appropriate.

3.6 REDUNDANCY COSTS

3.6.1 Paragraphs 3.6.2 to 3.6.4 apply where a member dismisses an employee by reason of redundancy at any time other than when the member has ceased to be a member.

3.6.2 Subject to paragraphs 3.6.3 and 3.6.4, where in any financial year the limit on a member's entitlement to reimbursement of staff salary costs is or would be exceeded by reason of the making of a redundancy payment, the SPCB may, on an application by the member, reimburse such further amount (not exceeding the amount

of the redundancy payment) as it considers appropriate.

3.6.3 The SPCB shall reimburse an amount under paragraph 3.6.2 only if it is satisfied that:-

- (a) the member was entitled under this Section to receive reimbursement of staff salary costs in respect of the employee concerned at the date of dismissal;
- (b) the employee was in fact dismissed by reason of redundancy;
- (c) the member was under a legal obligation to make the payment; and
- (d) where, under the terms of the contract between the member and the employee, the employee's entitlement to a redundancy payment exceeds the employee's statutory entitlement, the contractual provision was reasonable in all the circumstances.

3.6.4 If the SPCB determines under paragraph 3.6.3(d) that the contractual provision was not reasonable, the SPCB may restrict the application for reimbursement of the redundancy payment to such amount as the SPCB considers reasonable.

3.7 EMPLOYMENT OF CLOSE FAMILY MEMBERS

3.7.1 A member who submits a claim in respect of the cost of employing a close family member, whether individually or through a pool, shall declare that relationship to the SPCB. The declaration shall be in writing and include the name of the close family member, the relationship to the member and such other information as the SPCB may determine.

3.7.2 The SPCB shall arrange for all such declarations to be registered in a register which is open to public inspection.

SECTION 4 - OFFICE COSTS

4.1 INTRODUCTION

4.1.1 A member is entitled to reimbursement of office costs reasonably incurred in the performance of the member's parliamentary duties, in so far as not available from the SPCB by way of central provision.

4.1.2 Office costs include, but are not limited to:-

- (a) the cost of establishing and running a local parliamentary office, such as leasing and utility costs;
- (b) the purchase or lease of office furniture or equipment (including IT or photocopying equipment) or the purchase of stationery;
- (c) the cost of telecommunications, in so far as such costs exceed the limit on entitlement to reimbursement under paragraph 4.5.1;
- (d) the cost of the publication and distribution of newsletters, annual reports and surveys;
- (e) the cost of advertising and the cost of surgery advertising, in so far as the cost of surgery advertising exceeds the limit on entitlement to reimbursement under paragraph 4.6.1;
- (f) the cost of overnight accommodation for a member of staff, a volunteer or intern when the member of staff, volunteer or intern is required to accompany a member for the purpose of assisting the member in the performance of

parliamentary duties;

- (g) the hire of premises for surgeries, public meetings and other meetings with constituents;
- (h) the fees for a member attending a seminar or conference; and
- (i) any other costs which are ancillary to those specified in sub-paragraphs (a) to (h) above.

4.2 REIMBURSEMENT OF OFFICE COSTS FOR MEMBERS WHO ESTABLISH AND RUN LOCAL PARLIAMENTARY OFFICES

4.2.1 A member shall usually have one office within the constituency or region from which that member was returned. If a member has such an office, the member shall use it as the local parliamentary office and the office shall be the registered local address for correspondence.

4.2.2 A local parliamentary office shall not be used for party political activities of any kind.

4.2.3 A constituency member is entitled to reimbursement of office costs subject to the limit in each financial year specified in the Schedule of Rates.

4.2.4 Where in a particular region a single regional member is returned from a registered political party's regional list or where there is a regional member not aligned to any political party, that member is entitled to reimbursement of office costs subject to the limit in each financial year specified in the Schedule of Rates.

4.2.5 Subject to paragraph 4.2.6, where in a particular region more than one member is returned from a registered political party's regional list, those members are entitled between them only to reimbursement of office costs in respect of one regional office.

4.2.6 Where in the Highlands and Islands, North East Scotland, South of Scotland, or Mid Scotland and Fife Regions more than one member is returned from a registered political party's regional list, the SPCB may, on the written application of all of the members concerned, determine that they are entitled to reimbursement of office costs in respect of an additional local parliamentary office within the region.

4.2.7 The limit on the entitlement of each regional member to reimbursement of office costs in the circumstances set out in paragraphs 4.2.5 and 4.2.6 is calculated in accordance with the following table:-

Number of Regional Members	Percentage of Limit on Office Costs Applicable to a Single Regional Member	
	One Office in the Region (limit per member)	Two Offices in the Region (limit per member)
2	60%	100%
3	47%	80%
4	40%	65%
5	36%	56%

Any limit calculated in accordance with the table above shall be rounded up to the nearest £100.

4.2.8 On the application of a member the SPCB may, if satisfied that local variations in the market for office accommodation make it impracticable for the member to

establish and run a suitable local parliamentary office within the limit of costs which can be reimbursed under this Section, increase by up to 10% the limit on entitlement to reimbursement which would otherwise be applicable to that member.

4.2.9 A member is not entitled to reimbursement of costs in respect of a local parliamentary office if the member leases office premises from or sub-lets any part of office premises to a close family member or connected person.

4.2.10 A member who sub-lets any part of a local parliamentary office to any other person is entitled to reimbursement of the amount of rent paid by the member less the rent due under any sub-lease.

4.2.11 A member who leases local parliamentary office premises from a party political organisation shall supply to the SPCB a report prepared by an independent surveyor providing a professional opinion as to the fair market rent for the premises concerned when leased on the same terms. The SPCB shall not reimburse rent incurred until such a report has been provided. If, on the basis of the report, the SPCB determines that the rent payable in terms of the lease is greater than the fair market rent, the member shall be deemed to be liable only for the fair market rent and the member's entitlement to reimbursement shall be calculated on that basis.

4.2.12 A member who sub-lets local parliamentary office premises or part of those premises to a party political organisation shall, before concluding the sub-lease, supply to the SPCB a report prepared by an independent surveyor providing a professional opinion as to the fair market rent for the premises concerned when sub-let on the same terms. If, on the basis of the report, the SPCB determines that the rent payable in terms of the sub-lease is less than the fair market rent, the member shall be deemed to be in receipt of the fair market rent and any rent reimbursed shall be calculated on that basis.

4.2.13 A member is not entitled to reimbursement of office costs in respect of a local parliamentary office which is shared with a Member of the House of Commons ("MP") or a Member of the European Parliament ("MEP") unless the member has entered into a written agreement with the MP or MEP as to the apportionment of costs and the terms of the agreement have been approved by the SPCB.

4.3 REIMBURSEMENT OF OFFICE COSTS FOR MEMBERS WHO DO NOT ESTABLISH AND RUN LOCAL PARLIAMENTARY OFFICES

4.3.1 Where a member does not establish and run a local parliamentary office within the constituency or region from which that member was returned, or where a member uses an office in the Parliament as a local parliamentary office, that member is entitled only to reimbursement of office costs up to a maximum amount of 25% of the limit on entitlement to reimbursement which would otherwise be applicable to that member.

4.4 MEMBERS WORKING FROM HOME

4.4.1 A member who works from home in connection with the performance of parliamentary duties is not entitled to reimbursement of any office costs arising from the use of the home for that purpose other than the cost of telecommunications.

4.5 TELECOMMUNICATIONS COSTS

4.5.1 A member is entitled to reimbursement of the cost of telecommunications subject to the limit in any financial year specified in the Schedule of Rates.

4.6 SURGERY ADVERTISING

4.6.1 A member is entitled to reimbursement of the cost of advertising that member's availability to the public at specified dates, times and places in that member's constituency or region for consultation regarding enquiries and problems, through surgeries or otherwise, subject to the limit in any financial year specified in the Schedule of Rates. "Advertising" includes the production of posters or leaflets.

SECTION 5 - COST OF TRAVEL

5.1.1 A member is entitled to reimbursement of the cost of travel:-

- (a) undertaken in the performance of parliamentary duties within the UK; or
- (b) to Brussels or Strasbourg for meetings with members of the European Parliament and/or with representatives of European Union Institutions in connection with the performance of parliamentary duties.

5.1.2 Subject to paragraph 5.1.3, travel undertaken in the performance of parliamentary duties may include journeys between any places at which parliamentary duties are performed or between such places and a member's residence or overnight accommodation.

5.1.3 Where a member's rent is reimbursed under paragraph 2.1.3(a), and where the property is situated outside the boundary of the City of Edinburgh, the member is not entitled to reimbursement of the cost of travel between that property and the Parliament.

5.1.4 A member is entitled to reimbursement of the cost of travel within Scotland undertaken by a member of staff, volunteer or intern in support of the member's parliamentary duties. A member's entitlement to reimbursement under this paragraph is limited to the cost of a maximum of 74 journeys per member in any financial year. A member who submits a claim under this paragraph shall certify the purpose of the journeys undertaken. A journey shall be all such travel completed within one day, but shall not include daily commuting journeys by a member of staff, volunteer or intern to a normal place of work.

5.1.5 Unless paragraph 5.1.1(b) applies, a member shall apply to the SPCB for reimbursement of the cost of travel outwith the UK undertaken in the performance of parliamentary duties.

SECTION 6 - DISABILITY

6.1.1 A member who has a disability may apply to the SPCB for reimbursement of expenses incurred in respect of additional resources reasonably required for the performance of that member's parliamentary duties.

6.1.2 In selecting premises for a local parliamentary office a member should have regard to the accessibility of the premises and in particular to the special needs of any person. A member may apply to the SPCB for reimbursement of expenses incurred by the member in respect of:-

- (a) making reasonable adjustments to the office to accommodate a disabled member of staff and/or facilitating access for disabled members of the public;
- (b) providing equipment and/or parking spaces for disabled persons; or
- (c) facilitating meetings involving disabled persons by hiring (on an occasional basis) alternative office and meeting premises.

SECTION 7 - ADDITIONAL EXPENSES

7.1 INTERPRETATION, TRANSLATION AND SIMILAR COSTS

7.1.1 A member may apply to the SPCB for reimbursement of any expenses incurred in respect of:-

- (a) engaging an interpreter for a language other than English or engaging a sign language interpreter who in either case is required for a meeting with members of the public;
- (b) translation services required for correspondence with members of the public; or
- (c) any other services required to facilitate equal access to members for disabled persons.

7.2 EXCEPTIONAL EXPENSES

7.2.1 A member may apply to the SPCB for reimbursement of any exceptional expenses to be incurred by that member in connection with the performance of parliamentary duties.

SECTION 8 - WINDING UP

8.1 INTRODUCTION

8.1.1 This Section applies when a person (referred to as the "former member") ceases to be a member of the Parliament for any reason.

8.1.2 On or after the date on which the former member ceased to be a member Sections 2, 3, 4, 5, 6 and 7 of this Scheme continue to apply only in respect of any claim relating to expenses or costs incurred or committed to prior to that date. All such claims shall be submitted within such period as the SPCB may specify.

8.1.3 Unless paragraph 8.1.2 applies, paragraphs 8.2 to 8.5 apply in respect of any expenses or costs incurred after the date on which a former member ceased to be a member for the purpose of winding up the former member's office.

8.2 STAFF COSTS

8.2.1 A former member remains entitled to reimbursement of staff salary costs, employer's National Insurance contributions and employer's pension contributions, as provided for in paragraphs 3.2 and 3.3, in order to retain the services of staff for the purposes of the winding up of the former member's office for a maximum of three months after the date on which the former member ceased to be a member.

8.3 STAFF REDUNDANCY

8.3.1 Where a former member dismisses an employee by reason of redundancy, the former member is entitled to reimbursement of any redundancy payment payable to the employee only if the SPCB is satisfied that:-

- (a) the former member was entitled to receive reimbursement of salary costs in respect of the employee concerned at the date of dismissal;
- (b) the employee was in fact dismissed by reason of redundancy;
- (c) the former member was under a legal obligation to make the payment; and
- (d) where, under the terms of the contract between the former member and the employee, the employee's entitlement to a redundancy payment exceeds the employee's statutory entitlement, the contractual provision was

reasonable in all the circumstances.

8.3.2 If the SPCB determines under paragraph 8.3.1(d) that the contractual provision was not reasonable, the SPCB may restrict the application for reimbursement of the redundancy payment to such amount as the SPCB considers reasonable.

8.4 OFFICE WINDING-UP COSTS

8.4.1 A former member is entitled to reimbursement of the costs reasonably incurred in the closing down of a local parliamentary office subject to a limit equivalent to one third of the limit on entitlement to reimbursement of office costs which would otherwise have been applicable to that former member.

8.5 TIME LIMIT FOR SUBMISSION OF CLAIMS

8.5.1 A former member shall submit any claims under paragraphs 8.2 to 8.4 within six months from the date on which the former member ceased to be a member, or, if that is not possible, within such longer period as the SPCB may allow.

SECTION 9 - DEFINITIONS

9.1.1 The following definitions apply to the Scheme:-

"claim" means a claim or application under the Scheme for reimbursement of expenses or costs;

"close family member", in relation to a member, means-

- (a) a spouse, civil partner or cohabiting partner of the member; or
- (b) a parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew or niece of the member or of a person mentioned in sub-paragraph (a);

"connected person", in relation to a member, means a business partner or a business associate of the member or any organisation (other than a party political organisation) in which the member concerned or a close family member has an interest;

"cost of overnight accommodation" means the actual cost incurred by the member, or, as the case may be, member of staff, volunteer or intern (inclusive of the cost of any evening meal and breakfast) subject to the limit per night specified in the Schedule of Rates;

"cost of travel" means-

- (a) the actual cost of any travel ticket purchased or fare paid in making a journey, or part of a journey, by public transport;
- (b) in respect of a journey, or part of a journey, by means of a motor vehicle (excluding a hired motor vehicle), motor cycle or bicycle, such amount per mile as is prescribed from time to time as the rate applicable for vehicles of those kinds in section 230(2) of the Income Tax (Earnings and Pensions) Act 2003 (or any re-enactment of that provision);
- (c) in exceptional circumstances, with the approval of the SPCB, the actual cost of motor vehicle hire and associated fuel costs;
- (d) tolls and car parking charges;

"constituency" and "region" refer to the constituencies and regions provided for by Schedule 1 to the Scotland Act 1998 (or any re-enactment of that provision);

"constituency member" means a member of the Parliament for a constituency;

“disability” has the same meaning as in section 1 of the Disability Discrimination Act 1995 (or any re-enactment of that provision), and “disabled” is to be construed accordingly;

“Edinburgh” (except in paragraph 5.1.3) means a constituency listed in Group One of Annex A;

“financial year” means the year from 1 April to 31 March;

“improper claim” means a claim in respect of expenses or costs which have either not in fact been incurred or have not been incurred for a purpose permitted by the Scheme;

“member”, except where the context otherwise requires, means a member of the Parliament;

“other residence” means any residential property (other than a member’s main residence) which is owned by a member and which that member has regularly occupied as a residence;

“Parliament” means the Scottish Parliament;

“parliamentary duties” means any task or function which a member could reasonably be expected to carry out in that member’s capacity as a member, including but not limited to:-

- (a) attending a meeting of the Parliament;
- (b) attending a meeting of a committee or sub-committee of the Parliament on which the member sits or which the member is required to attend, or attending such a meeting for some other valid reason relating only to the business of the committee or sub-committee;
- (c) undertaking research or administrative functions which relate directly to, or are in connection with, the business of the Parliament;
- (d) attending meetings for the purpose of representing electors or explaining the application of policy or meeting a member of the public residing in the constituency or region from which that member was returned;
- (e) attending parliamentary party group meetings in Edinburgh or, with the prior approval of the SPCB, any other place in Scotland;
- (f) attending a meeting, ceremony or official function which relates directly to, or is in connection with, the business of the Parliament;
- (g) attending an international conference which relates directly to, or is in connection with, the business of the Parliament with the prior approval of the SPCB;

but does not include a member’s activities which are in relation to that member’s role as a party spokesperson or representative;

“pool” means any arrangement by which two or more members jointly engage staff;

“public transport” means any service or services provided to the public at large for the carriage of passengers by road, rail, air or sea;

“regional member” means a member of the Parliament for a region;

“reimbursement” means either a payment by the SPCB to a member in respect of an expense or cost incurred by that member, or a payment made by the SPCB on behalf of a member either to a third party to whom that member has an

obligation to make payment or to a member of staff to whom that member has requested that payment be made;

“Schedule of Rates” means the schedule published from time to time by the SPCB specifying the various limits on expenses or costs which can be reimbursed under this Scheme;

“Scheme” means the Reimbursement of Members’ Expenses Scheme;

“Scheme Principles” means the principles in paragraph 1.1.2;

“SPCB” means the Scottish Parliamentary Corporate Body;

“staff” means any person or persons in respect of whom a member is entitled to reimbursement of staff costs under Section 3 and a “member of staff” is to be construed accordingly.

ANNEX A: GROUPS OF CONSTITUENCIES FOR ENTITLEMENT TO ACCOMMODATION IN EDINBURGH

Group One	Group Two	Group Three
Edinburgh Central	Airdrie and Shotts	Aberdeen Central
Edinburgh East and Musselburgh	Central Fife	Aberdeen North
Edinburgh North and Leith	Coatbridge and Chryston	Aberdeen South
Edinburgh Pentlands	Cumbernauld and Kilsyth	Angus
Edinburgh South	Dundee East	Argyll and Bute
Edinburgh West	Dundee West	Ayr
Linlithgow	Dunfermline East	Banff and Buchan
Livingston	Dunfermline West	Caithness, Sutherland and Easter Ross
Midlothian	East Lothian	Carrick, Cumnock and Doon Valley
	Falkirk East	Clydebank & Milngavie
	Falkirk West	Clydesdale
	Glasgow Anniesland	Cunningham e North
	Glasgow Baillieston	Cunningham e South
	Glasgow Cathcart	Dumbarton
	Glasgow Govan	Dumfries
	Glasgow Kelvin	East Kilbride
	Glasgow Maryhill	Eastwood
	Glasgow Pollok	Galloway and Upper Nithsdale
	Glasgow Rutherglen	Gordon
	Glasgow Shettleston	Greenock and
	Glasgow Springburn	
	Hamilton North and Bellshill	

Hamilton South	Inverclyde
Kirkcaldy	Inverness East, Nairn and Lochaber
Motherwell and Wishaw	Kilmarnock and Loudoun
North East Fife	Moray
Ochil	North Tayside
Paisley North	Orkney
Paisley South	Ross, Skye and Inverness West
Perth	Roxburgh and Berwickshire
Stirling	Shetland
Strathkelvin and Bearsden	West Aberdeenshire and Kincardine
Tweeddale, Ettrick and Lauderdale	West Renfrewshire
	Western Isles

ANNEX B: CONSTITUENCIES AND REGIONS FOR ENTITLEMENT TO OVERNIGHT ACCOMMODATION OUTSIDE EDINBURGH

Constituencies

Argyll and Bute
 Caithness, Sutherland and Easter Ross
 Galloway and Upper Nithsdale
 Inverness East, Nairn & Lochaber
 North Tayside
 Orkney
 Ross, Skye and Inverness West
 Roxburgh and Berwickshire
 Shetland
 West Aberdeenshire and Kincardine
 Western Isles

Regions

Highlands & Islands
 Mid Scotland and Fife
 North East Scotland
 South of Scotland

ANNEX 2 TO THE RESOLUTION

This is the Schedule of Rates referred to in the foregoing resolution.

SCHEDULE OF RATES

PARAGRAPH	DESCRIPTION	LIMIT
2.1.7	Annual limit on entitlement to reimbursement of overnight accommodation or leased accommodation in Edinburgh	£11,900
3.2.1	Annual limit on entitlement to reimbursement of staff salary costs for a constituency member	£64,300
3.2.2	Annual limit on entitlement to reimbursement of staff salary costs for a regional member	£46,700
4.2.3	Annual limit on entitlement to reimbursement of office costs for a constituency member	£15,600
4.2.4	Annual limit on entitlement to reimbursement of office costs for a single regional member or for a non-aligned regional member	£15,600
4.5.1	Annual limit on entitlement to reimbursement of telecommunications costs	£1,183
4.6.1	Annual limit on entitlement to reimbursement of surgery advertising costs	£1,560
9.1.1	Overnight Accommodation in UK (excluding Greater London)	£133.87 per night
9.1.1	Overnight accommodation in Greater London, Brussels or Strasbourg	£156.36 per night
9.1.1	Overnight accommodation elsewhere outside UK	As determined by the SPCB

12:40

Tricia Marwick (Central Fife) (SNP): I record my thanks for the work of Sir Alan Langlands and the other members of the review panel, who presented us with a comprehensive report on a proposed new members' expenses reimbursement scheme. As Tom McCabe said, the vast majority of the recommendations have been wholeheartedly agreed by all parties.

Tom McCabe spoke to a resolution of the Scottish Parliamentary Corporate Body. It is important that members know that Alex Johnstone and I did not agree to the resolution, which was arrived at by a casting vote of the Presiding Officer.

Although I endorse the recommendations of the Langlands review on the abolition of mortgage interest payments to members who purchase property in Edinburgh, it is worth noting that the Edinburgh accommodation allowance never had a John Lewis list and members who received the allowance were never entitled to new kitchens, bathrooms, Aga cookers or other elements that have given cause for great concern about the Westminster scheme.

The amendment in my name, which is supported by the Conservatives and the Greens, covers a number of issues. The primary issue is the principle that regional and constituency members of the Scottish Parliament should be treated equally. The amendment calls for parity in the amount that is available to constituency and regional members to meet staff costs—the amount would be £54,620. I am not calling for additional funding to be made available over and above what has been calculated is needed to meet the cost of the resolution.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

Tricia Marwick: I have very little time.

It is worth recording that every member of the SPCB agreed that the Langlands report used figures at the 2007-08 level and that all figures should be uprated to 2008-09 levels. It is unfortunate that the Labour Party changed its mind, which means that Ms Baillie's amendment and my amendment reflect staff salaries at the 2007-08 level. It is ironic that Ms Baillie and the Labour Party are prepared to deny staff money while arguing that constituency MSPs should get much more than regional MSPs in staff allowance. It is also interesting that the uprating will continue to apply to office costs and overnight expenses for MSPs—but not to staff salaries. Ms Baillie never sought to amend figures for those items to bring them back to the 2007-08 level.

As I said, it is a point of principle that there should be no disparity in the status of constituency

and of regional members. That is one of the founding principles of the Parliament, and the Parliament's code of conduct for MSPs, which was approved by the Parliament, states that all MSPs are equal, regardless of how they are elected. If the Parliament is to move away from that principle, overwhelming evidence that we should do so must be presented. However, there is no such overwhelming evidence, as Tom McCabe acknowledged. Indeed, the evidence that the review team considered was scant, as Alan Langlands acknowledged in paragraph 5.25 of his report, where he said:

"we could not make a detailed assessment of caseload. In the event that the SPCB or the Parliament disagrees with our recommendations on staffing we would consider it appropriate for the SPCB to undertake further research".

However, the principle of parity would have been dispensed with before such research was undertaken, and we are not prepared to accept that.

Therefore, in addition to seeking parity on how much each member can claim for staff salary costs, I propose that a new principle should be added to the principles that are set out in the draft scheme. Members will also see from my amendment that I propose that if we agree on parity of staff salary provision for all members, there will be no need for the SPCB to review that provision in future and, therefore, my amendment seeks not to provide the SPCB with the power to vary staff salaries in future, with the exception of annual uprating. It is important to accept the principle of equality, which is enshrined in the amendment in my name.

I acknowledge that the resolution before us includes the facility for members to vire or transfer on a one-off basis a third of their provision for office costs to staff costs. I also propose in my amendment that where a member does not lease an office, the office cost abatement should be 50 per cent and not 75 per cent, as the resolution proposes. Margo MacDonald also makes that point in her amendment. The review panel noted that some members may decide not to have a local office and to work instead out of their office in the Parliament. My amendment recognises that the financial commitment for those members will not be as great as it is for members who have offices and that, in that case, the abatement should be reduced to 50 per cent.

I welcome the provisions in the draft scheme to allow a member to apply to the SPCB for reimbursement of any exceptional expenses that they incur. However, special recognition should be given to the needs of independent members and members of smaller parties who may not have the capacity to share workload and resources in the

way that members of the larger parties can do in certain circumstances.

I return to the main element of my amendment, which is supported by the Conservatives, the Greens and, indeed, members of all parties: the principle of parity. No evidence was given to support a deviation from the long-held principle of the Parliament that all members should be treated equally. I hope that members accept that and that we can move forward.

I move amendment S3M-2092.2,

(a) in paragraph 1.1.2 of Annex 1 to the Resolution (the Reimbursement of Members' Expenses Scheme) insert at end

"Equality

- All members have equal formal and legal status.";

(b) in paragraph 1.2.5 of Annex 1 to the Resolution, leave out "paragraphs 3.2.1 and 3.2.2" and insert "paragraph 3.2.1";

(c) in paragraph 1.2.6 of Annex 1 to the Resolution, leave out "staff salary costs under paragraphs 3.2.1 and 3.2.2 and";

(d) in Annex 1 to the Resolution, leave out

"3.2.1 A constituency member is entitled to reimbursement of staff salary costs subject to the limit in any financial year specified in the Schedule of Rates.

3.2.2 A regional member is entitled to reimbursement of staff salary costs subject to the limit in any financial year specified in the Schedule of Rates."

and insert

"3.2.1 A member is entitled to reimbursement of staff salary costs subject to the limit in any financial year specified in the Schedule of Rates."

(e) in Annex 1 to the Resolution, leave out "3.2.3" and insert "3.2.2";

(f) in paragraph 3.3.1 of Annex 1 to the Resolution leave out "3.2.3(a)" and insert "3.2.2(a)";

(g) in paragraph 4.3.1 of Annex 1 to the Resolution, leave out "25%" and insert "50%";

(h) in Annex 1 to the Resolution after

"7.2.1 A member may apply to the SPCB for reimbursement of any exceptional expenses to be incurred by that member in connection with the performance of parliamentary duties."

insert

"7.2.2 In determining any application under paragraph 7.2.1 the SPCB shall, where applicable, recognise the distinctive needs of members not aligned to any political party or members aligned to a political party with fewer than five members."; and

(i) leave out

"ANNEX 2 TO THE RESOLUTION

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9.1.1	Overnight accommodation in Greater London, Brussels or Strasbourg	£156.36 per night
9.1.1	Overnight accommodation elsewhere outside UK	As determined by the SPCB

and insert

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2.1.7	Annual limit on entitlement to reimbursement of overnight accommodation or leased accommodation in Edinburgh	£11,900
3.2.1	Annual limit on entitlement to reimbursement of staff salary costs	£54,620
4.2.3	Annual limit on entitlement to reimbursement of office costs for a constituency member	£15,600
4.2.4	Annual limit on entitlement to reimbursement of office costs for a single regional member or for a non-aligned regional member	£15,600
4.5.1	Annual limit on entitlement to reimbursement of telecommunications costs	£1,183
4.6.1	Annual limit on entitlement to reimbursement of surgery advertising costs	£1,560
9.1.1	Overnight Accommodation in UK (excluding Greater London)	£133.87 per night
9.1.1	Overnight accommodation in Greater London, Brussels or Strasbourg	£156.36 per night
9.1.1	Overnight accommodation elsewhere outside UK	As determined by the SPCB

”

“You’ve got to work things out in the cloakroom. When you’ve got them worked out, you can debate a little before you vote.”

Today, we are having a little debate and, later, we will have a quick vote. Many hours of working things out in the Parliament’s equivalent of the cloakroom will come down to what Lyndon B Johnson alluded to in his statement: a political fix. No one in this place should try to argue that we are averse to doing deals and trying to make progress on issues that are to our political advantage. That is the nature of our profession.

What makes today’s debate different is that the fix is baseless. The motion not only contradicts the evidence of an independent report, but has been cobbled together without one shred of substantiation. The Labour Party has therefore lodged an amendment to support in its entirety the Langlands report as presented to the Parliament. On behalf of the Labour Party, I thank Sir Alan Langlands and his team for the excellent report that he produced in which he both identified the issues that need to be addressed and the way in which that should be done and provided the evidence for his conclusions.

The focus of our debate is staff remuneration. However, we should not forget that other expenses such as the Edinburgh accommodation allowance were also looked at and agreed to without reservation by the vast majority of members. So good was the Langlands report that no one, whether in a smoke-free room or more publicly, questioned its conclusion on staff remuneration for constituency members. Langlands believes that constituency offices need 2.5 staff and that around £62,000 is needed to enable constituency members to employ their staff on appropriate pay scales.

The contrived amendment that the SNP, the Tories and the Greens have cobbled together is not aimed at challenging the level of support that Langlands concluded should be provided to constituency members; it is simply an expression of those parties’ desire to reject his conclusion that list members should have 1.5 staff posts.

The SNP, the Tories and the Greens have produced no evidence that Langlands got it wrong. Indeed, members on the Tory benches submitted evidence in which they argued for the very conclusion that Langlands reached. The argument from the SNP, the Tories and the Greens is simple: constituency members and list members have the same status and role and therefore they should have parity in what is made available to staff members’ offices.

George Foulkes (Lothians) (Lab): Does the member agree that the study that was carried out on behalf of the Langlands committee did not examine a representative sample of regional and

12:47

Michael McMahon (Hamilton North and Bellshill) (Lab): Lyndon B Johnson once said:

constituency members? Does he support Tom McCabe's call for a further, more detailed and more comprehensive study to be undertaken?

Michael McMahon: I agree with that. I was coming to that point.

The point that has been made about parity is the same as arguing that a head of history and a head of physical education should have the same resources at their disposal. They are both paid the same and have equal status, but would anyone seriously argue that a PE department can be run for the same money as a history classroom can? Where is the evidence for the argument that we should have parity in what is available to all MSPs? Assertion is no substitute for actuality. If there are questions about the conclusion that Langlands reached in respect of the staff allowance for list members, we should seek a review of that; we should not take money from the pay packets of constituency members' staff.

As Alex McLuckie of the GMB Scotland union says in support of his members who work in the Parliament,

"Why is the First Minister determined to see staff in the Scottish Parliament paid far less than comparable staff at Westminster ... making us a second class Parliament in terms of staff pay and conditions"?

The Parliament staff who serve members so well in this place are rightly entitled to a proper salary scale, so is it not also right that members' staff should be afforded the same? However, what will be done today will remove that prospect. Trish Marwick made it absolutely clear that that is the intention.

A worrying precedent will be set if the crafty coalition opposite me gets its way at decision time. We will rip up an independent evidence-based report and pick the pockets of constituency members' hard-working staff. Rather than produce evidence that list members need more resources for their staff and then have the situation reviewed, as Langlands suggested, members will take apart an independent report without any evidence for doing so. Members should make no mistake—Parliament will be damaged if that happens. More important, the material wellbeing of constituency members' staff will also be diminished, which will shame us all.

I move amendment S3M-2092.2.2, to leave out from first "(a)" to end and insert:

"leave out from "ANNEX 2 TO THE RESOLUTION" to end and insert

"ANNEX 2 TO THE RESOLUTION

This is the Schedule of Rates referred to in the foregoing resolution.

SCHEDULE OF RATES

PARAGRAPH	DESCRIPTION	LIMIT
2.1.7	Annual limit on entitlement to reimbursement of overnight accommodation or leased accommodation in Edinburgh	£11,900
3.2.1	Annual limit on entitlement to reimbursement of staff salary costs for a constituency member	£62,000
3.2.2	Annual limit on entitlement to reimbursement of staff salary costs for a regional member	£45,000
4.2.3	Annual limit on entitlement to reimbursement of office costs for a constituency member	£15,600
4.2.4	Annual limit on entitlement to reimbursement of office costs for a single regional member or for a non-aligned regional member	£15,600
4.5.1	Annual limit on entitlement to reimbursement of telecommunications costs	£1,183
4.6.1	Annual limit on entitlement to reimbursement of surgery advertising costs	£1,560
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9.1.1	Overnight accommodation in Greater London, Brussels or Strasbourg	£156.36 per night
9.1.1	Overnight accommodation elsewhere outside UK	As determined by the SPCB

Gil Paterson (West of Scotland) (SNP): United we stand.

The Presiding Officer: We do not need sedentary interventions between speeches, thank you.

12:52

Margo MacDonald (Lothians) (Ind): I add my thanks to those that have already been recorded for the work that was done by the Langlands committee. My amendments rest on two propositions. The first is that an independent review has identified that, at last year's prices, the figure of £62,000 is required to provide the level and quality of service, delivered through an MSP's staff, that the public has the right to expect, regardless of which MSP is contacted. My second proposition is that members of the public do not know and probably do not care about the route by which we are elected—they see us as equal and, consequently, expect equity in relation to responses from our offices, regardless of the issue that is raised with us.

Cathie Craigie: Will the member give way?

Margo MacDonald: I will establish the point and come back to the member.

I agree completely with the report's identification of Sarah Boyack's office as the quality benchmark for all other MSPs' offices. However, I think that Sir Alan Langlands went wrong in failing to recognise that, for example, voters in Lothian who might well have voted to elect both Sarah Boyack and George Foulkes, Robin Harper or me do not differentiate between us or our staff. George Foulkes's, Robin Harper's and my service is delivered with and by our staff, as Sarah Boyack's staff work with and for her to deliver the same sort and quality of service.

Cathie Craigie: Margo MacDonald says that the public do not care about the way in which members are elected. I suspect that she might be right in a way, but the fact is that the public elect constituency MSPs to represent them in the Parliament. In the Lanarkshire area of the Central Scotland region, the electorate rejected five SNP MSPs, yet they are here in the Parliament.

Margo MacDonald: With all due respect to the member, I do not think that that point is proved.

In list members' offices, which have proportionately lower numbers of individual cases than Sarah Boyack's office has, the staff working for energetic MSPs—such as George Foulkes, Robin Harper and me—will be working just as hard and producing work of equal value. Fairness demands that that work should be rewarded equally. Of course, some list MSPs may be swinging the lead. There might even be some constituency MSPs doing the same. If so, their performance is a matter for their parties to deal

with, and perhaps—and I say this with all due respect—for the Presiding Officer to investigate. Staff such as my own should not have their pay scales determined by others' below-par efforts or abilities.

I turn now to my reasons for advising members to reject the amendments from Tricia Marwick and Jackie Baillie.

Amendment S3M-2092.2, in the name of Tricia Marwick, seeks equality of salary for MSPs' staff—something that I hope that everyone agrees on. However, it ignores the independent review's recommendation that £62,000—at last year's prices—should be the amount available for the staff salaries of each MSP. I do not know whether the amendment seeks to demonstrate a born-again prudence to electors, but I must tell Tricia Marwick and Jackie Baillie that it is monumentally unfair to cut the salary scales of MSPs' support staff while we leave our own scales for Westminster MPs to decide.

Jackie Baillie (Dumbarton) (Lab): My amendment does not seek to deny our staff appropriate salaries. Does Margo MacDonald therefore regret that the SPCB removed any reference to pay scales for staffing? Does she acknowledge that I am seeking to develop the evidence base that enables list members' staff to be paid appropriately?

Margo MacDonald: On the first point, I could not agree more: there should be salary scales. On the second point, I feel that the principle is either accepted or rejected. I regret to say that some might reject it for the wrong reasons.

I appreciate that, in her amendment, the changes that Tricia Marwick seeks to make to the annexes to the resolution are an attempt to make the part of the proposals that relate to office expenses fairer to independents such as me. I think that she said that she accepted my amendment S3M-2092.1, which would lead to a 50 per cent reduction in the reimbursement of office costs. *[Interruption.]* I see that I am not correct in thinking that, in which case I will press both my amendments. I think that what Tricia Marwick proposes will be more bureaucratic and probably more expensive to administer.

Members do not have to spend to the limit. I demonstrate that every year, and I see that Mike Pringle does, too.

I rather regret that we do not have a simpler scheme for the overnight housing allowance—a scheme that recognised it would be fair for every member to have the same amount of money to spend in whatever way they liked. They could take money out of their own pocket and live at the Balmoral, or they could sleep on a park bench—although not next to my house.

I also regret the dissension over the business of a leader's allowance. We must forget the bad blood of the previous two sessions of Parliament and we must get on with this session of Parliament. The leader of the Opposition should have an allowance.

I must say in passing—

The Presiding Officer: In closing, Ms MacDonald.

Margo MacDonald: I feel that islands MSPs are particularly hard done to.

I urge all my fellow members not to vote on party-political grounds. They should think of this as a Parliament, and they should think of how people outside see us.

I move amendment S3M-2092.1, in paragraph 4.3.1 of Annex 1 to the Resolution (the Reimbursement of Members' Expenses Scheme) leave out "25%" and insert "50%".

I move amendment S3M-2092.2.1, in Annex 2 to the Resolution (the Schedule of Rates), leave out,

"

3.2.1	Annual limit on entitlement to reimbursement of staff salary costs	£54,620
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"

and insert

"

3.2.1	Annual limit on entitlement to reimbursement of staff salary costs	£64,300
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"

12:59

Alex Johnstone (North East Scotland) (Con): I will try to keep my speech brief. I speak in support of Tricia Marwick's amendment, but I approve of and support the vast majority of what Tom McCabe said. The Langlands report and the work that went into it are very valuable to Parliament.

Many members have approached me over the period of the review and consideration of it to make representations on subjects such as the Edinburgh accommodation allowance and the mileage payable, and I have had to tell them that I support the independent view of the report, because it was reached by an independent panel.

However, I will support the amendment in the name of Tricia Marwick and I speak because of the issue of equity. I believe that equality of esteem for members is a key principle that we

must continue to support. Although people like me were opposed to the principle of proportional representation—and continue to oppose it for other reasons—the fact that members of this Parliament are elected proportionally to the votes that are cast is something of which we should be proud. The fact that we all draw the same salary and have similarly comfortable seats should not be the limit of our equality. I genuinely fear that if we are to accept a principle that will allow certain members to claim more office and staff support than others, the principle of proportional representation will, in effect, have been breached. Therefore, I stand to defend the principle of equity.

I am disappointed that the figure that we have come to is the one that is mentioned in Tricia Marwick's amendment. However, given that I am a member of the corporate body, affordability must always be one of my responsibilities. Therefore, I believe that the only option that was left to us was to take the figures for staff allowances that had been recommended by the Langlands report and to average them in order to achieve equity.

Margaret Smith (Edinburgh West) (LD): Will the member take an intervention?

Alex Johnstone: No, thank you.

The many members who have made representations on the need to ensure adequate office support have made good cases.

Finally, I want to express an opinion that I have developed during discussion of these matters. We have heard from certain members that there is an evidence base to suggest that the workload of constituency members is greater. That is used as an argument for their receiving greater staff resources. I suggest that there is a counterargument that if we believe in equality in the Parliament, perhaps we need to consider the situation that has led to what members have described. Therefore, it is equally valid for people like me to suggest that we should consider how some members choose to market themselves and how in the future we might ensure that the workload, should it be different, is balanced properly.

13:02

Ross Finnie (West of Scotland) (LD): I speak in a personal capacity. The Liberal Democrats believe that this is an important matter for Parliament to decide, so we will have a free vote.

I will confine my remarks to reimbursement of staff, but I have concerns about elements in the report that misunderstands the particular difficulties that affect members who represent rural, remote and island communities.

On staff, the review's conclusions are, in my opinion, simply not supported by evidence and, sadly, do not stand up to scrutiny. Parliament was right to be deeply concerned to have an objective assessment of the workload of its members and, as a consequence, a transparent basis for assessing staff requirements and the appropriate level of remuneration. Accordingly, the remit called for, among other things, a review of the tasks that are expected of staff and the resources that are required. From the research that it commissioned and the review that it undertook, the review panel identified casework as being the only difference in workload, because

"the scale and complexity of the workload has grown ... particularly for Constituency members. However, we did not receive or consider detailed evidence which enabled us to quantify this."

The panel makes an assertion, but admits immediately that it has no basis on which to quantify it.

Margo MacDonald: Will the member give way?

Cathie Craigie: Will the member give way?

Ross Finnie: Let me make this point.

I do not doubt for a moment that casework is, or could be, an issue, but I find it incredible that the review panel found no other material distinction between the work that is carried out by a constituency member and that which is done by a regional member. Casework is simply not the only issue, and calls for inquiries into it do not satisfy the substantive objections.

Cathie Craigie: I accept that the inquiry was missing detailed information on that point, but I can give Ross Finnie an example. "The Code of Conduct for Members of the Scottish Parliament" states that regional MSPs should advise the constituency MSP when they take up local cases. From the information that I receive from the one Scottish National Party MSP who seems to concentrate on my constituency, it seems that his casework is much less than 5 per cent of the casework that I do weekly, monthly or annually.

Ross Finnie: I am sorry that Cathie Craigie is not listening. I have not disputed that casework is an issue; I am saying that casework is not the only issue in comparing the workload of a regional list member and a constituency member. The report makes no admission of that fact.

Curiously, having failed to produce the necessary evidence, the review panel simply ducked out and said that if Parliament disagreed with its recommendations, it should consider calling for more research—albeit not on the general issue of workload but only on the distribution of casework between constituency and list members.

Margo MacDonald: Will the member give way?

Ross Finnie: No.

I thought that that was the review panel's remit, but it does not explain why, if it was so deficient in evidence, it did not pause for reflection and call for further evidence.

Despite neither receiving nor considering evidence to support its conclusion, the panel recommends staff support of £62,000 for constituency members and £45,000 for regional members—a differential of 27 per cent. However, that is not quite backed up by the report. The panel concedes that

"In terms of parliamentary duties ... we see no distinction between the workload of a constituency Member or a regional Member."

Comparing our research and casework element alone produces a differential of 34 per cent. The Scottish Parliament information centre research, which splits the constituency casework research and the parliamentary research, shows that there is a differential of 57 per cent.

The review panel's conclusions in that regard are not just flawed but deeply divisive. On the flimsiest of evidence, the panel concludes that there is a differential in workload and invites an inference to be drawn that there are two classes of MSP. I am bound to say that I find that offensive and contrary to the principle that all members are equal unless someone can produce substantive evidence to demonstrate the contrary. Such evidence is not present in the report.

Sadly, the choices that are before Parliament are equally unsatisfactory. The motion on staff support provides for an uprated financial limit based on an unsubstantiated staff requirement, and Jackie Baillie's amendment would implement the report's flawed recommendation. Although Tricia Marwick's and Margo MacDonald's amendments have the merit of addressing the prejudice against regional members that is inherent in the original proposal, they fail to provide members with a robust basis for determining the appropriate level of staff support, which we all hoped the review would produce.

Tonight, it will be with a sad heart that I have to vote for any of the propositions. However, I will not support a proposition that, on the basis of no evidence, would class me as a second-class citizen.

13:09

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Sustainable Growth

The Deputy Presiding Officer (Alasdair Morgan): Question 1 is in the name of Richard Simpson, who is not here. I have to say, again, that a member who is not present to ask a question is being most inconsiderate to other members who might have lost out in the ballot.

Small Business Bonus Scheme

2. Gavin Brown (Lothians) (Con): To ask the Scottish Executive what steps it is taking to monitor the take-up of the small business bonus scheme. (S3O-3683)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): We are in touch with organisations representing small businesses and with local authorities on the level of take-up of the scheme, and the feedback is encouraging. In due course, we will receive returns from local authorities that will enable us to make definitive estimates about the level of take-up.

Gavin Brown: My understanding is that some local authorities—possibly four of the 32—are automatically awarding the small business bonus. Will the Government consider finding ways to ensure that all local authorities automatically award the bonus so that businesses are less likely to miss out?

John Swinney: To my knowledge, five local authorities have undertaken to exercise their discretion to award automatically the small business bonus scheme relief. They are the City of Aberdeen Council, the City of Glasgow Council, Stirling Council, East Renfrewshire Council and Renfrewshire Council. Obviously, it is within the competence of local authorities to determine their approach.

On wider application of the scheme, we see from our initial information that the level of take-up is high, which is encouraging. I suspect that that reflects that the SBSC is of benefit to small businesses in a pretty challenging economic climate.

I will give consideration to the point that Mr Brown raised, but I stress that it is within the competence of individual local authorities to exercise that discretion of their own free will.

Fuel Prices

3. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Executive how much it estimates that the recent fuel price increases will cost (a) the Scottish economy, (b) local government, (c) the national health service and (d) the remaining areas over which the Scottish Government has responsibility, in 2008-09 if such prices remain at current levels. (S3O-3701)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Escalating fuel costs are having wide-reaching impacts across both the Scottish economy and the public sector in Scotland.

All parts of the Scottish public sector will be affected, including local authorities and the national health service. These effects are complex and in part depend on future movements in fuel prices over the remainder of the financial year, on relative fuel dependency and on the way that different parts of the public sector pay for their fuel. Unless additional funding is made available from the United Kingdom Treasury, the impact of rising fuel costs will be similar to a budget cut for the Scottish public sector.

High oil prices mean a big revenue gain for the UK Treasury, but they also mean a great deal of pain for families, households and businesses across Scotland. That is why we need a new approach, with Scotland getting a fair share of the windfall oil wealth.

Kenneth Gibson: While speaking to the chief executive of North Ayrshire Council on Tuesday, I was advised that its bill will increase by at least £1 million. That local authority area represents only one fortieth of Scotland's population.

Does the cabinet secretary agree that it is absolutely shameful for the UK Government to deny Scotland a modest share of the more than £4.5 billion that it will gain in increased revenue this year as a result of rising fuel prices? Further, does he also agree that the silence of the unionist parties in this Parliament—in terms of defending Scottish interests and seeking a reasonable portion of what is rightfully ours—has been deafening?

John Swinney: As always, Mr Gibson makes some fair points. If oil prices are sustained at the level that they have been at, on average, since the start of the financial year, the Treasury will receive in excess of £4.5 billion in additional revenue. Quite clearly, that is a windfall gain to the Treasury. The Scottish Government's position is that, at a time when various public sector organisations—including North Ayrshire Council, to which Mr Gibson referred—are wrestling with increased costs, the Treasury is making a tremendous windfall gain. Obviously, the

Government is making strong representations to ensure that we have access to some of the oil wealth that is generated within Scottish territorial waters.

The Deputy Presiding Officer: I call Jamie McGrigor to ask question 4.

I say to Jamie McGrigor that it is quite intolerable that members are not present in time for their question. That is the second time it has happened in this meeting. Members will know what time question time is and they should be here throughout it.

A82 (Upgrading)

4. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive whether it will provide an update on progress towards upgrading the A82. (S3O-3679)

The Deputy Presiding Officer: I call Stewart Stevenson.

I think the minister will have heard what I have just said.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The minister did hear. I am sorry.

Transport Scotland is currently taking forward some £16 million of improvement schemes from the A82 route action plan to improve safety and speed up journey times for local communities, tourists and businesses. That includes improvement work at Pulpit rock and a bypass for Crianlarich, which we aim to deliver within the current programme to 2012.

Other improvement schemes that are recommended in the route action plan are being considered for future investment as part of Transport Scotland's strategic transport projects review, which will deliver its findings to ministers in the summer of 2008.

I apologise to you, Presiding Officer.

The Deputy Presiding Officer: Thank you.

Jamie McGrigor: Presiding Officer, I, too, humbly apologise for my lateness.

The number of road accidents on the A82 since 2007 amounts to no fewer than 143 injury accidents, including eight fatalities. That is a dreadful record that makes it one of the most dangerous trunk roads in Scotland. In the light of that, does the minister believe that the Government is giving enough priority to upgrading the A82? What hope can he give to the long-suffering tourists and commuters who depend on that vital route, and what will he do to bring down the accident rate?

Stewart Stevenson: Jamie McGrigor is aware, as I am, of the vigorous campaign that is being waged to ensure that we get appropriate investment in the A82. I have met the campaigners and discussed many of the issues that are associated with the A82. I am no happier than the member about the accident record and the number of fatalities on the road. It is one of a series of difficult challenges that we have inherited as a Government. We are currently investing in the A82 and, as part of the strategic transport projects review, considering what further investments we wish to make.

Ian McKee (Lothians) (SNP): Has the decision by Parliament last year to invest £0.5 billion in an Edinburgh tramline had any effect on the amount of finance that is available for other transport infrastructure investment in Scotland?

Stewart Stevenson: Dr McKee makes a fair point. However, I make it absolutely clear that I regard that decision as being of the past, although it clearly influences room for investment today. I am sure that people will take account of it when they examine the Government's performance and that of Parliament as a whole.

Infrastructure Investments (Discussions)

5. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what discussions about its proposals for future investment in Scottish infrastructure it has had with representatives of European Governments. (S3O-3746)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): We published our plans for current and future investment in Scottish infrastructure at the end of March in our "Infrastructure Investment Plan 2008". There were no specific discussions with European Governments over that plan, but the financial partnerships unit keeps in contact with several European Governments over methods of delivery and funding of infrastructure.

Michael McMahon: Will the cabinet secretary take the time to visit the Irish Government's public-private partnership website, which provides guidance on its PPP process? He will find there details of the new PPP projects that the Irish Government is taking forward, such as the Waterford bypass, the new criminal courts complex and five new secondary schools.

Has he had any contact with the Nordic PPP forum, which provides a comprehensive analysis of infrastructure financing and developments in Sweden, Norway, Finland and Denmark, with advice from companies such as KPMG, PricewaterhouseCoopers and Ernst and Young? Could that effective use of PPP be one of the

reasons why the aforementioned countries form the SNP's celebrated arc of prosperity?

John Swinney: Mr McMahon will be aware that self-governing countries are free to take decisions as they choose. This Government simply wants Scotland to be a self-governing country. If Mr McMahon has had a road-to-Damascus conversion, he is welcome to join the Government in its aspiration for Scotland to be self-governing.

As Mr McMahon is an enthusiastic follower of everything that I say in Parliament on infrastructure matters, he will know that I have set out in committee, in a statement to Parliament and in a debate the ambitious infrastructure investment programme in which the Government is involved. As part of that programme, projects are under way in every part of Scotland. In close proximity to Mr McMahon's parliamentary constituency, the development of the M74 is taking place, and there are school and hospital developments in every part of Scotland.

Mr McMahon should not worry about whether there is a lack of infrastructure investment activity. Through the Scottish futures trust and our infrastructure investment plan, the Government has put in place ambitious plans to invest in Scotland's infrastructure, and we will take those plans forward.

Andy Kerr (East Kilbride) (Lab): In relation to the point that was made in response to Mr McMahon's question, I wonder what makes the Scottish Government's strategy different from the strategies of the nations in the arc of prosperity, about which we hear so much in the chamber. Those nations are following the PPP route. I also wonder what makes the Scottish Government different from local government, the financial sector, the banks and the construction industry in Scotland, all of which think that the Scottish futures trust has no future.

John Swinney: With questions like that, we all know that Mr Kerr has no future in his aspirations to get back in government.

I have made it clear to Parliament on numerous occasions—and have marshalled in "Infrastructure Investment Plan 2008"—the Government's determination to invest in a significant £3 billion per annum strategic infrastructure investment programme that is making an impact in many parts of the country, not least in Mr Kerr's constituency.

We are determined to use the Scottish futures trust to aggregate projects and to develop the non-profit-distributing model to ensure that we retain expertise and leverage out more value for money for the taxpayer. That is what the Administration is about: it is determined to deliver maximum value for money for the taxpayers of Scotland, and that

is what we will deliver for the people of this country.

Rural Deprivation (Measurement)

6. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Government what progress has been made to measure more accurately the elements which constitute rural deprivation so as to release a fair share of public funds for services in remote and rural areas. (S3O-3702)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): A great deal of progress has been made on the matter. With agreement from the Office for National Statistics, a commitment has been made to publish annual poverty figures that are broken down into rural and urban areas. We have commissioned a review and follow-up qualitative research into the impact of poverty and people's different experiences of it in rural and urban areas, and we have developed sub-Scotland income statistics through the Scottish household survey to create a more accurate picture of the impact of poverty in our communities.

We will hold a consultation event on the Scottish Government's anti-poverty framework in a remote and rural community planning partnership area to discuss the specific challenges that such community planning partnerships face. Those efforts will help us to assess accurately the extent and impact of rural deprivation, and they will affect Government policy making on remote and rural areas of Scotland.

Rob Gibson: I thank the cabinet secretary for the detailed exercise that he is undertaking. Does he agree that, before the end of the current session of Parliament, we need a root-and-branch review of how rural services are funded? Will he include in such a review the policy of equivalence, which is adopted and applied in many of the Nordic countries? That will ensure that we do not end up with a system in which urban is treated as normal and rural is treated as abnormal.

John Swinney: As Mr Gibson knows, within the calculations of the measures that influence local authority spending, account is taken of, for example, island status and rurality. Deprivation weighting is also included in the indices that are used by the Government for local authority funding allocations. They are characteristics of the framework within which we undertake decision making on funding for services in rural areas. I will examine Mr Gibson's suggestion and assess the impact that it could have on how we undertake that work in the future.

Mr Gibson is also aware that the Government is working with the Convention of Scottish Local

Authorities to examine the basis of local authority funding allocations. Although that work will not have an effect during the current spending review, it will inform the next one.

A87 and A887 (Motorcycle Traffic)

7. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive whether it is aware of the heavy motorcycle traffic on the A87 and A887 over the summer months and what assessment it has made of the impact of the poor condition of these roads on motorcycle safety. (S3O-3766)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I am aware from the automatic traffic count data for the A87 that there is a significant increase in the number of motorcyclists using this route during the tourist season. No data exist for the A887. The number of reported injury accidents involving motorcyclists on the A87 has, however, reduced in each of the three years between 2005 and 2007. There were no reported injury accidents involving motorcyclists on the A887 during the period.

John Farquhar Munro: I hope that the statistics can be improved on this year. I am afraid that, because of the current condition of the surface of the A87, we are leaving ourselves open to serious injury claims because of that section of road. When can we expect to see even minor improvement to the road's surface?

Stewart Stevenson: Although it has been 40 years since I was on a motorcycle—my wife no longer allows me such pleasures—

Alex Johnstone (North East Scotland) (Con): Steady now. We do not want to go there.

Stewart Stevenson: We have to have some fun.

I am aware of the effect that poor surfaces can have on safety and motorcyclists' ability to use roads. We will be looking at the A87 in the context of the strategic projects review and will be keeping the situation under constant review. If John Farquhar Munro is especially concerned about specific parts of the road, I will be grateful if he draws them to my attention so that I can take specific action.

Increasing Energy Costs (Advice)

8. Andrew Welsh (Angus) (SNP): To ask the Scottish Executive what advice is available to people facing increasing energy costs. (S3O-3715)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The recently launched energy saving Scotland advice network, funded by

the Scottish Government and managed by the Energy Saving Trust, provides advice and support to householders wishing to reduce their energy use and cut their fuel bills. This one-stop shop will offer support on energy efficiency, microgeneration and sustainable transport and will help customers to access grants from the Scottish Government and energy supply companies.

Andrew Welsh: I welcome the advice that is available to help people to reduce energy use. However, faced with ever-increasing fuel bills, high levels of fuel poverty and the massive increases in the price of oil and diesel that are now hitting the Scottish economy and every Scottish family, surely now is the time in our energy-rich oil-producing nation for Scotland to get the full benefit from its oil wealth.

Jim Mather: I could not agree more. With oil prices at the record high of \$138 per barrel last Friday, the Scottish Government estimates that the United Kingdom Treasury is now likely to rake in an extra £4 billion to £5 billion more than it forecast at the time of the last budget.

Mr Welsh is right: Scotland is an oil-rich oil-producing country, and we should be enjoying the benefits of record oil prices rather than feeling the pain. The UK Treasury is pocketing the proceeds of what is happening. That is why the First Minister set out our position on the future of Scotland's oil wealth in his letter to the Prime Minister last week. It called for an immediate freeze on fuel duty and the introduction of a fuel duty regulator to prevent future price increases, for Scotland to have direct access to a share of North Sea revenues, and for the creation of a Scottish oil fund that will give Scotland a lasting legacy. Those measures would emulate what happens in Norway and put us in a much better position to ameliorate the problems that Mr Welsh mentioned. That is right and necessary because, of the three key poverty factors—energy prices, household incomes and energy efficiency—only energy efficiency falls within devolved powers. The sooner we have rights that are similar to those of Alberta, the better.

Iain Gray (East Lothian) (Lab): One way of reducing energy costs is to install more efficient heating systems in our homes, so will the Government reconsider its ill-timed and ill-advised decision to restrict access to the successful central heating initiative?

Jim Mather: The Labour Party has retreated from discussing a major issue that the country faces, improved performance on which would ameliorate everyone's position. We will continue with the central heating programme and will make it as effective as possible by offering targeted support.

Prisons (Funding)

9. Sandra White (Glasgow) (SNP): To ask the Scottish Government what progress the Cabinet Secretary for Finance and Sustainable Growth has made in discussions with the United Kingdom Government regarding prison funding. (S3O-3716)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): As members will know, in January Her Majesty's Treasury allocated an additional £1.2 billion for prisons in England and Wales. That followed the publication of the Carter review, which drew attention to serious overcrowding in English jails. As the additional funding comes from the UK Government's reserve, Scotland does not automatically receive a consequential share.

Had the funding been allocated as part of the 2007 comprehensive spending review settlement, Scotland would have received an additional £120 million, so we take the view that that amount is being denied to Scotland, contrary to the spirit of the statement of funding policy. Scotland's annual projections of its prison population have shown similar trends to those that affect England and Wales, and the prison estate in Scotland is currently overcrowded. We therefore propose to pursue the matter further through the joint ministerial committee, which we believe is the correct forum in which to resolve it.

Sandra White: In the light of what Annabel Goldie said earlier about the justice system and the Conservatives' record on prison building, I am sure that we can count on their support when the cabinet secretary next raises the issue. I hope that the same applies to all the parties that are represented in the Parliament.

Given that any application for departmental expenditure limit reserves should be made by the Secretary of State for Scotland on behalf of the Scottish people, does the cabinet secretary agree that whatever parallel universe Des Browne inhabits, it is not one that best serves the Scottish people?

John Swinney: This is an issue of real substance. It is my view and that of the Government that the allocation from the UK reserve to support prison expenditure in England has set a highly regrettable precedent. Essentially, the publication of the Carter review slightly later than the comprehensive spending review settlement has provided a means for the UK Government to allocate resources to fund public expenditure in England and Wales, when the need for public expenditure in Scotland is 100 per cent comparable. We could have marshalled as good a case about prison overcrowding in Scotland as has been marshalled in the Carter review about prison overcrowding in England.

In our spending review, we took decisions to invest in the prison estate by increasing capital allocations to the Scottish Prison Service, which will allow us to afford the construction not only of the new-build prison at Bishopbriggs but of the new prison in the north-east of Scotland at Peterhead. Given that we took those decisions in the spending review, the implications of the Carter review are that we should have been entitled to consequential funding. Ministers will raise the issue, which the Government considers to be of the greatest significance, as part of the joint ministerial committee process.

Derek Brownlee (South of Scotland) (Con): This is the second issue that has arisen over the past year to do with what might be termed the technical application of the Barnett formula as opposed to issues of more fundamental importance. The first such issue concerned the health baseline that was used in the comprehensive spending review. In that regard, what formal measures has the Scottish Government taken in relation to the dispute resolution procedures that are set out in the statement of funding policy?

John Swinney: I have made direct representations to the Chief Secretary to the Treasury on this Government's dissatisfaction with the way in which the UK Government has addressed the baseline changes in health and the financial consequences of the Carter review. As I indicated in my answer to Sandra White, the Government will pursue those issues as part of the discussion in the joint ministerial committee, which meets in a fortnight. We indicated our intention to pursue those matters to the Secretary of State for Wales, who has responsibility for convening the joint ministerial committee.

Efficiency Delivery Plans

10. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what progress it has made in implementing its efficiency delivery plans. (S3O-3738)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The second iteration of our efficiency delivery plans was issued on 30 May. Implementation and delivery of those plans is a matter for each organisation concerned. As with the previous programme, each project is subject to assessment as part of the on-going cycle for ensuring delivery, and each organisation should ensure that it has adequate information to support the delivery of each of the efficiency gains. That information is, of course, subject to external audit.

James Kelly: The cabinet secretary will be aware of concerns in Scotland's communities that, instead of efficiency gains being made in local

government budgets, budgets are being cut. Can the cabinet secretary outline how the single outcome agreements covering local government efficiency gains will be sufficiently transparent to allow communities to take a view as to whether there are real efficiency savings or cuts that will result in job losses and reduced services?

John Swinney: There is a distinction in terms of where the focus of the information will emerge. There is an efficiency programme, and we have set out its direction. There will be a requirement for individual authorities to report on the basis of those efficiency savings. That will not form part of the reporting stream of the single outcome agreements, which exist to ensure that, as a consequence of the collaborative work that the Government is encouraging between different public authorities, including our local authorities at local level, we have a clear understanding of how organisations are working to support the national outcomes that were announced as part of the spending review on 14 November 2007.

The focus of efficiency savings is to ensure that we enhance value for money, deliver improved public services and improve productivity. The definitions of what constitutes an efficiency saving are set out in the efficient government delivery plans that I have published. They are available for members to scrutinise, and of course there will be the opportunity to scrutinise the delivery of the plans once they are implemented.

Kenneth Gibson (Cunninghame North) (SNP): Does the minister agree that, if Wendy Alexander's proposal for a 3 per cent top-sliced local government efficiency saving had been imposed rather than the 2 per cent efficiency saving that he has implemented, which can be reinvested, we would now be seeing real cuts in services and real job losses in our local authorities?

John Swinney: Mr Gibson has made another fair point; he is on good form today in making good points. He accurately says that the Government was criticised by the Labour Opposition—the now Labour leader—for not undertaking 3 per cent efficiency savings. We went for a deliverable 2 per cent efficiency saving level, under criticism from the Labour Party, which wanted us to go further. However, we did not believe that that would be sustainable, because it would have involved the compulsory redundancy programme of Gordon Brown and the United Kingdom Government, and this Government will not go there.

On the local government question, the Government has, for the first time, allowed local authorities to retain for reinvestment in front-line services the efficiency gains that they make. That is the right incentivisation to encourage our local authorities to improve public service delivery,

enhance value for money and improve productivity in the delivery of our public services.

Sustainable Communities

11. Hugh O'Donnell (Central Scotland) (LD): To ask the Scottish Executive how it supports the development of sustainable communities. (S3O-3767)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government supports the development of sustainable communities in a number of different ways, including the provision of guidance and advice through "Firm Foundations: The Future of Housing in Scotland", the national planning framework and our Scottish sustainable communities initiative.

Hugh O'Donnell: The cabinet secretary will doubtless be aware of concerns in Lanarkshire about progress on the creation of the new community of Ravenscraig. Can he advise me, in light of those concerns, what funding is being supplied to progress the development of Ravenscraig as a new community rather than as just a peripheral housing estate?

John Swinney: I do not follow the inference in Mr O'Donnell's question. The Minister for Enterprise, Energy and Tourism has met all the players involved in the Ravenscraig development and I visited the site with the leader of North Lanarkshire Council, Jim McCabe, some months ago. The Government remains committed to supporting the development of the new community at Ravenscraig. There is an exciting development there that involves the creation of many new homes, a town centre, business and industrial space, parkland area, a new transport network, a new sports facility, a new college campus and two new schools. The Government is supporting the development process, and we will continue to have constructive dialogue with North Lanarkshire Council and other players to progress the initiative.

Scottish Water (Review)

12. David McLetchie (Edinburgh Pentlands) (Con): To ask the Scottish Executive when it intends to complete its review of Scottish Water and report to the Parliament on its conclusions. (S3O-3685)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I refer the member to the answer that I gave in response to parliamentary question S3W-11146 on 17 April 2008, in which I stated:

"Following the Parliamentary motion of 21 February 2008, we are keeping under review the structure and operations of Scottish Water as part of our regular work on

the water industry in Scotland.”—[*Official Report, Written Answers*, 17 April 2008; S3W-11146.]

David McLetchie: I am well aware of the answer that the minister gave to that question. However, I want to refresh his memory with respect to the content of the parliamentary motion that was passed on 21 February 2008. That motion stated that a number of matters were to be kept under review by the Scottish Government, including alternative models for Scottish Water, such as mutualisation, and that the Scottish Government was

“to report back to the Parliament in due course.”

Given the Government’s excellent record to date in making ministerial statements to Parliament in response to parliamentary motions, will the minister assure us that “in due course” means before the end of the year?

Stewart Stevenson: We are keeping things under review as we promised and as the motion requires us to do. I particularly thank the member for giving me the opportunity to fulfil the promise to report before the summer by reporting to Parliament here and now that we have been keeping things under review and that we continue to have the top-performing water company in these islands.

Income Tax (Assistance)

13. Bill Kidd (Glasgow) (SNP): To ask the Scottish Government what assistance it can provide to people whose income is reduced as a result of the scrapping of the 10p income tax rate. (S3O-3705)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I wrote to the Chancellor of the Exchequer in May to outline the Scottish Government’s opposition to the decision to abolish the 10p starting rate of income tax and to request clarification on how the United Kingdom Government will fully compensate all those who have lost out as a result of the policy change. The solidarity target in our economic strategy highlights the Scottish Government’s commitment to reducing inequality. That is why, in partnership with local government in Scotland, we have secured a freeze on council tax bills and launched our consultation on plans to introduce a local income tax that will more accurately reflect people’s ability to pay.

Bill Kidd: Office for National Statistics figures show that almost 4 million children and 2.5 million pensioners still live in poverty under Gordon Brown’s Government. Does the cabinet secretary believe that that poverty will be reduced by replacing the unfair council tax with a local income tax that is based on the ability to pay?

John Swinney: Mr Kidd will be aware that the Government’s local income tax proposals are designed to put in place a system that is based on the ability to pay. More than four out of five households will be better off or no worse off under our local income tax plans. As a consequence of abolishing the council tax there will be real benefits for and relief to people on low incomes. The Government’s proposals will be one of the most significant contributions that it can make within its devolved competence to reduce the burden on hard-pressed taxpayers in Scotland.

Iain Gray (East Lothian) (Lab): Does the cabinet secretary agree with his colleague in Westminster, Stewart Hosie, who has made it clear that no one wants to reintroduce the 10p tax band and that the important thing is to take measures to compensate those who have lost out? Does he therefore welcome the Chancellor of the Exchequer’s change to the tax code, which will do exactly that?

John Swinney: That might be possible if every individual who had lost out as a consequence of the abolition of the 10p tax rate had been compensated, which is what I said in my answer to Mr Kidd a moment ago. Sadly, the Chancellor of the Exchequer has not managed to find a way to compensate all those who lost out as a consequence of the abolition of the 10p tax rate.

The Government of the United Kingdom was elected supposedly to support those on low and fragile incomes, yet it has taken the absolutely incredible decision to punish those individuals. That shows where the Labour Government’s priorities lie.

Public Transport (Support)

14. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what action it is taking to support public transport, in light of recent fuel price rises. (S3O-3680)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): We are investing significantly to improve Scotland’s public transport, including rail and tram services, travel information and bus services.

John Lamont: Does the minister agree that, following the massive increases in fuel prices in recent months, the time has come for a thorough and urgent review of the bus service operators grant, in an effort better to serve our hard-pressed bus companies, such as Munro’s of Jedburgh? Does he also agree that, in the light of the intense pressure that operators presently face, this is definitely not the time to attach strings to any rebates, whether related to vehicle type, energy efficiency or other criteria?

Stewart Stevenson: The very real difficulty that the member has in focusing on the bus service operators grant is that it accounts for less than 10 per cent of the increase in fuel costs that bus operators are experiencing. Where does the other 90 per cent come from? It comes entirely from the increase in fuel prices and the United Kingdom Government's failure to respond to the constructive suggestion that my parliamentary colleagues at Westminster have made for a fuel duty regulator, which would cap the price of fuel and enable bus operators to be supported in an appropriate way through a mechanism that levelled out such increases. I suggest that the member direct his attention towards that issue and to ensuring that his parliamentary colleagues at Westminster support, in committee, the proposals for a fuel duty regulator.

Proposed Climate Change Bill

15. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what consideration it has given to the inclusion in the climate change bill of measures to support the reduction of emissions through reform of planning and building standards for new and existing domestic and non-domestic buildings to facilitate energy conservation and renewable generation, and through the creation of new incentives to make such improvements possible through grants and reductions in local taxation. (S3O-3755)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Improving the energy efficiency of buildings and encouraging microgeneration where appropriate—whether through changes to planning, building standards, incentives or other measures—will be important in helping to meet the 80 per cent emissions reduction target that will be set by the proposed Scottish climate change bill.

We are already making progress. For example, we have tripled the support for community and microgeneration, bringing the funding to £13.5 million for this year and the next two years. Since its launch in 1999, we have invested more than £4 million in our interest-free, revolving loan fund to enable small and medium-sized enterprises to invest in energy efficiency technologies. Half of that investment has been made since the change of Government. On 4 June, we launched the energy saving Scotland one-stop-shop advice network, which is funded by the Scottish Government and managed by the Energy Saving Trust.

On future legislation, we have consulted on proposals to grant permitted development rights to microgeneration equipment on domestic buildings, and we intend to produce an amendment to the general permitted development order after the

summer recess. We also intend to consult publicly, in the coming months, on energy efficiency measures in housing and non-domestic buildings. Should measures come forward that require primary legislation, the proposed climate change bill may provide a suitable vehicle.

The Deputy Presiding Officer: I call Alex Johnstone.

Alex Johnstone (North East Scotland) (Con) rose—

The Deputy Presiding Officer: My apologies, Mr Johnstone. The minister's answer was so long that I forgot that there was still a supplementary question to come.

Cathy Peattie: Thank you, Presiding Officer.

Does the minister agree that the first steps in dealing with climate change involve convincing local people of the need to do so? Will he consider how the proposed climate change bill can address that? Furthermore, would not improvement grants be a good start in demonstrating the Scottish Government's commitment to tackling the issues around climate change?

Stewart Stevenson: I will make this answer brief. Local people and individuals in general are key to moving the agenda forward. I hope that we will be able to persuade as many of them as possible to respond to the needs of climate change.

Alex Johnstone: What scope is there likely to be in the climate change bill, through emissions trading or other mechanisms, to generate resource to underpin the Government's objectives?

Stewart Stevenson: Emissions trading operates at the margins, essentially. It enables us to smooth bumps and dips as we move forward to achieve our climate change objectives. We are working with the United Kingdom Government and the European Union to ensure that we have appropriate trading regimes in place.

Business Motion

14:55

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-2119, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Public Health etc (Scotland) Bill.

Motion moved,

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

Groups 1 to 4 25 minutes

Groups 5 to 8 45 minutes

Groups 9 to 11 1 hour 5 minutes.—[Bruce Crawford.]

Motion agreed to.

Public Health etc (Scotland) Bill: Stage 3

14:56

The Presiding Officer (Alex Fergusson): The next item of business is the stage 3 proceedings on the Public Health etc (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, which is Scottish Parliament bill 3A (revised); the marshalled list, which is SP bill 3A-ML; and the groupings that I have agreed. If members picked up documents from the back of the chamber earlier, they might not be the right ones—the documents must be those that are relevant to stage 3. The right documents are available in the coffee lounge.

The division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

I remind members that, as always, all contributions should be made through the chair, which means that members should refer to other members by name or by their preferred title.

Before section 18

The Presiding Officer: Group 1 is on fees for notification of diseases. Amendment 1, in the name of Mary Scanlon, is the only amendment in the group.

Mary Scanlon (Highlands and Islands) (Con): The purpose of amendment 1 is to ensure the on-going co-operation and support of registered medical practitioners in implementing the bill by providing help to meet the costs of undertaking notification.

The current fee system allows for payment, to doctors working in all specialties, for reporting notifiable diseases, but the bill will remove such payments. In order to ensure effective reporting of notifiable diseases, however, general practitioner practices need robust systems, which require resources that are not currently provided under the new general medical services contract.

A number of fees are currently paid to GPs—for example, the fee for a secondary examination for compulsory treatment orders under the Mental Health (Scotland) Act 1984. Such fees recognise the additional work associated with the responsibility for carrying out a particular duty. The principle behind the new contract is that any additional services outwith the core contract should be fully funded.

Nothing has been removed from the notification scheme that would justify the removal of the fee previously paid to GPs. Indeed, the proposals in the bill appear to increase the requirement for GP notification and, of course, failure to notify would be breaking the law.

The national health service has always depended on the good will and dedication of staff. At a time when GP morale is fragile, it would be particularly detrimental to remove that fee. I suggest that the matter should be negotiated between the Government and the Scottish general practitioners committee.

The Government papers state that amendment 1 would require consequential amendments and that order-making powers are needed to retain the fee paid to general practitioners for notification of a disease. I was not advised of any problems relating to the amendment at any stage following lodging. The issue has come to light only because we have been given copies of the Government's papers on the purpose and effect of stage 3 amendments. Amendment 1 would retain the current position, so no parliamentary approval would be required. It says in the minister's papers that there are no order-making powers in the bill. However, order-making powers are set out in section 108(2).

15:00

I lodged amendment 1 in good faith. I am not a parliamentary draftsman, so I would expect problems to do with an amendment that I lodged to be highlighted by the minister, the bill team or other officials. Presiding Officer, will you consider the support and advice that is available to members of the Scottish Parliament who lodge amendments in good faith? Members are not given the legal advice and support that would assist them in the democratic process. Surely all amendments are of equal value and every member should receive equal advice and support when they lodge an amendment, whether or not other members intend to vote against it. There is a principle of equity in that regard. I ask Labour and Liberal members to support amendment 1, not just so that the £3.50 fee to GPs will continue, but on the basis that all MSPs deserve equal support and advice in the parliamentary process.

I move amendment 1.

Michael Matheson (Falkirk West) (SNP): I was surprised by amendment 1. I understand that the British Medical Association wants to retain what it regards as the principle that GPs should be paid for the notification of notifiable diseases, but the bill will reduce the number of notifiable diseases.

Mary Scanlon suggests that her approach represents an attempt to retain the support of GPs

for participating in the notification scheme. I would be disappointed if the medical profession said that GPs would not be prepared to pass on information about notifiable diseases unless they were paid to do so. I would have thought that GPs and other medical practitioners would be willing to pass on such information whether or not they received a fee for doing so—never mind the suggestion that GPs would not participate in the scheme if a fee were not provided.

The bill will require hospital-based doctors as well as GPs to pass on information about notifiable diseases, but amendment 1 deals only with GPs and does not say whether hospital-based doctors should also be paid for undertaking that function.

I do not think that there is an appetite for providing more funding to GPs, given that the overall burden of notification will reduce. Members should not support amendment 1.

Ross Finnie (West of Scotland) (LD): I would not be supporting amendment 1 if I thought for a minute that doctors would not participate in the notification scheme unless they were paid to do so. It might be argued that such is the high calling of a doctor that perhaps they need not be paid at all, but I am not sure that even I would want to sustain such an argument.

Doctors are asked to perform a number of tasks and, as Mary Scanlon made clear, there is precedent in statute for recognition of medical practitioners for providing additional information—it is not about doctors acting out of altruism at all times.

Michael Matheson was right to say that the number of notifiable diseases will be reduced, but that is not the issue; the issue is that doctors must notify. Amendment 1 would not create a new approach, as Michael Matheson seemed to hint in his closing remarks; it would retain the approach that will otherwise be abolished by the bill. I see no good reason not to do that. Liberal Democrats support amendment 1.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I separate the issue about fees from the issue about support for members who lodge amendments.

On fees, GPs constantly complain about the administrative burdens under which they are placed in relation to dealing with quite small and nominal fees. The fee for notification is particularly small. If the number of notifications were large, the aggregated administrative effort of dealing with the fees would be worth while. However, the minister gave evidence to the Health and Sport Committee that it is likely that 85 per cent or thereabouts of notifications will be abolished. In those circumstances, the retention of this small fee for a decreasing number of notifications does not seem

an appropriate use of general practitioners' time or their staff's time. They need to be engaged on other issues. Whether the BMA cares to come back to the Government and renegotiate general practitioners' total salary package on the basis of what is lost by this measure is a matter for the BMA and the Government. That is a matter in which, for the moment and until 2011, Labour Party members will not be involved.

I turn to the issue of drafting advice for members. I was a member during the first session of the Parliament, when Labour was in government and I was a minister. At that time, one was able to turn directly to the drafters to ask for their comments on amendments. I am surprised at the paucity of support that is currently made available to individual MSPs in preparing amendments such as that which Mary Scanlon lodged.

In legislative terms, the provision of such drafting support is vital. Presiding Officer, I ask you and the Scottish Parliamentary Corporate Body to take another look at whether additional support should be provided to members. Doing so would mean that amendments not only are judged as competent, and therefore passed by yourself as being competent, Presiding Officer—as I assume amendment 1 must have been—but properly reflect the intentions of the member who lodged them.

The Minister for Public Health (Shona Robison): As members have said, the Public Health etc (Scotland) Bill removes payment to registered medical practitioners for notification of certain diseases. Existing legislation specifies 32 notifiable diseases. Most notifications—the figure is approximately 80 per cent—are of food poisoning and chickenpox, neither of which will be notifiable diseases under the bill.

During stages 1 and 2 of the bill, only the BMA voiced any concern about the dropping of the fee for notification. In our discussions with public health medicine consultants and other health professionals, the matter was not highlighted as an issue for medical practitioners. Our view is that notification should be undertaken as a matter of course under a registered medical practitioner's duty of care. We are talking about the notification of serious illnesses that have wider public health implications. I do not believe that members would argue that registered medical practitioners would be unwilling to notify those serious illnesses if they were not paid separately for this duty. I do not believe for a minute that that would be the case. Furthermore, at present, not all general practitioners claim the fees that are currently available for notification.

The effect of Mary Scanlon's amendment would be that only those registered medical practitioners

who are contracted by a health board to provide primary care would receive fees for notifying a disease—basically, only GPs. The amendment would introduce disparity between registered medical practitioners who work in different areas of health care but who are equally likely to come into contact with persons with a notifiable disease. In any case, notification by a registered medical practitioner is not voluntary; the bill requires them to do it. The bill also requires laboratory directors to notify specified organisms. No one is suggesting that they should be paid for complying with their duties. Why should some doctors be treated differently?

Mary Scanlon raised the issue of support for Opposition amendments. As Richard Simpson rightly pointed out, the matter is one not for the Government but for the SPCB to resolve. She is right to highlight the significant flaw in the drafting of her amendment. It provides that

“the Scottish Ministers may by order”

specify the amount of fee that should be paid to medical practitioners and the timescale within which those fees must be paid, but there are no other order-making powers in the bill and therefore there is no provision for the parliamentary procedure that is needed to make such an order under the bill. If amendment 1 were agreed to, any order made would not be subject to parliamentary procedure or scrutiny.

On that basis, I ask the chamber to reject amendment 1.

Mary Scanlon: I clarify for the minister that I neither said nor implied that any GP would refuse to give notification of a disease on the basis of not receiving a £3.50 fee—that is the minister's interpretation, not the BMA's, the GPs' or mine. Nor am I suggesting renegotiation of the GP contract.

On the drafting issue, I received information at lunch time from a member of your office, Presiding Officer, and from the Health and Sport Committee clerk, that the bill contains order-making powers, so the point that the minister made about that should not be an issue. I see that the Minister for Parliamentary Business is shaking his head. I am not a legal draftsman, so I do not know whether I have been given the right or wrong information, which puts me in a difficult situation. I was referred to section 108(2). However, I intend to press amendment 1.

The Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As it will be the first division in the proceedings, I suspend the meeting for five minutes.

15:10

Meeting suspended.

15:15

On resuming—

The Presiding Officer: We move to the division on amendment 1.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Orkney) (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)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)

Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 29, Against 47, Abstentions 35.

Amendment 1 disagreed to.

Section 30—Public health investigations: compensation

The Presiding Officer: Amendment 2, in the name of Shona Robison, is grouped with amendments 3 to 7, 32 and 33.

Shona Robison: Sections 30, 56, 57 and 77 make provisions to the effect that any dispute concerning a person's entitlement to compensation, or concerning the amount of compensation payable, is to be determined by a single arbiter appointed by agreement between both parties. [*Interruption.*]

The Presiding Officer: Order. Too many conversations are taking place in the chamber.

Shona Robison: If agreement cannot be reached, application is to be made to the president of the Lands Tribunal for Scotland to appoint a suitable arbiter. During stage 2 consideration of the bill, further consultation took place with the president of the Lands Tribunal, who expressed the view that, despite there being relevant precedent in legislation, the role proposed was not appropriate for the Lands Tribunal.

The Scottish ministers have taken further advice and now consider that it would be appropriate for a sheriff to determine who a suitable arbiter would be in cases of dispute. That decision has the support of the Scottish Court Service. Concerns were expressed at stage 1 that sections 30, 56, 57 and 77 might lack clarity as to which dispute and agreement were being referred to. Amendments 2, 4, 6 and 32 insert the word "such" before the word "agreement", to put the matter beyond doubt.

I move amendment 2.

Amendment 2 agreed to.

Amendment 3 moved—[Shona Robison]—and agreed to.

Section 36—Medical examination of groups

The Presiding Officer: Amendment 45, in the name of Shona Robison, is grouped with amendments 22, 23, 24, 38 and 44.

Shona Robison: Amendments 45, 22, 23 and 24 are minor amendments to ensure consistent drafting throughout the bill.

Section 98(4) grants wide immunity for disclosures made under section 98. Section 99 gives narrow immunity for the exercise of functions under the bill generally. Amendment 38 removes the potential overlap between sections 98(4) and 99 by excluding section 98 from the provisions to which section 99 applies. The immunity provided by section 98(4) applies only to actions under section 98. For all other matters under the bill, section 99 will apply.

Amendment 44 is a technical amendment. The long title of the bill was amended at stage 2 to reflect Kenneth Macintosh's amendments on sunbeds. Amendment 44 ensures that the long title reflects the bill's contents following stage 2.

I move amendment 45.

Amendment 45 agreed to.

Section 56—Compensation for voluntary compliance with request

Amendments 4 and 5 moved—[Shona Robison]—and agreed to.

Section 57—Compensation for persons subject to certain orders

Amendments 6 and 7 moved—[Shona Robison]—and agreed to.

After section 57

The Presiding Officer: Group 4 is on compensation for carers. Amendment 8, in the name of the minister, is the only amendment in the group.

Shona Robison: Amendment 8 will widen the availability of compensation under part 4 to those carers, as defined in the amendment, who incur loss as a result of having to care for a child or other relevant person who is subject to quarantine, exclusion or restriction of activity, whether through complying voluntarily with a request by a health board or being subject to a quarantine exclusion or restriction order. That fulfils the policy intention in the original public health legislation consultation, which received broad support.

Members of the Health and Sport Committee might recall that the issue was raised by a number of stakeholders during stage 1. There have been a number of public health incidents in which parents have been reluctant to take time off work to care for their children who are excluded from nursery or school, because they were in casual employment and would suffer financial loss as a result of taking time off. The availability of compensation in such circumstances, where there is a proven loss, will allow those people to stay off work and to adhere to health board advice regarding limiting the spread of infection.

Subsection (4) of the new section that amendment 8 will insert sets out the arrangements for resolving cases of dispute over compensation. Those arrangements are in line with other compensation provisions in the bill as amended by members earlier today. However, we acknowledge that further detail might be required about how the compensation arrangements will work in practice, so subsection (5) of the new section will provide Scottish ministers with a regulation-making power to make further provision if required.

I move amendment 8.

Amendment 8 agreed to.

Section 57A—Recall of orders granted in absence of person to whom application relates

The Presiding Officer: Group 5 is on the effect of application for recall and appeals. Amendment 9, in the name of the minister, is grouped with amendment 21.

Shona Robison: Section 57A makes provision for applications to the sheriff to recall quarantine, detention and exceptional detention orders made in the absence of the person to whom the order relates. There are already express provisions in the bill about the effect of appeals in section 34(4A) and section 61. Amendment 9 is necessary to remove any doubt that the orders under section 57A continue to have effect until or unless they are recalled.

Amendment 21 is a technical amendment that clarifies section 61 and ensures that where an order appealed against has been extended or modified and the person subject to it appeals against the extension or modification, the order continues as extended or modified in the interim.

I move amendment 9.

Amendment 9 agreed to.

Section 58—Appeal against exclusion orders and restriction orders

The Presiding Officer: Group 6 is on appeals. Amendment 10, in the name of the minister, is grouped with amendments 11 to 20 and 34 to 37.

Shona Robison: The amendments in this group are technical amendments. The purpose of amendments 10 to 20 is to ensure that the appropriate range of actions is available to the sheriff, the sheriff principal and the Court of Session following an appeal against certain part 4 orders. Currently, the powers of the sheriff, the sheriff principal and the Court of Session do not fully reflect the fact that not only orders but decisions may be appealed against. Amendments 34 to 37 are technical in nature and ensure consistency in appeal provisions throughout the bill, in light of other amendments that have been made at this stage.

I move amendment 10.

Amendment 10 agreed to.

Amendment 11 moved—[Shona Robison]—and agreed to.

Section 59—Appeal against quarantine and hospital detention orders

Amendments 12 and 13 moved—[Shona Robison]—and agreed to.

Section 59A—Exclusion orders and restriction orders: further appeal to sheriff principal

Amendments 14 to 17 moved—[Shona Robison]—and agreed to.

Section 60—Appeal to Court of Session

Amendments 18 to 20 moved—[Shona Robison]—and agreed to.

Section 61—Effect of appeal under section 58, 59, 59A or 60

Amendment 21 moved—[Shona Robison]—and agreed to.

Section 65—Offences arising from breach of orders under this Part

Amendment 22 moved—[Shona Robison]—and agreed to.

Section 65A—Failure to ensure child's compliance with order

Amendments 23 and 24 moved—[Shona Robison]—and agreed to.

Section 74—Use of powers in emergencies

The Presiding Officer: Group 7 is on use of powers by a local authority in an emergency: application. Amendment 25, in the name of the minister, is grouped with amendments 26 to 28 and 31.

Shona Robison: Section 74 provides that, when an authorised officer who is entitled to enter premises by virtue of part 5 of the bill considers that there is an emergency, he or she may exercise the power of entry at any time and use reasonable force. However, under part 5, the power of entry available to an authorised officer can be exercised only once a notice has been served on the owner or occupier of the premises.

The need to go through that process conflicts with the need to act in cases of emergency. Amendment 25 rectifies the situation by providing that the authorised officer may enter the premises in question in emergency situations, provided that the criteria for entry have been certified by a local authority competent person. Amendments 26 to 28 and 31 are consequential amendments.

I move amendment 25.

Amendment 25 agreed to.

Section 75—Obstruction

Amendment 26 moved—[Shona Robison]—and agreed to.

Section 76—Recovery of expenses

Amendments 27 and 28 moved—[Shona Robison]—and agreed to.

The Presiding Officer: Group 8 is on recovery of expenses. Amendment 29, in the name of Mary Scanlon, is grouped with amendment 30.

Mary Scanlon: Amendment 29 would delete the word “civil” from section 76(4). I am reliably informed that the term “civil debt” is not a term of art in Scots law and should be amended.

Amendment 30 would allow a person who has received a notice of expenses to appeal to the court against the local authority’s notice in respect of the amount sought or the instalments proposed. The reason for the amendment is that section 76 entitles local authorities to recover expenses for work done under part 5, but there is no provision in section 76 for review. The amendment would remedy that deficiency.

Amendment 30 has two main advantages. First, it would make it clear that the sheriff can decide what is reasonable in terms of recoverable expenses. Secondly, by providing for summary application procedure, it would provide one procedure with one set of appeal rights.

I move amendment 29.

Shona Robison: The amendments are unnecessary.

Amendment 29 would remove the word “civil” from the term “civil debt” in section 76. That term is not new. It is straightforward and clearly understood, and it has been used in other pieces of legislation, most recently in the Transport (Scotland) Act 2001, the Edinburgh Tram (Line One) Act 2006, the Edinburgh Tram (Line Two) Act 2006, the Business Improvement Districts (Scotland) Regulations 2007, and many more besides. Amendment 29 is therefore unnecessary.

Amendment 30 would provide for the court process by which a local authority could recover expenses for action taken under part 5. However, that is already the effect of section 76, which provides the local authority with the right to recover expenses. If there is a dispute about the amount of expenses sought or instalments suggested, recourse may be made to the court because it is clear that the local authority can recover expenses as a civil debt.

Rules of court will be made to cover the procedure for that. I envisage that summary application in a sheriff court may be the appropriate route to take. It will allow the sheriff the opportunity to decide what expenses are reasonable, and it will allow appeals against that decision. Leaving such detail to rules will provide a degree of flexibility that would be lost if

amendment 30 were agreed to. Our approach is consistent with the rest of the bill, and there is therefore no need for amendment 30.

Murdo Fraser (Mid Scotland and Fife) (Con): What is the difference between a debt and a civil debt?

15:30

Shona Robison: As I have explained, a local authority can follow a simple process to recover expenses as a civil debt. Murdo Fraser should know all about that, as he was party to the passing of legislation that contained the term “civil debt”.

It is unfortunate that the drafting of amendment 30 is flawed. I will not make too much of that but, for example, proposed new section 76(5) mentions “expenses under subsection (1)” but does not mention the administrative expenses that a local authority can recover under subsection (2). If amendment 30 were agreed to, it could create confusion about which expenses could be recovered and the procedure for recovery.

On the basis of all that, I urge members to reject amendments 29 and 30.

Mary Scanlon: Members will not need to reject amendment 29, because I have decided to ask to withdraw it.

Amendment 29, by agreement, withdrawn.

Amendment 30 not moved.

Section 77—Compensation

Amendments 31 to 33 moved—[Shona Robison]—and agreed to.

Section 78—Appeals against notices under this Part

Amendment 34 moved—[Shona Robison]—and agreed to.

Section 79—Appeal to sheriff principal

Amendments 35 and 36 moved—[Shona Robison]—and agreed to.

Section 80—Appeal to Court of Session

Amendment 37 moved—[Shona Robison]—and agreed to.

Section 90H—Power to enter premises: entry to dwellinghouses

The Presiding Officer: Group 9 is on enforcement of sunbed offences: power to enter dwelling-houses. Amendment 46, in the name of Ross Finnie, is the only amendment in the group.

Ross Finnie: Section 90H was inserted at stage 2 by amendment 9, which was part of a group of amendments that Kenneth Macintosh lodged on the regulation of sunbeds. Through nobody's fault, those amendments were discussed late in the stage 2 proceedings. Health and Sport Committee members expressed reservations about some aspects of the provisions, but advice from third parties was received late.

I have two concerns about section 90H. First, I instinctively hesitate to create statutory provisions that allow any officer of any body at any place and any time to go on fishing trips by entering private dwelling-houses. I appreciate that the draftsman has provided that 48 hours' notice must be given and that a person must grant consent, but how on earth can an officer phone to gain entry to premises without meeting a legal test to demonstrate good cause to do so, a link between a person and the offence or anything else?

Much more important is the fact that the enforceability of the sunbed provisions would be affected. Under section 90H, if consent were not given, we would have no opportunity to obtain the evidence. That is exactly what the Law Society of Scotland's late submission to the committee says:

"It seems to"

us

"that if someone is committing an offence in relation to sunbeds",

they

"may have records or equipment at home. So who would give consent to entry then? It's unlikely I think."

The society believed that amendment 9 at stage 2 should have been

"changed to allow for a power of search to a dwellinghouse to be granted by a sheriff".

Accordingly, amendment 46 would apply the standard test that one would expect. If good cause existed to believe that an offence was being or might be committed, if it were believed that evidence of commission of that offence was in the dwelling-house and if a sheriff were satisfied by evidence on oath that those conditions applied, the sheriff could issue a warrant. That would provide the opportunity to obtain the evidence that would allow us to bring a prosecution. I accept that the provision may apply only to a limited number of cases, but if the Government originally thought it right to have that provision, I hope that it will agree that the measure should be enforceable.

I move amendment 46.

Dr Simpson: The Labour Party will support Ross Finnie's amendment because in the cases—which will be extremely rare, as he said—in which an individual did not consent to the entry of an

officer who sought to ascertain whether something unlawful was occurring, it would be unsatisfactory for that to put an end to the matter. When there is a supposed breach, it is important that the law should be enforced. Doing so under a warrant that has been given by the sheriff on the basis that Ross Finnie has outlined appears to be appropriate.

Ken Macintosh (Eastwood) (Lab): As Ross Finnie knows, although I lodged the original amendment at the committee, I had some reservations about it at the time. I did not move the amendment; it was moved by a colleague on the committee. Although I do not agree that the powers will be abused, the additional hurdle that Mr Finnie proposes will provide additional reassurance. For that reason, I am happy to support his amendment.

Shona Robison: As you know, Presiding Officer, we have some concerns about the amendment. Although our original approach favoured a light touch, we appreciate the sentiments that have just been explained by Mr Finnie and others. We will, therefore, not oppose amendment 46.

The Presiding Officer: Mr Finnie, would you like to wind up?

Ross Finnie: Construing not opposing as support, I have no further comment.

Amendment 46 agreed to.

Section 99—Liability of persons exercising functions

Amendment 38 moved—[Shona Robison]—and agreed to.

Section 102—Regulations and orders

The Presiding Officer: Group 10 is on regulations: procedure. Amendment 39, in the name of the minister, is grouped with amendments 40 and 41.

Shona Robison: Section 102(3) provides that a statutory instrument containing regulations under the act is generally subject to negative procedure, subject to the exceptions that are set out in section 102(4), to which affirmative procedure applies.

Section 25(3) enables Scottish ministers by regulation to give such additional powers to investigators as they consider necessary for the purposes of public health investigations. This is an important power, and one under which regulations might need to be made quickly, which is why negative procedure was first proposed.

Section 90D(1) enables Scottish ministers by regulation to make provision for sunbeds used for medical purposes. That power will be used only if

we need to ensure that medical use of sunbeds remains outwith the scope of the legislation and in case we need to do anything in the future to guard against sunbed operators and manufacturers trying to circumvent the law through the medical exemption route.

We recognise that those are broad powers, however, and are, therefore, content that they be made by affirmative procedure, which will afford the Parliament proper scrutiny of the regulations.

In urgent situations, amendment 41 will allow us to make regulations under section 25(3) using emergency affirmative procedures, which meets the policy intention.

I move amendment 39.

Amendment 39 agreed to.

Amendments 40 and 41 moved—[Shona Robison]—and agreed to.

Schedule 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Convener: Group 11 is on consequential amendments and appeals. Amendment 42, in the name of the minister, is grouped with amendment 43.

Shona Robison: Schedule 2 provides for changes to section 47 of the National Assistance Act 1948. Later this year, that section will be repealed by the Adult Support and Protection (Scotland) Act 2007, so the provision in schedule 2 is no longer necessary.

Amendment 42 removes the amendments to section 47 of the 1948 act. It also makes consequential amendments to other legislation.

The repeal of the Public Health (Scotland) Act 1897 has consequences elsewhere in the statute book. Some of the references to the 1897 act were removed at stage 2. Amendment 43 continues the tidying-up process and removes another outstanding reference.

I move amendment 42.

Amendment 42 agreed to.

Schedule 3

REPEALS AND REVOCATIONS

Amendment 43 moved—[Shona Robison]—and agreed to.

Long Title

Amendment 44 moved—[Shona Robison]—and agreed to.

The Presiding Officer: That ends consideration of amendments.

Public Health etc (Scotland) Bill

The Presiding Officer (Alex Fergusson): We move, somewhat ahead of schedule, to the next item of business, which is a debate on motion S3M-2018, in the name of Nicola Sturgeon, on the Public Health etc (Scotland) Bill.

15:40

The Minister for Public Health (Shona Robison): I thank all those who have contributed to this important piece of legislation. First, I thank the previous Administration, which brought forward proposals for consultation in autumn 2006. Secondly, I thank the Health and Sport Committee for its thorough scrutiny of the bill and the committee clerks who worked so hard in support of its members. I hope that the committee members recognise that we have worked hard to address their concerns and comments. We have made a number of amendments. I hope that everyone will agree that we have worked well together to strengthen the bill. Thirdly, I thank the many stakeholders who responded to the original consultation and who provided evidence at stages 1 and 2. Finally, I thank Ken Macintosh for his contribution on the regulation of sunbed use.

We are a listening Government, which I am sure has been demonstrated throughout the progress of the bill, and we have been prepared to consider carefully the full range of evidence that has been submitted to us before reaching agreement on the bill that is before Parliament today. I am grateful that all those who contributed to the debate have agreed to the principles of the bill.

To remind us of the significance of the bill, I repeat the words of the World Health Organization, which said in 2007:

“New diseases are emerging at an historically unprecedented rate.”

Worldwide travel is no longer the preserve of the rich and famous. Many Scots are holidaying and working in countries where serious communicable diseases are relatively common and can be brought back to our shores in a matter of hours. We therefore need legislation that gives our public health authorities—the national health service and local authorities—flexible powers to protect the public from dangers to health, while building in safeguards on the use of those powers.

The Public Health etc (Scotland) Bill will, if enacted, be a vital tool in protecting our citizens from current and future public health threats. It has the potential to prevent, and prevent the spread of, serious infection and contamination, and thereby to save many lives in the future. In order to do that, the bill contains strong powers. However, we have recognised throughout the bill's development

and parliamentary progress that a balance must be struck between our duty to protect the public and the rights of the individual. Although we were satisfied that the bill, as introduced, achieved that balance, we have strengthened the safeguards for individual rights in a number of respects at stage 2. In particular, we have strengthened the appeals procedures in part 4 of the bill. Other important amendments that have been made relate to the court procedures that are to be used and the need for consultation before making regulations under the bill. I am satisfied that the amendments do not in any way dilute the level of health protection that the legislation affords.

I am conscious that part of the responsibility in safeguarding an individual's rights is to ensure that those who are taking action have the necessary qualifications, experience and expertise to do so. In that regard, the introduction of the concept of health board and local authority "competent persons" is extremely important. I am pleased that our proposals on those qualifications are already out to stakeholder consultation. We will, of course, continue to listen carefully to stakeholders on that and on the content of other regulations that are to be made under the bill.

The updating of the statutory nuisance regime in the Environmental Protection Act 1990 as it affects Scotland is well overdue. As a result of the bill, we will have a significantly enhanced regime compared with that in other parts of the United Kingdom. It not only builds on their experiences of introducing insect infestation and artificial light as statutory nuisances but introduces a flexible fixed-penalty regime and a regulation-making power that will enable us to legislate quickly and effectively to address new nuisances that arise in future.

The provisions on sunbeds that were inserted by Ken Macintosh's amendments at stage 2 stimulated debate across all parties and might well do so again today, although I suspect that there is now pretty broad agreement. The provisions in part 8 send a clear health message that sunbed use is dangerous. It is important that we give adults the information to enable them to make an informed and educated choice, and that we protect children. The provisions put us ahead of the rest of the UK, and they strike the right balance between Government intervention and individual responsibility.

I am conscious that there are still some outstanding concerns, principally on the safety of sunbed appliances and on how the Health and Safety Executive guidance for sunbed operators can be better enforced. We also need to protect consumers from the misleading information that operators provide on the merits of sunbed use. A number of members believe that the licensing of

sunbeds would go a long way to meeting those concerns, and I have agreed to consider the matter further when we have had time to gather and fully assess the evidence. However, as Ken Macintosh said at stage 2, we need to be careful not to dilute the message that sunbed use damages health even in premises that meet the highest standards.

Dr Richard Simpson (Mid Scotland and Fife)
(Lab): Does the minister agree that the committee's concerns at stage 2 were about the modification of machines that were approved under the European Union regulations when they were sold? It is the modification that is the difficulty. We unearthed a considerable discrepancy between the views of those on the environmental side who are charged with protecting the public and the views of those who enforce health and safety. Will the minister comment on whether the Consumer Protection from Unfair Trading Regulations 2008 will help to protect people in that regard? Will she consider that in relation to the provision of information and, in particular, the provision of misleading information that contains claims about the health benefits of sunbeds? Will she also reconsider enforcement and the inspection of equipment to ensure that it has not been modified in a way that might cause a problem? At stage 2, we were made aware that there would have to be proof that damage had occurred. That reactive rather than proactive approach does not seem appropriate.

Shona Robison: The member must be a mind-reader, because I was about to say something about that.

As part of our further work in the area, I intend to meet the head of the Health and Safety Executive to explore how its guidance might be strengthened and better enforced. The matter is clearly on reserved territory. Those on the ground might come under local authorities, but when they are carrying out the relevant duties, they are wearing their reserved-matters hat—their health and safety hat. I am also considering the new consumer protection legislation, which might well give us scope to tackle the serious issues on the ground.

I listened with great interest to the Health and Sport Committee's evidence taking on the matter. As I said earlier, it is clear that there are some outstanding issues that we need to address and I look forward to working with the committee further to do that. We need to take time to consider all the evidence and reflect on how the issues can best be addressed before we take further action, and I want to do that in partnership with the Health and Sport Committee.

I am confident that the bill will provide our public health professionals in health boards and local authorities with the tools that they need to ensure

a high level of health protection for the people of Scotland for many years to come. It will also provide an appropriate level of Government intervention to ensure that our young people are protected from risks to their health from sunbed use and that adults can make properly informed decisions on sunbed use. I therefore commend the bill to Parliament.

I move,

That the Parliament agrees that the Public Health etc. (Scotland) Bill be passed.

The Presiding Officer: I call Margaret Curran, who has at least six minutes.

15:50

Margaret Curran (Glasgow Baillieston) (Lab):

I do not want to disappoint you, Presiding Officer, but I will probably not take up your enticing offer of speaking for an inordinate length of time. This has been a consensual debate and, as members know, I do not really do consensual, so I am a bit speechless. I congratulate Mary Scanlon on doing her bit to raise some arguments and debate. I have a choice: I could go down the road of trying to find an argument—I am usually quite successful at that, I have to say—or I could have a go at the consensual approach. I ask members to bear with me as I try to be consensual.

We welcome the Public Health etc (Scotland) Bill. I hope that it is considered consensual to say that we see it as a continuation of the work of the previous Scottish Executive. It is an important piece of legislation for the modernisation of the public health agenda. Points were made strongly in the stage 1 debate about how long the existing legislation has been on the statute books and about the need for modernisation. As the minister said, there are new possible threats to public health, and unforeseen issues might emerge for which we will need a framework.

As someone who has been a bit distant from the detail of the bill—I am not a member of that glorious committee—I thank the members of the committee and all the staff, who do so much work. However, Mary Scanlon made an important point about the need for assistance for members, particularly if they have a pressing point to raise. We need to discuss how members are supported. I am sure that the issue emerged during the previous parliamentary sessions, so perhaps we need to ask the Scottish Parliamentary Corporate Body to give some time to it.

I know that Labour and other members worked hard to strike the proper balance between the protection of the public and the rights of the individual, which is not always an easy thing to do. However, we have moved considerably towards that end with the bill.

At stage 1, my particular emphasis for the bill was Ken Macintosh's campaign to restrict the use of sunbeds. Like the minister, I pay tribute to the significant work that Ken Macintosh has done, which has led to a welcome public debate on sunbeds. As has been acknowledged, we need to go much further, particularly with public information about the issue, and I am pleased that the minister has articulated the issue of future work. Nonetheless, we have reached an important milestone, and Ken Macintosh's work has been significant in that.

There is another dimension to the issue. I do not have the statistics, although I would be interested to retrieve them, about the proportion of sunbed salons in different communities across Scotland. On Friday night, I was on a night out with the police—well, it was not a night out, although I am sure that that would have been most entertaining. I was touring my constituency with the police, looking at crime and disorder issues in the constituency—she said, as she quickly tried to retrieve the situation. As we weaved around the communities in the east end of Glasgow and greater Easterhouse, I was struck by the number of sunbed salons that I saw.

Those in the Parliament who are interested in health issues have to debate the power of licensing to promote public health—I am not necessarily talking about the powers in the bill—and the number of sunbed salons in a given area could be considered in that context. It is contradictory that the state, in all its forms, allows those salons to exist in communities while also actively discouraging people, particularly young people, from using them.

We have rehearsed the arguments about the increasing incidence in Scotland of melanoma. I am sure that many members will have read the briefing from Cancer Research UK, which highlights that, in addition to skin cancer, a range of serious health conditions, including eye damage and skin ageing, result from sunbed use. We must tell young people—especially young women—about the true consequences of what, in the short term, might seem to be an attractive behaviour.

As the Cancer Research UK briefing identified, the International Agency for Research on Cancer points to evidence of a causal relationship between sunbed use and skin cancer, particularly when exposure takes place before the age of 35. As the second most common cancer among 15 to 34-year-olds, skin cancer represents a big challenge for Scotland. The bill's provisions are a big milestone in tackling its prevalence, but they are only a start. I hope that we continue that work with public information messages that spell out that sunbed use is damaging and should be actively discouraged.

In conclusion—I am sure that it will disappoint the Presiding Officer to hear me say those words—I note that Shona Robison said that her Government is a listening Government. We are a constructive Opposition, and we want to play a full part in the bill's implementation. The debate has been welcome. I am sure that there will be many more parliamentary debates on such matters, both of a constructive and a conflicting nature.

The Presiding Officer: I am often disappointed when you say "In conclusion", Ms Curran, but never as much as I am today.

I now call Mary Scanlon, who has quite a long time for her speech.

15:56

Mary Scanlon (Highlands and Islands) (Con): I wish that I had prepared a 20-minute speech. Like Margaret Curran, I doubt whether I will need all the time that I have been allowed. It is difficult to follow such a consensual speaker, whose tales of a night out with the local constabulary I cannot compete with.

As I said during the stage 1 debate, consideration of the bill has been surprisingly interesting and, of course, consensual. I thank the Health and Sport Committee's clerks and others who supported us during that process. In my opinion, the committee, under the able convenership of Christine Grahame, did an excellent job—I would say that. *[Interruption.]* Jamie Stone is suitably impressed. During our scrutiny, we raised many issues that were acknowledged, addressed and discussed both at stage 2 and again today. I trust that Scotland is now as prepared as possible for any potential threat, whether it comes from severe acute respiratory syndrome, pandemic flu or sunbeds.

I hope that lessons have been learned about the drafting of bills. In comparison with recent years, the legislative commitment in the third session of Parliament has been extremely light but, on legal issues, the drafting of the bill was very poor, as the Law Society of Scotland highlighted. It was embarrassing to be told by the Law Society that the bill contained incorrect references to summary applications, problematic appeals provisions and provisions that did not accurately reflect current Scottish civil procedure. That is not good enough. I hope that lessons have been learned and that such errors are not made in future. Neither parliamentary draftsmen nor MSPs should need to depend on the Law Society to correct legislation so that it reflects current Scottish civil procedure.

I trust that the bill outlines clearly the responsibilities of local government and the health service in relation to any serious public health event, but the test for any bill is in its

implementation. We hope that its more serious measures, such as those to do with quarantining, will not need to be used very often.

At this week's meeting of the cross-party group in the Scottish Parliament on mental health, at which Richard Simpson and I were present, a representative of the Mental Welfare Commission for Scotland raised a number of points, one of which is pertinent to today's proceedings. A lack of knowledge of mental health legislation among various professionals and organisations was identified. That is worrying because knowledge of mental health legislation is required and used on a daily basis across Scotland to ensure that people are treated and cared for in line with the principles of the legislation and the understanding of it that MSPs had when they passed it. Given that many of the powers, duties and responsibilities in the Public Health etc (Scotland) Bill will not be enforced on a daily or weekly basis, and perhaps not even on a weekly or yearly basis, there is even more need to ensure that all health, local government, legal and other stakeholders are fully informed of the impact and implementation of the legislation.

In my opinion, passing a bill in Parliament is not the end of the process, although it may be the end of the process for us; it should be a catalyst for further training, awareness raising and enhanced communications. How often do people come and tell us that agencies out there do not even talk to each other, work together or share information? All of that is essential to ensure that the eventual act is implemented with the same good will with which we are passing the bill today, and that public health threats are responded to in the manner that is intended and outlined—I am trying to speak as slowly as I can—in the bill.

On behalf of the Scottish Conservatives, I am very pleased to support the bill.

16:01

Ross Finnie (West of Scotland) (LD): I, too, shall not attempt in any way to fill the time unnecessarily.

I congratulate everybody who has been responsible for bringing forward this important bill, which is largely technical because it replaces legislation that goes back to 1889 and modernises our approach to public health and how we deal with major incidents. It is interesting that so deeply entrenched were the provisions of the Public Health (Scotland) Act 1897 that it has taken three attempts to dig the roots out. That is an interesting reflection of how strong that legislation must have been.

Like other members of the Health and Sport Committee, it is difficult for me to say that the

committee did well. However, anyone reading objectively the proceedings of the committee stages in the *Official Report* would have to concede that the bill was, indeed, strengthened and improved in the committee. I do not want to overdo the issue of appeals provisions and applications in civil procedure, but I think that we all, not just the Government, must remember that the Parliament operates on a unicameral basis and that there is no revising chamber. The serious and heavy burden that each and every one of us has as legislators to get things right as we pass a bill is a heavy responsibility indeed. That applies equally to Government and to MSPs before we agree finally to vote any bill through to become an act of Parliament. Therefore, like others, I hope that one or two lessons have been learned because it is clearly a diversion for members to have to correct matters that ought to have been right in the first place, instead of being allowed the time to scrutinise the more controversial aspects, which might require some thought and reflection to ensure that the provisions do not have unintended consequences.

On the many amendments, I pay tribute to the minister for her constructive approach to the bill as a whole and, indeed, for the responses that she brought back to the committee on the issues that it raised. I hope that that is, indeed, the style that we can expect in the future.

The bill itself does many things that are pretty self-evident; it brings enormous clarity to the roles of Scottish ministers, health boards and local authorities, and it spells out the public health functions of health boards and local authorities in a way that none of the predecessor legislation managed. The bill makes clear the persons who are responsible; the definition of a "competent person" is a welcome development in the proceedings.

The bill also updates the list of notifiable diseases and organisms. To support the view that the committee did a thorough job, I want members to know that both part 1 of schedule 1, which lists notifiable diseases and fills a page, and part 2 of schedule 1, which lists notifiable organisms and fills two and a bit pages, were thoroughly considered not by the committee as a whole but by Dr Ian McKee and Dr Richard Simpson, who displayed what I can only describe as an unhealthy interest in notifiable diseases and notifiable organisms. However, the committee and the Parliament should be satisfied that each disease and organism that is listed has been given due and careful consideration. Explanations have been asked for and suggestions were even made that some things that had not been included might be included. We can rest assured that nothing has gone untouched.

Ken Macintosh, who lodged amendments on the regulation of sunbeds, deserves credit for raising another important issue. I congratulate him on lodging those amendments and apologise for not making it clear earlier that although a particular amendment was lodged by him, he did not move it. His proposals were welcome. They are slightly different from the main thrust of the bill, but they represent an important contribution to promoting health through addressing the problems of skin cancer, with which we are all familiar.

I was particularly pleased to hear the minister's comments on unresolved matters. As Dr Simpson made clear in his intervention, the committee was extremely exercised about the confusion between approved codes of practice that the Health and Safety Executive operates and discretionary guidelines that do not involve statutory undertakings. I welcome the minister's undertaking to look further into such matters, which relate to the performance of the equipment that is used. I hope that there is an early resolution and an explanation from the HSE as to how things might be best resolved, as a little bit of a loophole has been left with respect to the Parliament's intent in passing the bill.

In conclusion, the bill is worth while and will give public health law a modern aspect. I hope that it will assure the public that we are fit and prepared to deal with incidents and that a system will be in place that will serve the public well. Now that the bill has gone through all its stages, it is a good bill. The Liberal Democrats will certainly support the motion to pass it at decision time.

16:07

Christine Grahame (South of Scotland) (SNP): As my colleague on the Health and Sport Committee Ross Finnie said, the Public Health etc (Scotland) Bill is a substantial piece of legislation that will replace legislation that is well past its use-by date. Schedule 3 will repeal acts that go back to the 19th century and 1907.

The previous Administration commendably set the bill in train—I say to Mrs Curran that I, too, can be consensual. The bill reflects how much the world has changed since the 19th century, from a world of tuberculosis, measles and whooping cough epidemics to a world of SARS, bird flu, MRSA and indeed, anthrax, which has made a recent revisit. The world has metaphorically shrunk in size with the relatively free and fast movement of people and animals.

I am speaking as a back bencher, but I want to put on record as convener of the Health and Sport Committee my thanks to members of that committee for—as someone else has said—their interesting and perceptive engagement with what

turned out to be interesting legislation. We appointed an expert, but—this is no reflection on the calibre of that expert—consideration of the bill was well within our capacity. That can be seen from the quantity and quality of the amendments that we stimulated at stage 2 through robust engagement with the ministerial team. I congratulate the minister on responding so positively to that engagement. Indeed, I think that we arrived at a much more consensual position at stage 3 because the committee did its work.

The recent anthrax outbreak in the Scottish Borders tested the existing legislative levers and administration processes, and they did not always pass their tests. I have said before that under the existing legislation, only one possible infected premises could be legally isolated and entered. In the Pascal Norris case in the Borders, that meant that his home could be isolated and entered. However, the real place of contamination was the village hall in Smailholm, and the only way in which that could have been isolated and entered was if the owner gave their consent—which, of course, they gave. That shows why we had to move on. The situation has now been remedied under section 22(1).

One extremely important debate was on ensuring that we struck the difficult balance between the rights of the individual and the rights of society to protection from virulent disease. Many of the amendments at stage 2—and, indeed, at stage 3—redressed a balance that the committee felt was not being sufficiently maintained. I refer in particular to section 57B(4)(d)—the information is all at your fingertips—which provides for an appeal after there has been a medical examination without consent. The ministerial team asked what point there would be in lodging an appeal when the medical examination had already been done. The point would be to establish whether the appropriate criteria in those circumstances had been properly applied and then to set a bar—involving principles and criteria—that could be a guide to sheriffs elsewhere. Collectively, we won substantial debates across the whole bill, and I agree with my colleagues that those included debates on substantial issues involving civil court procedures that were a novelty to me after 12 years in practice.

Finally, I come to Ken Macintosh. I want to take time to congratulate you. I am jealous: I am trying to bring forward a bill on licensing, which I hope that the minister will embrace with the same commendably positive attitude with which she embraced your proposed member's bill. The whole of part 8 is virtually your bill. You have had great success and have shown that a back bencher with stoicism and determination who pursues an issue with ministers down the years can get results. In

particular, I commend section 90C, on unsupervised coin-operated sunbeds. It is appropriate that it includes the caveat "without reasonable excuse", as someone could deceitfully use a coin-operated sunbed without the owner's knowledge.

I was intrigued by part 9, on statutory nuisances, which introduces into the Environmental Protection Act 1990 a provision on artificial light that is deemed to be "prejudicial to health". I warn the Scottish public at large that, although the provision may not pertain to outdoor garden lights in the summer, it may apply to domestic households that are becoming prone to blazing with competing Santas, sledges, reindeer and icicles. That is just a thought on this sunny June afternoon.

The Deputy Presiding Officer (Alasdair Morgan): I remind the chamber of what the Presiding Officer has been saying at the beginning of every meeting for the past couple of weeks about the need for members to address their remarks through the chair.

16:12

Ken Macintosh (Eastwood) (Lab): My remarks will address part 8 of the bill, on the regulation of sunbeds. Following my participation in this morning's rather divisive debate on education cuts, I am relieved—possibly unlike Margaret Curran, I am pleased—to be able to thank members from all parties for their support over the years for my proposed member's bill. It has been a long slog from the idea of a sunbed bill being first suggested by the cross-party group on cancer to today's successful—and, I hope, unanimous—adoption of it by the Scottish Parliament.

I joked with colleagues earlier that I hope that the level of support that has been shown for the proposals does not reflect the fact that they have been worn down over the years, but reflects the strength of our arguments. What matters is that the Scottish Parliament has shown yet again its willingness to tackle Scotland's biggest health problems head on. We are taking charge of our own health. We are taking responsibility and rising to the challenges that we face. Skin cancer is a particular Scottish problem—there is no doubt about that. Fair skin, blue eyes and freckles are some of the factors that put people in a high-risk category when it comes to developing skin cancer. I am proud that Scotland is leading the way in the United Kingdom in this cancer prevention measure.

Sunbeds are, however, only part of the problem. As a country, we must change our attitudes to tanning more generally. Nevertheless, the regulation of sunbeds will be an important step in our attempts to reverse the rising incidence of this

devastating disease. Thousands of Scots have lost their lives—often, at a cruelly young age—as a result of skin cancer, and many more have faced the trauma of intrusive surgery.

As I have said before, I hope that the measures will work in the same way as a health warning on a pack of cigarettes. They will be of particular benefit to the young, offering protection to those under the age of 18 whose very youth makes them vulnerable to developing the disease. I hope that the new laws will eradicate the all-too-frequent abuses of coin-operated sunbeds or unstaffed salons.

It is the issuing of information on the dangers of tanning to their health that will begin to change the attitudes and behaviours of sunbed users. The Minister for Public Health has promised to revisit the question of licences, should the evidence support the case, and I was very pleased to hear that commitment. I agree with her that the purpose of part 8 of the bill is not to enable us to damage our health in the UK's best-run salons, but to encourage all of us to be more careful about our health in the first place.

My colleague Margaret Curran made the important point that skin cancer is an equalities issue. The salons often target the most vulnerable people and can be found in particularly deprived communities. Unfortunately, individuals from those communities are less likely to pick up on signs of cancer at an early stage. Therefore, unfortunately, they experience poorer outcomes.

I ask you to indulge me, Presiding Officer, as I thank those who really made the proposals on sunbeds happen today. I am grateful to so many people for helping us to get where we are. Jamie Inglis, formerly of Health Scotland, first brought the idea to the attention of the cross-party group on cancer. Professor Jimmy Ferguson and Harry Moseley from the photobiology unit at Ninewells hospital and the University of Dundee, Professor Colin Munro from the Victoria infirmary and the Southern general hospital in Glasgow, as well as all their colleagues in Scotland's dermatology community, gave me so much of their time and expertise.

I thank John Sleith from the Royal Environmental Health Institute of Scotland, who has done so much work over so many years to provide evidence from local authorities about the operation of sunbed salons. I have special thanks for the campaigners who are with us in the gallery. Vicky Crichton from Cancer Research UK is here, and she can pass on our thanks to Sarah Woolnough and other colleagues from CRUK. I thank Leigh Smith and Ian Nicol from the melanoma support group Scotland. Their personal testimony and experience will have done so much

to engage and win the sympathy of MSPs and people outside the Parliament.

I should thank not only the Health and Sport Committee clerking team, who were typically supportive and helpful, but—unusually for an Opposition MSP—the officials in the bill team, who I think took a very constructive attitude. All the campaigners were struck by the way in which we felt engaged in a common endeavour for the public good.

In a similar vein, it would be ungracious of me not to thank the Minister for Public Health herself. I know that she was one of the signatories to my proposed member's bill and that she was an active member and supporter of the cross-party group on cancer over many years. Although this might be an all-too-rare occasion—despite the supposed new politics in this country—I genuinely wish to thank her and colleagues from all parties for the support that they have given my proposals.

I was encouraged to hear the minister's words on how to deal with some of the unresolved issues in the bill, particularly those around health and safety and the prohibition on the making of false or dubious health claims. I particularly look forward to the public health campaign that will accompany the legislation as it is enacted.

Sunbed regulations might have been a long time coming, but in many ways the journey has been as important as the destination. We are winning the battle on lung cancer, on cervical cancer and on bowel cancer. I hope that, from today, we will win the battle on skin cancer, too.

16:18

Michael Matheson (Falkirk West) (SNP): It is always a real pleasure to be called to speak at this late point in a stage 3 debate, because there are so many new and fresh ideas to be injected into the discussion. However, as I am not responsible for the timetabling of the debate, I do not feel the need to apologise for repeating some of the points that have already been raised.

Several members have said that consideration of the bill has largely been consensual, not just during today's debate but during its consideration by the committee. Margaret Curran has just left the chamber for the moment, but I must confess that her attempt at consensual debate was very worthy. In fact, I would go so far as to say that consensual debate comes rather naturally to Margaret Curran, and I encourage her to continue in that vein in the future.

During our consideration of amendments, Mary Scanlon made an important point about the support that is available to back-bench members who want to lodge amendments. I hope that the

Scottish Parliamentary Corporate Body will consider the matter. The problem arose during the first session of the Parliament, when I served on the Justice 1 Committee as a back-bench member of an Opposition party. However, I recall that the gaps between stage 1 and stage 2 and between stage 2 and stage 3 were longer, which meant that clerks had more opportunity to consider the consequential effects of amendments that were lodged. Perhaps further consideration should be given to timetabling bill stages to give clerks and others such opportunities.

Technical difficulties with Opposition members' amendments are an age-old problem. When I was in opposition I often regarded ministers' comments about technical difficulties with amendments as a counsel of despair—I am sure that that is not the case during this debate. However, there is a genuine issue to do with ensuring that members are given appropriate support.

Like other members, I welcome the bill, which will ensure that our public health legislation and regulations are fit for the 21st century. The bill will put us in a better position to be able to tackle major public health issues that our nation will face in future.

Like Ross Finnie and others, I congratulate the minister on how she conducted herself in her work with the committee on the bill. In opposition it was not always my experience that ministers were forthcoming with committees when there was disagreement or when amendments were sought. The minister demonstrated a willingness to work in partnership with the committee, in line with the original intentions about how the Parliament would operate. She took on board many concerns that the committee raised and when it was not technically possible to amend the bill she offered to address issues in guidance. Her response to the committee prior to stage 2 was extremely useful, as I said at the time. When stage 1 debates took place in the past members often had no idea what position the Executive would take. The full response that the minister provided gave us useful ideas about the Government's approach.

In the stage 1 debate, Mr Finnie expressed concern about the bill in relation to the European convention on human rights. I hope not only that he has been reassured that he need no longer be concerned but that the Parliament will acknowledge that the bill is fully ECHR compliant.

The regulation of sunbeds has probably been the major focus of public and media attention. Like other members, I congratulate Ken Macintosh on his diligence and hard work in pursuing the issue during recent years. I acknowledge that the passing of the bill will present difficulties for some businesses in Scotland, particularly those that run coin-operated sunbed parlours. Some businesses

might have to close. However, this is an issue on which public health takes precedence over personal difficulties. We have made progress on a number of fronts in relation to other medical conditions and I hope that the passing of the bill will demonstrate that Scotland is determined to address the growing problem of skin cancer.

If the Parliament agrees to pass the bill at decision time, it will be important that subsequent regulations and guidelines address issues that the committee raised and that we ensure that local authorities effectively implement the bill's provisions, to ensure that the public health benefits of the bill are delivered.

16:25

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in this afternoon's debate on the Public Health etc (Scotland) Bill. We spend a lot of time in the Parliament debating health and other big issues—for example, how we spend the £11 billion budget, deal with drug and alcohol policy and tackle health inequalities. There is no doubt that we need to have a framework in which to deal with public health. If we get that right, it will contribute towards the overall health and wellbeing of the Scottish people. It is important that the bill, which I hope will be passed today, serves those objectives. It is definitely a step in the right direction.

Other members have spoken about the need to modernise our public health legislation, much of which, as Ross Finnie said, is rooted in the 19th century. We must pay heed to the fact that, as the world changes and everyone travels more, we are more likely to come into contact with different diseases. From that point of view, I welcome the amendments that the bill makes to the Environmental Protection Act 1990, particularly in relation to the addition of premises from which insects emanate or premises that give rise to artificial light nuisance, and situations in which water covering land becomes a public health risk or nuisance.

If organisations or companies are found to be responsible in such instances, their unsociable behaviour should be dealt with. We need to take a strong stand against them, and the provisions in the bill will help us to do that. The bill will help to protect individuals from such public health risk or nuisance and will encourage organisations and companies to respect individuals and communities.

Most speakers have rightly paid tribute to Ken Macintosh, who has been instrumental in developing the part of the bill that deals with the regulation of provision of sunbeds. His work has been critical, not only during the passage of the bill

but over the years, during which he has campaigned constantly on the issue. The point of being involved in politics—I am talking not only about Labour members but members across the chamber—is to make a difference. Ken Macintosh has made a difference, particularly in relation to part 8 on the regulation of provision of sunbeds.

A couple of weeks ago, campaigners set up a stall in the chamber lobby to raise awareness of melanoma. Like many members, I visited the stall. I talked to one woman who spoke eloquently on the subject. Sadly, her husband had passed away the previous month as a result of skin cancer. She spoke passionately about why it was important that the Parliament pass the bill, particularly the part on which Ken Macintosh has campaigned. She told me that it would make a difference by raising awareness and reducing the incidence of skin cancer throughout Scotland. I acknowledge the importance of all the other aspects of the bill, but if politics is about making a difference, the work that Ken Macintosh has done sends out a strong message throughout Scotland on the dangers of sunbed use. I welcome that. I reiterate Margaret Curran's comments on the number of sunbed salons in some communities. As she said, a high proportion of such salons can be found in areas of social deprivation, which is of concern.

The committee and the minister spent a lot of time looking at the issue of licensing. The minister has given a commitment that, if the Government feels that the provisions in the bill do not, in practice, meet its objectives, she will come back to the chamber on the matter.

I welcome the provisions that are being introduced to modernise the investigation of public health incidents. Those provisions are absolutely correct, given that no new legislation has been passed on that area.

In the stage 1 debate, I raised concerns about the intention to use the summary application procedure in Scottish civil court proceedings, as that was not legally competent. That provision has now been revised at stage 3. I hope that the mistake is not repeated in other bills that are brought before the Parliament.

The alignment of the appointment of public health inspectors with the appointment of appropriate competent people by local authorities and health boards is absolutely correct. That should help to instil public confidence when investigations take place, which is paramount. On health protection plans, it is important that health boards and local authorities work together. However, the bill talks about consultation on that, rather than agreement. We must consider that issue in future.

As others have done, I pay tribute to the work of the Health and Sport Committee. I am not a member of the committee, but I have read many of its deliberations. It is clear that there is a lot of expertise on the committee. If one considers the development of the bill from stage 1 to stage 3, one can see that the committee has made many positive contributions and has affected the eventual outcome, in part through positive discussions with the minister.

The bill is an important one that lays down an essential framework for public health that can make a real difference in some areas. I welcome its passage today.

The Deputy Presiding Officer: We now move to the winding-up speeches. I call Ross Finnie.

Ross Finnie: No.

The Deputy Presiding Officer: Jamie Stone?

Ross Finnie: No.

The Deputy Presiding Officer: I call Jackson Carlaw.

16:31

Jackson Carlaw (West of Scotland) (Con): I offer my congratulations to the Cabinet Secretary for Health and Wellbeing and the Minister for Public Health in particular on the imminent conclusion of their first major piece of legislation since coming to government. That the bill has attracted a consensual approach throughout the Parliament is to be welcomed and we will of course support it in the final vote tonight. From time to time during its passage, the extraordinary age of some of the legislation it succeeds has been mentioned, in particular the Infectious Disease (Notification) Act 1889 and the Public Health (Scotland) Act 1897. In reflecting on that, I thought that it might be interesting to consult the *Hansard* official record of those earlier times to see what lessons might be learned.

Coincidentally, in the wider context of public health, it should be noted that Coca-Cola was invented in 1889. Indeed, it was originally produced by a company called the Pemberton Medicine Company. I presume that, if its status as a medicine had not changed, it would in due course have been available on free prescription. On this day in 1889, the Eiffel tower had been open for just a few weeks, from early May, and 88 souls perished in an Irish train disaster. Otto Frank, Anne Frank's father had just been born—ironically, days after the man who would destroy his family and shatter the peace of the world half a century later. Kaiser Wilhelm II, who did much the same in half the time, had just succeeded, the tsar still ruled and the Marquis of Salisbury led the Government.

Jamie Stone may be encouraged to hear that in the debate on the proposed legislation, various members intervened to challenge why the member for Caithness, a Dr Clark, had been unable to participate. The validity of proceedings was called into question because the member for Caithness had not been able to state his point. I am sure that colleagues here today will want to reassure Mr Stone that, together, we would cheerfully and willingly march in his defence were he, as the member for Caithness in the Parliament, unable to set that outrageous wrong of history right. It is just a great shame that Mr Stone has no intention of doing so this afternoon, but I had not anticipated that small matter.

I am not sure how riveting the notification of infectious disease was to Westminster, for the lord mayor of Dublin—all Ireland then benefiting from membership of the union—was moved to comment:

“We have been here through a most fatiguing week. We were here till nearly 3 o’clock this morning, and the present Sitting has lasted more than seven hours. Does the Government think that there is no limit to the physical endurance of Members?”—[*Official Report, House of Commons*, 24 August 1889; Vol 340, c 438.]

The cabinet secretary and the minister must be relieved that, while all the respective health teams in the Scottish Parliament have certainly spent more than seven hours of late discussing various topics of considerable interest, we have not sat here on this matter alone for just so long.

One point of interest in the debate in 1889 was the argument about the role of medical men, the forebears of general practitioners, having to give notification of disease outbreaks. It caused some controversy then, too; the member for Lincolnshire, Spalding somewhat fatuously argued against the measure on the basis that a report he had seen demonstrated that there was less incidence of disease where it was not reported.

By 1897 and the passage of the Public Health (Scotland) Bill, the Irish author Bram Stoker had just published “*Dracula*”; the first fingerprint bureau had opened in, curiously, Calcutta in India; the word “computer” had been used for the first time in connection with an electronic device; Anthony Eden was born; and Queen Victoria had celebrated her diamond jubilee. There was a rather cantankerous exchange in the Commons, and memorable phrases, such as the bill being

“remarkable not so much for what it contained as for what it did not contain”,

were coined. How often have we heard that since? There were contributions from the members for Banffshire, Dundee, Edinburgh, Midlothian and Glasgow Blackfriars—the latter noting, somewhat vexatiously, that the arrangements introduced into the Bill would lead to

“an extraordinary expenditure of time and money. It would cause dilatory objections to be made. It would confer enormous advantages on the rich, and impose serious drawbacks on the poor. To many local authorities the delays, expense, and trouble would be a serious matter. The Bill would apply, not to rich places only, but to scores of poor districts in Scotland which could ill afford the money to devote”.—[*Official Report, House of Commons*, 22 March 1897; Vol XLVII, c 1150, 1160.]

That was a somewhat ridiculous footnote from history, but one with its own echoes.

I dwell on all of this—as members will have concluded by now—in the absence of much else to say. There is some pleasure to be had in knowing that our *Official Report* will record the historical contribution of others in the on-going legislative story of public health, but I will note, finally, that in the 19th century too, the overall spirit of the debate, despite the lateness of the hour, was characterised by the resolve of members on all sides to work together. Farewell, then, to our guardians past.

I have two points to leave with the Government. First, Mary Scanlon’s amendment 1 was sincerely offered. We are concerned that GP morale has softened. I have noted previously that the removal of the notification fee—although not substantially material in its own right—was seen by GPs in the context of recent renegotiations as a further chipping away at earlier commitments. Whether the GPs were right or wrong, I hope that future outcomes do not cause the Government to rue the day.

Secondly—although I do not wish to labour the point—the Government might note that members of the Subordinate Legislation Committee had our attention drawn to some lazy drafting with this bill in particular. I hope that we can move on and that the matter has been duly noted and addressed.

We congratulate the Government and the members of the Health and Sport Committee on investigating succinctly many of the queries and concerns of the stage 1 debate. We also congratulate the clerks who assisted them.

With the measures in the bill, Scotland will be better prepared to meet future challenges to our public health. We have incorporated into the proposals sensible actions to regulate the use of sunbeds. We could not fairly have expected our Victorian predecessors to anticipate such a need but, thanks to Kenneth Macintosh, Victorian values have been represented in the bill. So, with a nod to them, we end by repeating the Scottish Conservatives’ support for the motion.

The Deputy Presiding Officer: I call Dr Richard Simpson. He should note that there is no compulsion to dwell too long on the 19th century.

16:37

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I would not in any way try to compete with Jackson Carlaw, but I will say that his speeches are always greatly interesting. We have had two lectures on history—one from Jackson Carlaw just now, the other from Dr McKee during the stage 1 debate.

I should perhaps begin by thanking Ross Finnie for his kind—I think—remarks about the joint consultation on the bill that Dr McKee and I undertook. Like others, I will try to be consensual, but when I started writing this speech—

Christine Grahame: He cannot start with a “but”.

Dr Simpson: But, although I had intended to start my speech by saying that this bill is historic, I feel that that word is becoming devalued through overuse. That point has not yet been recognised, but it may be in due course.

This is an important piece of legislation in an otherwise fairly threadbare legislative programme, but that does not detract from the bill’s importance. I want to thank the minister for her gracious remarks on the previous Administration’s work on the bill—the Liberal-Labour coalition did all the consultative work.

The bill reflects the needs of a modern society. Members have raised various issues—Christine Grahame, for example, referred to anthrax: an old friend that reared its head again recently, giving us important lessons on why we needed a modern framework—but the need is also driven by the emergence of new diseases.

As I said during the stage 1 discussions, as medical students we were under the false impression that, after 20 years of the national health service and of modernisations in medicine, infectious diseases would be conquered and would not confront us in future, but HIV/AIDS has emerged as a hugely important problem. There is also the possibility of an avian flu pandemic. We faced a near epidemic with severe acute respiratory syndrome, which is another new condition. Those are only three of an enormous number of new conditions that are emerging, such as Ebola virus, which, thank goodness, has not hit this country.

Although Ross Finnie was joking, he is quite right to say that we scrutinised the list of organisms closely. There are powers in the bill to add new organisms to that list and I expect that the minister will do so regularly.

As a result of the three stages of scrutiny of the bill, I believe that we now have a modern public health framework that is robust and sustainable

and will allow us to prepare for the challenges that I have just outlined.

The original Infectious Disease (Notification) Act 1889, to which Jackson Carlaw referred so eloquently, is not the oldest act that is affected by the bill; I discovered that the Public Works Loans Act 1887 is also affected. Indeed, the 1889 act is not the oldest act that we have challenged in the Parliament; in our first session, we amended bills from the 16th century. In moving towards modernisation of our legislative framework, we are undoing some of the past acts that have, apparently, stood us in good stead for a long time.

I will not dwell on the original drafting of the bill. It is regrettable that it was not up to the usual excellent standard of Government bill drafters. Mary Scanlon has detailed the problems that we faced at stage 1. Suffice it to say that those matters have been addressed appropriately and that the bill will now meet the needs of the Scottish courts, which is important.

Many of the points that were raised in committee have now been embedded in the bill satisfactorily. Thanks should go to the witnesses and stakeholders who gave evidence and to the minister and her bill team for their excellent engagement, which made it a pleasure to develop the bill appropriately.

A number of important issues arose, which were based, at least in part, on the need to balance public health protection with the rights of the individual. I am glad that we changed the sections on providing information to individuals.

Mary Scanlon made an interesting point about the relationship between the bill—and many of the other bills that we have passed—and the Adults with Incapacity (Scotland) Act 2000 and the Adult Support and Protection (Scotland) Act 2007. People must be aware of the need to ensure that individuals, even those with partial capacity, understand what is happening.

On the whole, we have struck a balance between protecting public health and maintaining civil liberties. Ross Finnie’s amendment on entry into private dwelling-houses helped us strike the appropriate balance. That illustrates how we took the bill forward.

Members have referred to the need for an integrated, joined-up approach, which is vital. At stage 2, I argued that the joint public health protection plan should not be made after consultation with the local authority, but should be agreed jointly. However, I accepted the minister’s assurance that plans will be agreed jointly in practice. As James Kelly, Michael Matheson and others have said, the regulations and guidance associated with the bill will be important in ensuring that an integrated approach is taken.

The addition of the requirement to notify the authorities of a person's place of work or school, which the Government accepted, is important. Although individual general practitioners might be aware of individual cases, they might not recognise the overall importance of a butcher's shop or a nursery school or school. Reporting people's place of work or school, as well as the other elements, allows the authorities to coalesce information to determine whether there is a problem, such as the problem that we had with E coli at a butcher's shop and other problems that we have had in schools.

The issue of sunbeds, on which all members have paid credit to Ken Macintosh, has been debated fairly fully. The decisions that we reached are reasonable and balanced, and we should all be reassured by the minister's agreement to revisit the issue if the current light-touch approach does not work. I thank the minister for her emphasis today on the HSE pursuing that work. It is important that we ensure that the public are reassured about what is happening.

The most important point to come out of that debate is the message that sunbeds alone are not the most important aspect of skin cancer and that the phrase "a healthy tan" should perhaps be dropped from the lexicon. It is important for children—indeed, for us all—to understand that exposure to sun, particularly when it burns the skin, leads to higher rates of cancer. The rate of skin cancer, if not at epidemic levels, is rising significantly. As part of our selling the legislation, we should put out the message that we should perhaps return to our predecessors' view and be proud of having pale rather than tanned skin.

I thank the minister and her bill team for their engagement, and the convener of the Health and Sport Committee for the way she held the reins in committee. I am not sure that the task was too difficult, but controlling individuals who always have a lot to say can be difficult. I also thank the clerks to the committee for their support during the passage of the bill; it was a great help. I also thank my fellow committee members for the way in which, collectively, we were able, with the Government, to develop the bill. Even if it will not stand the test of time for a period like that from 1887 to 2008, it has produced a modern and robust framework that should stand the test of time for some time to come. Labour will support the motion.

16:47

Shona Robison: This is certainly an important day for public health in Scotland. It is an opportunity to say a fond farewell to the legislation of 1897, which has undoubtedly served Scotland well for more than 100 years, and an opportunity

for Jackson Carlaw—not for the first time—to bring something new to the debate with his run-through of the headlines of that time. It is also an opportunity to herald provisions that will address some of the public health threats of today and tomorrow.

I thank all the members who have spoken today—particularly the Liberal Democrats, who have generously given up their closing speech time to allow us to speak for longer, should we want to. I am grateful for that. Once again, I thank both the Health and Sport Committee and the Subordinate Legislation Committee, which Jamie Stone has egged us on to mention. I am pleased to note its input into the scrutiny of the bill. I thank the stakeholders, who as I mentioned in my opening speech were very important. I also thank my officials in the bill team. They have perhaps had one or two sleepless nights over the issues, so I put on record my thanks for their hard work.

The debate has been useful in clarifying and confirming some of the issues that have been dealt with and flagging up one or two issues to reflect on—I will come to those in a minute. I welcome the constructive spirit that has come from unexpected sources. Margaret Curran may start to like her new, consensual approach—

Jackie Baillie (Dumbarton) (Lab): Never!

Shona Robison: We never know; stranger things have happened. However, that approach was appropriate for this debate.

I welcome the acknowledgement that, although the majority of public health incidents are dealt with without recourse to statutory powers, there is a need for effective legislation to protect the people of Scotland from potentially life-threatening infectious diseases and contamination.

I turn to a few points that were made in the debate. Margaret Curran made the important point that a health inequalities agenda is involved because of the prevalence of sunbed parlours in some communities. She mentioned the power of licensing to protect public health. I encourage those in local government with licensing responsibility always to wear their public health hat when deciding on such matters. That is happening more and people are getting better at that.

Mary Scanlon made the important point that passing the bill is not the end of the process. It will be followed by important training and communication on implementation of the act. I assure her that we are already focusing on that and that work is being done on qualifications. I will say a bit more about the sunbed provisions in a moment.

Ross Finnie made an important point about the burden on us as legislators to get things right,

which we all take seriously. The Parliament has worked as it should work to ensure that the bill is as good and workable as it can be.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I rise to the fly that the minister casts over me as the convener of the Subordinate Legislation Committee. I hope that Jackson Carlaw agrees with me that it is right and proper to pay tribute to the minister and her team for the constructive way in which they examined the points that our committee made and came halfway and more to meet us to improve the bill.

Shona Robison: This is turning into a bit of a love-in and I am blushing.

Jamie Stone: I never thought that the day would come.

Shona Robison: I know. I thank the member for those kind words, which are appreciated. I am sure that the bill team appreciates them, too.

Ken Macintosh made the important point that skin cancer is a particular Scottish problem. He went a bit too close to home for me when he described the people who are most at risk, as I have only to look at the sun for freckles to appear instantly. The public health campaign that will follow the bill is the key. I am sure that he will watch that with interest and I hope that he will be further involved in implementation. Given his involvement to date, that would be most welcome.

Richard Simpson made an important point about consumer protection legislation in his intervention, to which I responded briefly. He also referred to that in his closing speech. The Consumer Protection from Unfair Trading Regulations 2008 (SI 2008/1277) revoked the Control of Misleading Advertisements Regulations 1988 (SI 1988/915) at the end of last month. The new regulations offer more consumer protection on a range of issues, which include the making of misleading claims, and could help to strengthen the sunbed provisions in the bill. Sunbed operators will have to ensure that balanced information is provided and that consumers are fully aware of the whole picture of the health implications of sunbed use.

I hope that I have responded to all the issues that members raised. Christine Grahame started the bill process by describing the bill as worthy but dull. Many provisions in the bill are not as newsworthy as other work in the Parliament, but the same might well have been said of previous crucial public health legislation that transformed our people's public health. The bill will put in place the required building blocks to take public health protection to another level.

Through extensive and detailed scrutiny by all those concerned, the bill has been fine tuned. I am

happy to say that it is a much-improved product as a result of that process.

We cannot eradicate the risk of public health threats. Although, as Richard Simpson said, doctors in the past might have thought that we might get to a situation in which we no longer have the threat of infectious diseases, unfortunately that will never be the case. We will always have to deal with emerging threats.

In this era of the globalisation of trade and travel and the increasing threat of bio-terrorism, it is important that our legislation is as good as it can be and that people are protected. Of course, wherever possible, we should deal with such threats without resorting to legislation. However, we need to ensure that our public health professionals have the tools at their disposal—if necessary, through statutory controls—to deal quickly and effectively with potential threats, in order to reduce or contain the spread of disease or contamination. That is what the bill does, and I commend it to Parliament.

The Deputy Presiding Officer: I suspend the meeting until 5 pm.

16:55

Meeting suspended.

17:00

On resuming—

Point of Order

Jackie Baillie (Dumbarton) (Lab): Earlier this afternoon, I raised as a point of order the question whether there is a possibility that the Scottish Government will make an urgent statement on the situation at the Vale of Leven hospital. I wonder whether the Government has considered the matter further.

The Presiding Officer (Alex Fergusson): I do not know, but I am willing to give the Minister for Parliamentary Business the opportunity to respond.

The Minister for Parliamentary Business (Bruce Crawford): I am more than happy to take to the Parliamentary Bureau next week the suggestion that we should have a statement of that nature as part of next week's business. It is appropriate for the bureau to decide exactly when that will be scheduled.

The Presiding Officer: Thank you. That will indeed be a matter for the Parliamentary Bureau to decide.

Decision Time

17:01

The Presiding Officer (Alex Fergusson):

There are 15 questions to be put as a result of today's business. I remind members, in relation to the debate on the expenses scheme, that if the amendment in the name of Jackie Baillie is agreed to, amendment S3M-2092.2.1 in the name of Margo MacDonald will fall, and if the amendment in the name of Tricia Marwick is agreed to, amendment S3M-2092.1, in the name of Margo MacDonald, will fall.

The first question is, that amendment S3M-2120.3, in the name of Fiona Hyslop, which seeks to amend motion S3M-2120, in the name of Rhona Brankin, on education cuts, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 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)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 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)
 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)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 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, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 46, Against 68, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S3M-2120.1, in the name of Murdo Fraser, which seeks to amend motion S3M-2120, in the name of Rhona Brankin, on education cuts, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)

Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 15, Against 102, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-2120.2, in the name of Jeremy Purvis, which seeks to amend motion S3M-2120, in the name of Rhona Brankin, on education cuts, 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)
 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)
 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 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, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 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)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 71, Against 46, Abstentions 1.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-2120, in the name of Rhona Brankin, on education cuts, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 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)

ABSTENTIONS

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

The Presiding Officer: The result of the division is: For 54, Against 48, Abstentions 16.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the lack of confidence expressed by parents, teachers, primary and secondary heads, and directors of education in the SNP government's handling of Scottish education; notes with concern the cuts in education provision across Scotland; calls on the First Minister to clarify the cost and timescale for delivery of his class-sizes pledge, made on 5 September 2007, when he promised the Parliament that his class-sizes pledge on primaries 1 to 3 would be met in the lifetime of this parliament; recognises the growing number of teachers coming to the end of their probationary year who are either unable to find a teaching post or who are forced into taking part-time or temporary employment; worries that if this trend is allowed to continue unchecked, it will undermine the internationally recognised success of the teacher induction scheme; calls for immediate action from Scottish Ministers to address the impending jobs crisis; welcomes the assessment from the Association of Directors of Education in Scotland that implementation of the SNP policy to cut class sizes to 18 in P1-P3 requires £360 million of capital for additional classrooms and £62 million of recurring revenue funding, and therefore calls on the First Minister to confirm to the Parliament whether his government believes that this is an accurate estimate and why.

The Presiding Officer: The next question is, that amendment S3M-2121.1.1, in the name of Stewart Stevenson, which seeks to amend amendment S3M-2121.1, in the name of Alex Johnstone, on bus transport, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 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)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 61, Against 41, Abstentions 16.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-2121.1, in the name of Alex Johnstone, as amended, which seeks to amend motion S3M-2121, in the name of Des McNulty, on bus transport, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)

Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)

Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 61, Against 56, Abstentions 0.

Amendment, as amended, agreed to.

The Presiding Officer: The next question is, that amendment S3M-2121.3, in the name of Alison McInnes, which seeks to amend motion S3M-2121, in the name of Des McNulty, on bus transport, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)

McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)

Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 56, Against 61, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-2121.2, in the name of Patrick Harvie, which seeks to amend motion S3M-2121, in the name of Des McNulty, on bus transport, 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)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)

Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

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

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)

Hume, Jim (South of Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 86, Against 15, Abstentions 16.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-2121, in the name of Des McNulty, on bus transport, as amended, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 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)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 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)
 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)
 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 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, Elizabeth (Mid Scotland and Fife) (Con)

Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 48, Against 68, Abstentions 1.

Motion disagreed to.

The Presiding Officer: The next question is, that amendment S3M-2092.2.2, in the name of Jackie Baillie, which seeks to amend amendment S3M-2092.2, in the name of Tricia Marwick, on the expenses scheme, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)

Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 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)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)

Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 39, Against 74, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-2092.2.1, in the name of Margo MacDonald, which seeks to amend amendment S3M-2092.2, in the name of Tricia Marwick, on the expenses scheme, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Hume, Jim (South of Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 O'Donnell, Hugh (Central Scotland) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)

Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

Smith, Margaret (Edinburgh West) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 7, Against 105, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-2092.2, in the name of Tricia Marwick, which seeks to amend motion S3M-2092, in the name of Tom McCabe, on the expenses scheme, be agreed to. Are we all 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)

O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 69, Against 44, Abstentions 2.

Amendment agreed to.

The Presiding Officer: Amendment S3M-2092.1, in the name of Margo MacDonald, therefore falls.

The next question is, that motion S3M-2092, in the name of Tom McCabe, on the expenses scheme, as amended, be agreed to. Are we all 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)

Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 69, Against 42, Abstentions 2.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises that the Scottish Parliamentary Corporate Body ("the SPCB") commissioned and received a report from an independent review panel on the reimbursement of expenses for Members of the Scottish Parliament, notes the SPCB's responsibility to present a scheme to Parliament, and therefore;

(a) by virtue of sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998

- (i) confers functions on the SPCB to pay allowances to members in respect of expenses or costs incurred in each financial year in accordance with the Reimbursement of Members' Expenses Scheme ("the Scheme") annexed as Annex 1 to this resolution and confers other functions on the SPCB as specified in the Scheme;
- (ii) determines that the various limits on expenses or costs under the Scheme are as set out in the Schedule of Rates annexed as Annex 2 to this resolution and that such limits are applicable until the SPCB exercises its power under the Scheme to uprate or vary them;
- (iii) determines that the Scheme shall come into effect on 1 October 2008, subject to any arrangements made under sub-paragraph (vi);
- (iv) directs the SPCB to make such arrangements as it may consider necessary or expedient to allow transition from the Members' Allowances Scheme agreed to by resolution of the Parliament on 21 June 2001 ("the Previous Scheme") to the Scheme, including, but not limited to, continuing in force any provisions of the Previous Scheme beyond 1 October 2008, making apportionments between the Previous Scheme and the Scheme or making arrangements for particular cases or particular classes of case as appropriate;
- (v) directs the SPCB that any transitional arrangements which it determines under sub-paragraph (iv) shall end not later than 31 March 2011; and
- (vi) directs the SPCB to make such arrangements as it may consider necessary or expedient to apply the limit on entitlement to reimbursement of staff salary costs with effect from a date before 1 October 2008, whether by adjusting the amount of the Members' Support Allowance under the Previous Scheme or by backdating reimbursement of staff salary costs under the Scheme;

(b) rescinds, with effect from 1 October 2008, the Resolution of the Parliament of 21 June 2001 in relation to the Equipment and Furniture Scheme;

(c) subject to any arrangements made under paragraph (a) above, rescinds, with effect from 1 October 2008, the Resolution of the Parliament of 21 June 2001 in relation to the Previous Scheme.

ANNEX 1 TO THE RESOLUTION

This is the Reimbursement of Members' Expenses Scheme referred to in the foregoing resolution.

REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME

The Reimbursement of Members' Expenses Scheme

CONTENTS**1. GENERAL RULES**

- 1.1 The Principles of the Scheme
- 1.2 Administration of the Scheme
- 1.3 Publication of Expenses
- 1.4 Submission of Claims and Verification of Expenditure
- 1.5 Review of Decisions and Improper Claims
- 1.6 Virement
- 1.7 Pools
- 1.8 Miscellaneous Provisions

2. ACCOMMODATION

- 2.1 Accommodation in Edinburgh
- 2.2 Overnight Accommodation outside Edinburgh

3. STAFF COSTS

- 3.1 Introduction
- 3.2 Staff Salary Costs
- 3.3 Employer's National Insurance and Employer's Pension Contributions
- 3.4 Temporary Staff Cover Costs
- 3.5 Incidental and Ancillary Employment Costs
- 3.6 Redundancy Costs
- 3.7 Employment of Close Family Members

4. OFFICE COSTS

- 4.1 Introduction
- 4.2 Reimbursement of Office Costs for Members who Establish and Run Local Parliamentary Offices
- 4.3 Reimbursement of Office Costs for Members who do not Establish and Run Local Parliamentary Offices
- 4.4 Members Working from Home
- 4.5 Telecommunications Costs
- 4.6 Surgery Advertising

5. COST OF TRAVEL**6. DISABILITY****7. ADDITIONAL EXPENSES**

- 7.1 Interpretation, Translation and Similar Costs
- 7.2 Exceptional Expenses

8. WINDING-UP

- 8.1 Introduction

- 8.2 Staff Costs

- 8.3 Staff Redundancy

- 8.4 Office Winding-Up Costs

- 8.5 Time Limit for Submission of Claims

9. DEFINITIONS**ANNEXES**

A. Groups of Constituencies For Entitlement To Accommodation in Edinburgh

B. Constituencies and Regions For Entitlement To Overnight Accommodation Outside Edinburgh

SECTION 1 - GENERAL RULES**1.1 THE PRINCIPLES OF THE SCHEME**

- 1.1.1 In submitting a claim, a member shall:-

- (a) act in accordance with the Scheme Principles;
- (b) comply with the rules of the Scheme; and
- (c) have regard to any guidance issued by the SPCB under paragraph 1.2.2(c).

- 1.1.2 The Principles of the Scheme are:-

Objectivity

- A member is entitled to reimbursement of expenses which have been incurred only for the purpose of carrying out parliamentary duties.
- A member shall not submit a claim unless the member is satisfied that the expenses represent value for money and were incurred having due regard to efficiency and effectiveness.

Accountability

- A member is personally accountable for a claim, even if the member delegates the administration of the claim to others.
- A member is entitled to reimbursement of expenses only if the claim is supported by receipts or other documentation confirming the expenditure, unless otherwise determined by the SPCB.

Openness

- A member shall be open and transparent as respects expenses claimed under the Scheme.

Integrity

- A member shall ensure that a claim is in compliance with the Scheme.
- A member shall not submit a claim which relates to party political activity and a member shall not enter into any arrangement which could give rise to a benefit to a party political organisation.

Selflessness

- A member shall ensure that any claim is submitted solely in respect of the performance of parliamentary duties and is not submitted in order to gain financial or other benefit for the member or any other person.

Honesty

- A claim shall be made in good faith.

Leadership

- In complying with the rules of the Scheme and the Scheme Principles, a member shall lead by example to strengthen public trust in the Scheme.

Equality

- All members have equal formal and legal status.

1.1.3 The SPCB shall exercise its functions under the Scheme so as best to promote and achieve conformity with the Scheme Principles.

1.2 ADMINISTRATION OF THE SCHEME

1.2.1 The Scheme is to be administered by the SPCB.

1.2.2 In exercising its functions under the Scheme, the SPCB may make such arrangements as it sees fit for administration of the Scheme and for determining any claims and may, in particular:-

- prescribe the form and manner in which claims are submitted and the manner in which claims are verified;
- on the submission of a claim by a member, reimburse expenses incurred by that member;
- issue guidance to members on the operation of the Scheme;
- prescribe time limits for the submission of claims and determine the consequences of failure to comply with any such time limits; and
- do anything else which the SPCB considers necessary or expedient in connection with the administration of the Scheme.

1.2.3 In determining any matter under the Scheme the SPCB shall, in particular, consider whether a member has had regard to guidance issued under paragraph 1.2.2(c).

1.2.4 For each financial year the SPCB shall uprate the various limits on expenses or costs which can be reimbursed under the Scheme, having regard to such indices as the SPCB considers appropriate. Such increases shall apply from 1 April in any financial year.

1.2.5 The limits on the reimbursement of accommodation costs under paragraph 2.1.7, staff salary costs under paragraph 3.2.1 and office costs under paragraphs 4.2.3 and 4.2.4 shall be rounded up to the nearest £100 at each uprating under paragraph 1.2.4.

1.2.6 The SPCB may at any time review the limits on the reimbursement of office costs under paragraphs 4.2.3, 4.2.4 and 4.2.7 and may, following such a review, apply such variation to those limits as it considers appropriate. Any such variation shall apply from 1 April in any financial year.

1.2.7 Where any changes are enacted in respect of constituencies or regions following a review by the Boundary Commission for Scotland, the SPCB may amend such references to constituencies and regions in this Scheme as it considers necessary to give effect to those changes.

1.3 PUBLICATION OF EXPENSES

1.3.1 The SPCB shall publish information on expenses reimbursed to members under the Scheme in such form and at such intervals as the SPCB may determine.

1.4 SUBMISSION OF CLAIMS AND VERIFICATION OF EXPENDITURE

1.4.1 Where a member is entitled to reimbursement of expenses or costs under the Scheme, the member shall complete and authenticate any form or other documentation provided or required by the SPCB.

1.4.2 Where a member is required to apply to the SPCB for reimbursement of any expenses or costs under the Scheme:-

- in advance of incurring any such expenses or costs, a member shall submit an application to the SPCB for approval of such expenses or costs in such form as the SPCB may require;
- the SPCB may grant its approval for reimbursement of such expenses or costs to such extent as it considers appropriate; and
- following such approval and once any such expenses or costs have been incurred by the member, the member shall complete and authenticate any form or other documentation provided or required by the SPCB and the SPCB shall reimburse such expenses or costs to the extent previously approved by it (or to the extent of expenses or costs actually incurred if that amount is less).

1.4.3 Subject to paragraph 1.4.4, the SPCB shall reimburse expenses or costs under this Scheme only on production of evidence of such expenses or costs in the form of supporting invoices or receipts or such other documentation as the SPCB may determine from time to time.

1.4.4 A member is not required to provide supporting invoices and receipts for the reimbursement of the cost of travel undertaken in the performance of, or in support of, the member's parliamentary duties:-

- in respect of a claim for an amount per mile for a journey, or part of a journey, by motor vehicle (excluding a hired motor vehicle), motor cycle, or bicycle; or
- in such other exceptional circumstances as the SPCB may determine.

1.4.5 The SPCB may determine that in certain circumstances a member shall provide written justification for the use of a taxi. The SPCB shall reimburse a member for taxi costs only to the extent that it is satisfied with the justification provided.

1.5 REVIEW OF DECISIONS AND IMPROPER CLAIMS

1.5.1 Where a member disputes a decision either not to reimburse expenses or costs or not to approve expenses or costs for reimbursement, the SPCB may review that decision. Any decision of the SPCB on review is final and it shall intimate the result of that review to the member.

1.5.2 The SPCB may investigate any claim. Where, following such an investigation, the SPCB finds that a member has submitted an improper claim, the SPCB may report to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the member's entitlement to reimbursement of expenses under this Scheme for such period and to such extent as the SPCB may specify.

1.6 VIREMENT

1.6.1 Subject to paragraph 1.6.2, a member's entitlement

to reimbursement of expenses or costs may not be transferred between the different categories of entitlement to reimbursement of expenses or costs in Sections 2, 3, or 4.

1.6.2 Once in any financial year a member may transfer up to one third of the limit on that member's entitlement to reimbursement of office costs to that member's entitlement to reimbursement of staff salary costs. A member making such a transfer shall notify the SPCB in advance of incurring any costs in respect of the sum transferred.

1.7 POOLS

1.7.1 Any members who set up a pool with one or more other members shall give written notice to the SPCB of the setting up of the pool. Such notice shall be in the names of all of the members in the pool.

1.8 MISCELLANEOUS PROVISIONS

1.8.1 A member is not entitled to reimbursement of expenses where those expenses have been, or will be, reimbursed or otherwise met from any other source.

1.8.2 Where a person becomes a member part way through a financial year, or where a member ceases to be a member part way through a financial year, any limit on the annual entitlement to reimbursement of expenses or costs is to be applied on a pro rata basis or on such other basis as the SPCB may determine.

SECTION 2 - ACCOMMODATION

2.1 ACCOMMODATION IN EDINBURGH

2.1.1 Subject to the provisions of paragraphs 2.1.4 to 2.1.6, a member with a main residence in a constituency listed in Group Two of Annex A is entitled to reimbursement of the cost of overnight accommodation for each night which that member requires to stay in Edinburgh in connection with the performance of parliamentary duties.

2.1.2 Subject to the provisions of paragraphs 2.1.4 to 2.1.6, a member with a main residence in a constituency listed in Group Three of Annex A is entitled to reimbursement of the cost of either:-

- (a) overnight accommodation for each night which that member requires to stay in Edinburgh in connection with the performance of parliamentary duties; or
- (b) leasing residential property in Edinburgh, other than from a close family member, another member or connected person.

2.1.3 Where a member is entitled to reimbursement of the cost of leasing residential property under paragraph 2.1.2(b), the member is entitled to reimbursement in respect of the following:-

- (a) rent;
- (b) council tax and water charges;
- (c) factoring charges, but excluding common repair costs;
- (d) utility costs and telecommunications costs; and
- (e) contents insurance.

2.1.4 Subject to paragraphs 2.1.5 and 2.1.6, a member who has either a main residence or any other residence in Edinburgh is not entitled to reimbursement of the cost of accommodation in Edinburgh under this Section.

2.1.5 A member who has a main residence in a constituency listed in either Group Two or Group Three of

Annex A and who also has any other residence in Edinburgh may apply to the SPCB for reimbursement of the cost of overnight accommodation in Edinburgh. The SPCB shall reimburse such costs only if it is satisfied that it would not be reasonable in all the circumstances to expect that member to use that member's other residence in connection with the performance of parliamentary duties.

2.1.6 Where:-

- (a) a member has a main residence in a constituency listed in Group Three of Annex A; and
- (b) the member also has any other residence in Edinburgh which the member uses in connection with the performance of parliamentary duties,

the member may apply to the SPCB for reimbursement of the costs specified in paragraph 2.1.3(b), (d) and (e) in respect of that other residence. The SPCB shall reimburse such costs only if it is satisfied that it would be reasonable in all the circumstances so to do and may determine to reimburse such costs to the extent it considers appropriate.

2.1.7 A member is entitled to reimbursement of costs for accommodation in Edinburgh under paragraphs 2.1.1, 2.1.2, 2.1.3, 2.1.5 and 2.1.6 subject to the limit in each financial year specified in the Schedule of Rates.

2.2 OVERNIGHT ACCOMMODATION OUTSIDE EDINBURGH

2.2.1 A member is entitled to reimbursement of the cost of overnight accommodation:-

- (a) subject to paragraph 2.2.2, outside Edinburgh (but within the UK) for each night when the performance of parliamentary duties prevents the member from using the member's main residence or any other residence; and
- (b) when in Brussels or Strasbourg for meetings with members of the European Parliament and/or with representatives of the European Union institutions in connection with the performance of the member's parliamentary duties.

2.2.2 A member is not entitled to reimbursement under paragraph 2.2.1(a) in connection with the performance of parliamentary duties within the constituency or region from which the member has been returned unless:-

- (a) the member has been returned from one of the constituencies or regions listed in Annex B; or
- (b) in the case only of members returned either from the Cunninghame North Constituency or from the West of Scotland region, the requirement for overnight accommodation arises in connection with the performance of parliamentary duties on an island in the Cunninghame North constituency.

2.2.3 Unless paragraph 2.2.1 (b) applies, a member shall apply to the SPCB for reimbursement of the cost of overnight accommodation for each night which the member requires to stay outwith the UK in connection with the performance of parliamentary duties.

SECTION 3 - STAFF COSTS

3.1 INTRODUCTION

3.1.1 A member may engage staff under a contract of employment (whether on a full-time or part-time basis), under a contract for services or by virtue of an arrangement

with an agency and any such staff may be permanent or temporary.

3.1.2 A member of staff may be engaged either by a single member or jointly by two or more members through a pool.

3.1.3 This Section applies in respect of the following costs for staff who are engaged for the purpose of assisting in the performance of the member's parliamentary duties:-

- (a) staff salary costs;
- (b) employer's National Insurance and employer's pension contributions;
- (c) temporary staff cover costs;
- (d) incidental and ancillary employment costs; and
- (e) redundancy costs.

3.1.4 Staff shall not undertake any significant party political activity during any hours of work which are included within claims submitted under this Section.

3.1.5 The SPCB shall:-

- (a) provide a payroll service for members' employees;
- (b) provide an arrangement for employer's pension contributions to be paid to an employee's choice of pension scheme, provided that such pension scheme has been approved by the SPCB; and
- (c) process any other benefits deemed appropriate under the model terms and conditions of employment approved by the SPCB from time to time.

3.1.6 A member shall provide to the SPCB sufficient details about their employees to allow the SPCB to provide the services specified in paragraph 3.1.5.

3.1.7 A member may submit a claim under this Section in respect of an employee only if the employee is employed on terms which are no less favourable than the model terms and conditions of employment approved by the SPCB from time to time.

3.2 STAFF SALARY COSTS

3.2.1 A member is entitled to reimbursement of staff salary costs subject to the limit in any financial year specified in the Schedule of Rates.

3.2.2 Staff salary costs comprise:-

- (a) in respect of employees, the employee's gross salary, including any overtime payments, and any necessary expenses (other than expenses in respect of the cost of travel or the cost of overnight accommodation) reimbursed to the employee by the member, but (subject to paragraph 3.3.1) excluding employer's National Insurance contributions or employer's pension contributions;
- (b) the amount of any redundancy payment payable to an employee or any costs which arise as a result of any other termination of an employee's contract;
- (c) in respect of self-employed or agency staff, the gross contracted payment to the member of staff or the agency; or
- (d) where members have set up a pool, incidental costs which arise from operation of the pool.

3.3 EMPLOYER'S NATIONAL INSURANCE AND EMPLOYER'S PENSION CONTRIBUTIONS

3.3.1 Where a member is entitled to reimbursement of staff salary costs for an employee under paragraph 3.2.2(a), the SPCB may also reimburse any employer's National Insurance contributions and employer's pension contributions. The reimbursement of employer's pension contributions will be subject to a limit of 10% of the employee's gross basic annual salary, except in the case of employees in post as at 1 March 2001 where the actual contributions will be reimbursed.

3.4 TEMPORARY STAFF COVER COSTS

3.4.1 A member may apply to the SPCB for reimbursement of the additional cost of employing or otherwise engaging temporary staff when necessary due to the absence of a permanent member of staff lasting in excess of two weeks.

3.4.2 An application under paragraph 3.4.1 shall be supported by adequate medical certificates or other relevant documents confirming the reason for absence.

3.4.3 Any costs reimbursed under paragraph 3.4.1 may include employer's National Insurance contributions and employer's pension contributions subject to a limit of 10% of the employee's gross basic annual salary.

3.4.4 The SPCB shall reimburse costs under paragraph 3.4.1 only if it is satisfied that the employment of temporary staff was reasonable in the circumstances.

3.5 INCIDENTAL AND ANCILLARY EMPLOYMENT COSTS

3.5.1 A member may apply to the SPCB for reimbursement of the reasonable costs of advertising for recruitment of staff.

3.5.2 A member may apply to the SPCB for reimbursement of:-

- (a) the fees incurred for the attendance of a member of staff, a volunteer or intern at a seminar or conference within the UK for the purpose of assisting the member in the performance of parliamentary duties;
- (b) the fees or other charges incurred in providing appropriate training for a member of staff; and
- (c) the cost of travel and overnight accommodation associated with sub-paragraphs (a) or (b) above.

3.5.3 A member who submits an application under paragraph 3.5.2 shall certify the reason for the attendance of the member of staff, volunteer or intern at the seminar or conference or the reason for the training for a member of staff. The SPCB shall approve an application under paragraph 3.5.2 only to the extent that it is satisfied with the reason given.

3.5.4 The SPCB may meet such expenses or costs in respect of such items of a kind which reflect good employment practices and facilities for members in their capacity as employers or for members' staff as the SPCB determines appropriate and subject to such conditions as the SPCB considers appropriate.

3.6 REDUNDANCY COSTS

3.6.1 Paragraphs 3.6.2 to 3.6.4 apply where a member dismisses an employee by reason of redundancy at any time other than when the member has ceased to be a member.

3.6.2 Subject to paragraphs 3.6.3 and 3.6.4, where in any

financial year the limit on a member's entitlement to reimbursement of staff salary costs is or would be exceeded by reason of the making of a redundancy payment, the SPCB may, on an application by the member, reimburse such further amount (not exceeding the amount of the redundancy payment) as it considers appropriate.

3.6.3 The SPCB shall reimburse an amount under paragraph 3.6.2 only if it is satisfied that:-

- (a) the member was entitled under this Section to receive reimbursement of staff salary costs in respect of the employee concerned at the date of dismissal;
- (b) the employee was in fact dismissed by reason of redundancy;
- (c) the member was under a legal obligation to make the payment; and
- (d) where, under the terms of the contract between the member and the employee, the employee's entitlement to a redundancy payment exceeds the employee's statutory entitlement, the contractual provision was reasonable in all the circumstances.

3.6.4 If the SPCB determines under paragraph 3.6.3(d) that the contractual provision was not reasonable, the SPCB may restrict the application for reimbursement of the redundancy payment to such amount as the SPCB considers reasonable.

3.7 EMPLOYMENT OF CLOSE FAMILY MEMBERS

3.7.1 A member who submits a claim in respect of the cost of employing a close family member, whether individually or through a pool, shall declare that relationship to the SPCB. The declaration shall be in writing and include the name of the close family member, the relationship to the member and such other information as the SPCB may determine.

3.7.2 The SPCB shall arrange for all such declarations to be registered in a register which is open to public inspection.

SECTION 4 - OFFICE COSTS

4.1 INTRODUCTION

4.1.1 A member is entitled to reimbursement of office costs reasonably incurred in the performance of the member's parliamentary duties, in so far as not available from the SPCB by way of central provision.

4.1.2 Office costs include, but are not limited to:-

- (a) the cost of establishing and running a local parliamentary office, such as leasing and utility costs;
- (b) the purchase or lease of office furniture or equipment (including IT or photocopying equipment) or the purchase of stationery;
- (c) the cost of telecommunications, in so far as such costs exceed the limit on entitlement to reimbursement under paragraph 4.5.1;
- (d) the cost of the publication and distribution of newsletters, annual reports and surveys;
- (e) the cost of advertising and the cost of surgery advertising, in so far as the cost of surgery advertising exceeds the limit on entitlement to reimbursement under paragraph 4.6.1;

- (f) the cost of overnight accommodation for a member of staff, a volunteer or intern when the member of staff, volunteer or intern is required to accompany a member for the purpose of assisting the member in the performance of parliamentary duties;
- (g) the hire of premises for surgeries, public meetings and other meetings with constituents;
- (h) the fees for a member attending a seminar or conference; and
- (i) any other costs which are ancillary to those specified in sub-paragraphs (a) to (h) above.

4.2 REIMBURSEMENT OF OFFICE COSTS FOR MEMBERS WHO ESTABLISH AND RUN LOCAL PARLIAMENTARY OFFICES

4.2.1 A member shall usually have one office within the constituency or region from which that member was returned. If a member has such an office, the member shall use it as the local parliamentary office and the office shall be the registered local address for correspondence.

4.2.2 A local parliamentary office shall not be used for party political activities of any kind.

4.2.3 A constituency member is entitled to reimbursement of office costs subject to the limit in each financial year specified in the Schedule of Rates.

4.2.4 Where in a particular region a single regional member is returned from a registered political party's regional list or where there is a regional member not aligned to any political party, that member is entitled to reimbursement of office costs subject to the limit in each financial year specified in the Schedule of Rates.

4.2.5 Subject to paragraph 4.2.6, where in a particular region more than one member is returned from a registered political party's regional list, those members are entitled between them only to reimbursement of office costs in respect of one regional office.

4.2.6 Where in the Highlands and Islands, North East Scotland, South of Scotland, or Mid Scotland and Fife Regions more than one member is returned from a registered political party's regional list, the SPCB may, on the written application of all of the members concerned, determine that they are entitled to reimbursement of office costs in respect of an additional local parliamentary office within the region.

4.2.7 The limit on the entitlement of each regional member to reimbursement of office costs in the circumstances set out in paragraphs 4.2.5 and 4.2.6 is calculated in accordance with the following table:-

Number of Regional Members	Percentage of Limit on Office Costs Applicable to a Single Regional Member	
	One Office in the Region (limit per member)	Two Offices in the Region (limit per member)
2	60%	100%
3	47%	80%
4	40%	65%
5	36%	56%

Any limit calculated in accordance with the table above shall be rounded up to the nearest £100.

4.2.8 On the application of a member the SPCB may, if satisfied that local variations in the market for office accommodation make it impracticable for the member to establish and run a suitable local parliamentary office within the limit of costs which can be reimbursed under this Section, increase by up to 10% the limit on entitlement to reimbursement which would otherwise be applicable to that member.

4.2.9 A member is not entitled to reimbursement of costs in respect of a local parliamentary office if the member leases office premises from or sub-lets any part of office premises to a close family member or connected person.

4.2.10 A member who sub-lets any part of a local parliamentary office to any other person is entitled to reimbursement of the amount of rent paid by the member less the rent due under any sub-lease.

4.2.11 A member who leases local parliamentary office premises from a party political organisation shall supply to the SPCB a report prepared by an independent surveyor providing a professional opinion as to the fair market rent for the premises concerned when leased on the same terms. The SPCB shall not reimburse rent incurred until such a report has been provided. If, on the basis of the report, the SPCB determines that the rent payable in terms of the lease is greater than the fair market rent, the member shall be deemed to be liable only for the fair market rent and the member's entitlement to reimbursement shall be calculated on that basis.

4.2.12 A member who sub-lets local parliamentary office premises or part of those premises to a party political organisation shall, before concluding the sub-lease, supply to the SPCB a report prepared by an independent surveyor providing a professional opinion as to the fair market rent for the premises concerned when sub-let on the same terms. If, on the basis of the report, the SPCB determines that the rent payable in terms of the sub-lease is less than the fair market rent, the member shall be deemed to be in receipt of the fair market rent and any rent reimbursed shall be calculated on that basis.

4.2.13 A member is not entitled to reimbursement of office costs in respect of a local parliamentary office which is shared with a Member of the House of Commons ("MP") or a Member of the European Parliament ("MEP") unless the member has entered into a written agreement with the MP or MEP as to the apportionment of costs and the terms of the agreement have been approved by the SPCB.

4.3 REIMBURSEMENT OF OFFICE COSTS FOR MEMBERS WHO DO NOT ESTABLISH AND RUN LOCAL PARLIAMENTARY OFFICES

4.3.1 Where a member does not establish and run a local parliamentary office within the constituency or region from which that member was returned, or where a member uses an office in the Parliament as a local parliamentary office, that member is entitled only to reimbursement of office costs up to a maximum amount of 50% of the limit on entitlement to reimbursement which would otherwise be applicable to that member.

4.4 MEMBERS WORKING FROM HOME

4.4.1 A member who works from home in connection with the performance of parliamentary duties is not entitled to reimbursement of any office costs arising from the use of the home for that purpose other than the cost of telecommunications.

4.5 TELECOMMUNICATIONS COSTS

4.5.1 A member is entitled to reimbursement of the cost of telecommunications subject to the limit in any financial year specified in the Schedule of Rates.

4.6 SURGERY ADVERTISING

4.6.1 A member is entitled to reimbursement of the cost of advertising that member's availability to the public at specified dates, times and places in that member's constituency or region for consultation regarding enquiries and problems, through surgeries or otherwise, subject to the limit in any financial year specified in the Schedule of Rates. "Advertising" includes the production of posters or leaflets.

SECTION 5 - COST OF TRAVEL

5.1.1 A member is entitled to reimbursement of the cost of travel:-

- (a) undertaken in the performance of parliamentary duties within the UK; or
- (b) to Brussels or Strasbourg for meetings with members of the European Parliament and/or with representatives of European Union Institutions in connection with the performance of parliamentary duties.

5.1.2 Subject to paragraph 5.1.3, travel undertaken in the performance of parliamentary duties may include journeys between any places at which parliamentary duties are performed or between such places and a member's residence or overnight accommodation.

5.1.3 Where a member's rent is reimbursed under paragraph 2.1.3(a), and where the property is situated outside the boundary of the City of Edinburgh, the member is not entitled to reimbursement of the cost of travel between that property and the Parliament.

5.1.4 A member is entitled to reimbursement of the cost of travel within Scotland undertaken by a member of staff, volunteer or intern in support of the member's parliamentary duties. A member's entitlement to reimbursement under this paragraph is limited to the cost of a maximum of 74 journeys per member in any financial year. A member who submits a claim under this paragraph shall certify the purpose of the journeys undertaken. A journey shall be all such travel completed within one day, but shall not include daily commuting journeys by a member of staff, volunteer or intern to a normal place of work.

5.1.5 Unless paragraph 5.1.1(b) applies, a member shall apply to the SPCB for reimbursement of the cost of travel outwith the UK undertaken in the performance of parliamentary duties.

SECTION 6 - DISABILITY

6.1.1 A member who has a disability may apply to the SPCB for reimbursement of expenses incurred in respect of additional resources reasonably required for the performance of that member's parliamentary duties.

6.1.2 In selecting premises for a local parliamentary office a member should have regard to the accessibility of the premises and in particular to the special needs of any person. A member may apply to the SPCB for reimbursement of expenses incurred by the member in respect of:-

- (a) making reasonable adjustments to the office to accommodate a disabled member of staff and/or facilitating access for disabled members of the

- public;
- (b) providing equipment and/or parking spaces for disabled persons; or
- (c) facilitating meetings involving disabled persons by hiring (on an occasional basis) alternative office and meeting premises.

SECTION 7 - ADDITIONAL EXPENSES

7.1 INTERPRETATION, TRANSLATION AND SIMILAR COSTS

7.1.1 A member may apply to the SPCB for reimbursement of any expenses incurred in respect of:-

- (a) engaging an interpreter for a language other than English or engaging a sign language interpreter who in either case is required for a meeting with members of the public;
- (b) translation services required for correspondence with members of the public; or
- (c) any other services required to facilitate equal access to members for disabled persons.

7.2 EXCEPTIONAL EXPENSES

7.2.1 A member may apply to the SPCB for reimbursement of any exceptional expenses to be incurred by that member in connection with the performance of parliamentary duties.

7.2.2 In determining any application under paragraph 7.2.1 the SPCB shall, where applicable, recognise the distinctive needs of members not aligned to any political party or members aligned to a political party with fewer than five members.

SECTION 8 - WINDING UP

8.1 INTRODUCTION

8.1.1 This Section applies when a person (referred to as the "former member") ceases to be a member of the Parliament for any reason.

8.1.2 On or after the date on which the former member ceased to be a member Sections 2, 3, 4, 5, 6 and 7 of this Scheme continue to apply only in respect of any claim relating to expenses or costs incurred or committed to prior to that date. All such claims shall be submitted within such period as the SPCB may specify.

8.1.3 Unless paragraph 8.1.2 applies, paragraphs 8.2 to 8.5 apply in respect of any expenses or costs incurred after the date on which a former member ceased to be a member for the purpose of winding up the former member's office.

8.2 STAFF COSTS

8.2.1 A former member remains entitled to reimbursement of staff salary costs, employer's National Insurance contributions and employer's pension contributions, as provided for in paragraphs 3.2 and 3.3, in order to retain the services of staff for the purposes of the winding up of the former member's office for a maximum of three months after the date on which the former member ceased to be a member.

8.3 STAFF REDUNDANCY

8.3.1 Where a former member dismisses an employee by reason of redundancy, the former member is entitled to reimbursement of any redundancy payment payable to the employee only if the SPCB is satisfied that:-

- (a) the former member was entitled to receive reimbursement of salary costs in respect of the employee concerned at the date of dismissal;
- (b) the employee was in fact dismissed by reason of redundancy;
- (c) the former member was under a legal obligation to make the payment; and
- (d) where, under the terms of the contract between the former member and the employee, the employee's entitlement to a redundancy payment exceeds the employee's statutory entitlement, the contractual provision was reasonable in all the circumstances.

8.3.2 If the SPCB determines under paragraph 8.3.1(d) that the contractual provision was not reasonable, the SPCB may restrict the application for reimbursement of the redundancy payment to such amount as the SPCB considers reasonable.

8.4 OFFICE WINDING-UP COSTS

8.4.1 A former member is entitled to reimbursement of the costs reasonably incurred in the closing down of a local parliamentary office subject to a limit equivalent to one third of the limit on entitlement to reimbursement of office costs which would otherwise have been applicable to that former member.

8.5 TIME LIMIT FOR SUBMISSION OF CLAIMS

8.5.1 A former member shall submit any claims under paragraphs 8.2 to 8.4 within six months from the date on which the former member ceased to be a member, or, if that is not possible, within such longer period as the SPCB may allow.

SECTION 9 - DEFINITIONS

9.1.1 The following definitions apply to the Scheme:-

"claim" means a claim or application under the Scheme for reimbursement of expenses or costs;

"close family member", in relation to a member, means-

- (a) a spouse, civil partner or cohabiting partner of the member; or
- (b) a parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew or niece of the member or of a person mentioned in sub-paragraph (a);

"connected person", in relation to a member, means a business partner or a business associate of the member or any organisation (other than a party political organisation) in which the member concerned or a close family member has an interest;

"cost of overnight accommodation" means the actual cost incurred by the member, or, as the case may be, member of staff, volunteer or intern (inclusive of the cost of any evening meal and breakfast) subject to the limit per night specified in the Schedule of Rates;

"cost of travel" means-

- (a) the actual cost of any travel ticket purchased or fare paid in making a journey, or part of a journey, by public transport;
- (b) in respect of a journey, or part of a journey, by means of a motor vehicle (excluding a hired motor vehicle), motor cycle or bicycle, such amount per mile as is prescribed from time to time as the rate applicable for vehicles of those

kinds in section 230(2) of the Income Tax (Earnings and Pensions) Act 2003 (or any re-enactment of that provision);

- (c) in exceptional circumstances, with the approval of the SPCB, the actual cost of motor vehicle hire and associated fuel costs;

- (d) tolls and car parking charges;

“constituency” and “region” refer to the constituencies and regions provided for by Schedule 1 to the Scotland Act 1998 (or any re-enactment of that provision);

“constituency member” means a member of the Parliament for a constituency;

“disability” has the same meaning as in section 1 of the Disability Discrimination Act 1995 (or any re-enactment of that provision), and “disabled” is to be construed accordingly;

“Edinburgh” (except in paragraph 5.1.3) means a constituency listed in Group One of Annex A;

“financial year” means the year from 1 April to 31 March;

“improper claim” means a claim in respect of expenses or costs which have either not in fact been incurred or have not been incurred for a purpose permitted by the Scheme;

“member”, except where the context otherwise requires, means a member of the Parliament;

“other residence” means any residential property (other than a member’s main residence) which is owned by a member and which that member has regularly occupied as a residence;

“Parliament” means the Scottish Parliament;

“parliamentary duties” means any task or function which a member could reasonably be expected to carry out in that member’s capacity as a member, including but not limited to:-

- (a) attending a meeting of the Parliament;
- (b) attending a meeting of a committee or sub-committee of the Parliament on which the member sits or which the member is required to attend, or attending such a meeting for some other valid reason relating only to the business of the committee or sub-committee;
- (c) undertaking research or administrative functions which relate directly to, or are in connection with, the business of the Parliament;
- (d) attending meetings for the purpose of representing electors or explaining the application of policy or meeting a member of the public residing in the constituency or region from which that member was returned;
- (e) attending parliamentary party group meetings in Edinburgh or, with the prior approval of the SPCB, any other place in Scotland;
- (f) attending a meeting, ceremony or official function which relates directly to, or is in connection with, the business of the Parliament;
- (g) attending an international conference which relates directly to, or is in connection with, the business of the Parliament with the prior approval of the SPCB;

but does not include a member’s activities which are in relation to that member’s role as a party spokesperson or

representative;

“pool” means any arrangement by which two or more members jointly engage staff;

“public transport” means any service or services provided to the public at large for the carriage of passengers by road, rail, air or sea;

“regional member” means a member of the Parliament for a region;

“reimbursement” means either a payment by the SPCB to a member in respect of an expense or cost incurred by that member, or a payment made by the SPCB on behalf of a member either to a third party to whom that member has an obligation to make payment or to a member of staff to whom that member has requested that payment be made;

“Schedule of Rates” means the schedule published from time to time by the SPCB specifying the various limits on expenses or costs which can be reimbursed under this Scheme;

“Scheme” means the Reimbursement of Members’ Expenses Scheme;

“Scheme Principles” means the principles in paragraph 1.1.2;

“SPCB” means the Scottish Parliamentary Corporate Body;

“staff” means any person or persons in respect of whom a member is entitled to reimbursement of staff costs under Section 3 and a “member of staff” is to be construed accordingly.

ANNEX A: GROUPS OF CONSTITUENCIES FOR ENTITLEMENT TO ACCOMMODATION IN EDINBURGH

Group One	Group Two	Group Three
Edinburgh Central	Airdrie and Shotts	Aberdeen Central
Edinburgh East and Musselburgh	Central Fife	Aberdeen North
Edinburgh North and Leith	Coatbridge and Chryston	Aberdeen South
Edinburgh Pentlands	Cumbernauld and Kilsyth	Angus
Edinburgh South	Dundee East	Argyll and Bute
Edinburgh West	Dundee West	Ayr
Linlithgow	Dunfermline East	Banff and Buchan
Livingston	Dunfermline West	Caithness, Sutherland and Easter Ross
Midlothian	East Lothian	Carrick, Cumnock and Doon Valley
	Falkirk East	Clydebank & Milngavie
	Falkirk West	Clydesdale
	Glasgow Anniesland	Cunningham e North
	Glasgow Baillieston	Cunningham e South
	Glasgow Cathcart	
	Glasgow Govan	
	Glasgow Kelvin	

	Glasgow Maryhill	Dumbarton
	Glasgow Pollok	Dumfries
	Glasgow Rutherglen	East Kilbride
	Glasgow Shettleston	Eastwood
	Glasgow Springburn	Galloway and Upper Nithsdale
	Hamilton North and Bellshill	Gordon
	Hamilton South	Greenock and Inverclyde
	Kirkcaldy	Inverness East, Nairn and Lochaber
	Motherwell and Wishaw	Kilmarnock and Loudoun
	North East Fife	Moray
	Ochil	North Tayside
	Paisley North	Orkney
	Paisley South	Ross, Skye and Inverness West
	Perth	Roxburgh and Berwickshire
	Stirling	Shetland
	Strathkelvin and Bearsden	West Aberdeenshire and Kincardine
	Tweeddale, Ettrick and Lauderdale	West Renfrewshire
		Western Isles

ANNEX B: CONSTITUENCIES AND REGIONS FOR ENTITLEMENT TO OVERNIGHT ACCOMMODATION OUTSIDE EDINBURGH

Constituencies

Argyll and Bute
 Caithness, Sutherland and Easter Ross
 Galloway and Upper Nithsdale
 Inverness East, Nairn & Lochaber
 North Tayside
 Orkney
 Ross, Skye and Inverness West
 Roxburgh and Berwickshire
 Shetland
 West Aberdeenshire and Kincardine

Western Isles

Regions

Highlands & Islands
 Mid Scotland and Fife
 North East Scotland
 South of Scotland

ANNEX 2 TO THE RESOLUTION

This is the Schedule of Rates referred to in the foregoing resolution.

SCHEDULE OF RATES

PARAGRAPH	DESCRIPTION	LIMIT
2.1.7	Annual limit on entitlement to reimbursement of overnight accommodation or leased accommodation in Edinburgh	£11,900
3.2.1	Annual limit on entitlement to reimbursement of staff salary costs	£54,620
4.2.3	Annual limit on entitlement to reimbursement of office costs for a constituency member	£15,600
4.2.4	Annual limit on entitlement to reimbursement of office costs for a single regional member or for a non-aligned regional member	£15,600
4.5.1	Annual limit on entitlement to reimbursement of telecommunications costs	£1,183
4.6.1	Annual limit on entitlement to reimbursement of surgery advertising costs	£1,560
9.1.1	Overnight Accommodation in UK (excluding Greater London)	£133.87 per night
9.1.1	Overnight accommodation in Greater London, Brussels or Strasbourg	£156.36 per night

9.1.1	Overnight accommodation elsewhere outside UK	As determined by the SPCB
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The Presiding Officer: The final question is, that motion S3M-2018, in the name of Nicola Sturgeon, on the Public Health etc (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Public Health etc. (Scotland) Bill be passed.

Aberdeen City Council (Best-value Audit)

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-2021, in the name of Lewis Macdonald, on the best-value audit of Aberdeen City Council. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the findings and recommendations of the Accounts Commission for Scotland following its Best Value audit of Aberdeen City Council and looks forward to concerted and urgent action to implement those recommendations and to secure the future of schools and of public and voluntary sector services in the city.

17:17

Lewis Macdonald (Aberdeen Central) (Lab): On Tuesday, petitioners from Aberdeen Trades Union Council, from Glencraft and from Future Choices came to Parliament to seek support for the defence of jobs and services in Aberdeen. Many trade unionists, disabled service users, disabled working people and campaigners for schools and for the rights of senior citizens have made their voices heard at Holyrood again today, and I am delighted that some of them have been able to stay for this evening's debate.

The message from those campaigners is loud and clear: Aberdeen City Council must balance the books and sort itself out, but it must not do so at the expense of the most vulnerable people and communities. Never before has a Scottish city council required such drastic treatment as the Accounts Commission has prescribed for Aberdeen. It is essential that the council now accepts the findings as well as the recommendations of the Accounts Commission.

At the weekend, the council's leader, Kate Dean, appeared to say on television that she would implement the Accounts Commission's recommendations but that she did not accept its analysis of why they were necessary. Taking the medicine but not listening to the expert advice about what went wrong in the first place will result only in painful short-term term fixes. The fact that that is what the council has said that it will do does not offer hope of a long-term cure.

The Accounts Commission's very first finding is that

"the challenges facing the council are collectively extremely serious",

but that there is

"a lack of a full appreciation of the seriousness of its current circumstances."

That is what has to change, and urgently.

If leaders of the current administration recognise the reality of the situation, they need to demonstrate that by accepting that some of the choices that they have made have been the wrong ones. For example, the Accounts Commission's fourth finding and fourth recommendation address the lack of "leadership and direction" in the council's two largest services, education and social work.

The commission says that it is

"concerned that the council believes the organisational structure is fit for purpose,"

despite the findings to the contrary of Her Majesty's Inspectorate of Education and the Social Work Inspection Agency. The commission believes that

"there is a case for the organisational structure to be simplified and for effective leadership, which commands the respect and support of employees, to be put in place for the council's major services."

To achieve that,

"Immediately following the appointment of a new chief executive a review of the council's organisational structure should be undertaken,"

in full consultation with council staff.

The import of those findings and recommendations could hardly be clearer. In the past three years, education and social work services have been plunged into chaos by the abolition of their director posts and the loss of leadership and direction. Those mistakes urgently need to be put right. For that to happen, those who made the mistakes must acknowledge them. It will not do for those who run the council to maintain that the current situation is somehow the responsibility of every member of the council and every administration of the past 12 years. To make such claims only adds to Aberdeen citizens' sense of council leaders abdicating responsibility instead of leading from the front.

The Accounts Commission has no axe to grind, and it is in no doubt about the relevant timeframe. The commission states:

"Over the past three years, the council's expenditure has been significantly in excess of its budget, giving rise to concern over diminishing reserves".

That is not a tentative conclusion; it is a clear summary of the evidence that the commission has found. The council's precarious financial position arises directly from significant overspending in the financial years 2005-06, 2006-07 and 2007-08. In 2003, Aberdeen City Council had healthy reserves of over £23 million. The Accounts Commission has described a position five years on in which the council is without an adequate reserve and the

value of revenue from sold assets is quickly swallowed up by a chronic deficit.

I am delighted that the commission has backed the Labour proposal for the appointment of an independent expert in local government finance in order to establish whether the council's proposed savings are accurate and achievable, and to monitor closely the delivery of the savings. In this context, the word "independent" is just as important as the word "expert". It is essential that such an independent expert has full access to the accounts of each and every part of the council. Only that way can he or she have the information that is required to ensure that everything possible is being done to realise savings in everything other than front-line services. Of course, the debate is not just about balancing the books; crucially, it is also about securing the future of schools and services that were sacrificed all too easily in the wild panic of budget cuts earlier this year.

I hope that the Cabinet Secretary for Finance and Sustainable Growth will now act on the suggestion that I made to him on 9 April and permit the council to transfer funding from capital to revenue. If he does that, the council must be ready to take a different approach in addressing the current crisis. There must be no repeat of the unplanned, uncostered and illogical cuts that we have seen this year; nor can opposition parties be asked or expected to endorse planned savings that make no sense.

The Accounts Commission has laid out a plan for taking the council forward. I know that Labour councillors in Aberdeen are ready to work with others to implement that plan, and I expect ministers to give their support. However, in doing all that, we must not lose sight of what local government is about: the provision of schools and services. A council that succeeds in balancing the books only by closing schools in disadvantaged communities and taking away services from vulnerable people is still a failing council.

If Aberdeen is to succeed, it must start by putting schools and services back at the centre of the council's purpose, where they belong, bringing back effective financial management and winning back the trust of its citizens. Accepting in full the findings and recommendations of the Accounts Commission would be a good place to start.

17:24

Brian Adam (Aberdeen North) (SNP): Lewis Macdonald's final statement is correct. Everybody needs to work together on this and accept the Accounts Commission's recommendations in full—that applies across the board in Aberdeen City Council.

However, Lewis Macdonald and his colleagues on Aberdeen City Council have not addressed the realities—I refer to the motion before us. He is quick to tell us that the vulnerable are being targeted, but he has not identified where alternative cuts should be made. He has not disputed in any way the amount by which the budget is in deficit—indeed, the council's budgets have continuously been in deficit. Since 2002-03, which was firmly during the period in which the Labour Party was in charge of the budget, the council has spent more money than it has taken in. In that financial year, the council spent £4.8 million more than it budgeted for.

Lewis Macdonald: Will the member take an intervention?

Brian Adam: Let me develop my point.

There was an overspend of £14.1 million on the 2003-04 budget, which was set by the outgoing Labour council and had to be implemented by the incoming Tory-Liberal council. Things continued in that way. In 2004-05, there was an overspend of £6.5 million, an overspend of £14.5 million in 2005-06 and an overspend of £10 million in 2006-07. That represents a total overspend of just under £50 million.

Lewis Macdonald: Will the member take an intervention?

Brian Adam: Let me continue.

More recently, Lewis Macdonald and his Labour colleagues have suggested that there should not have been council cuts in a number of areas. They are entitled to disagree, but they have offered no alternatives. The council Labour group offered no alternative budget and since then, no alternative suggestions have been offered about which services need to be cut. Since 9 April, Aberdeen City Council's Labour group has made proposals to do with voluntary sector grants, bowling greens, Bon Accord baths, the school estate strategy, Glencraft, the taxi fare scheme, the ice rink, waste uplifts and winter maintenance. The additional costs that would fall on the revenue budget would be just short of £3.5 million. In addition, there would be a further £700,000 on the capital budget with no concomitant cuts. The Labour group has not balanced the books and it has no alternative plans. Members of that group are deceiving themselves—I do not think that they are deceiving the public—when it comes to offering realistic alternatives. Mr Macdonald and his colleagues need to tell us exactly how much of a transfer from capital to revenue they want, because it will take a lot to save £27 million.

Lewis Macdonald: Will the member take an intervention?

Brian Adam: No, thank you.

A position that has regularly been adopted is that the Marischal college project should be cancelled. It has been said that doing so would save £80 million. However, the reality is that we are not talking about the capital budget; we are talking about the revenue budget. This coming year, only a little more than £1 million has been committed to the Marischal college project. We deserve answers about where the other £26 million will come from to fund the changes. The same will apply in future years.

I welcome the opportunity to endorse the Accounts Commission's proposals, but I do not welcome the opportunity to endorse Labour's solutions. Labour has no solutions whatsoever.

17:28

Nanette Milne (North East Scotland) (Con): I register a personal interest: my husband is the current Aberdeen City Council Conservative group leader.

I welcome the campaigners in the public gallery who have travelled down from Aberdeen and I congratulate Lewis Macdonald on securing the debate.

The cuts to services in Aberdeen as a result of this year's council budget have caused great distress to many groups in our community. I have visited a number of the threatened services and have seen at first hand the challenges that many have faced in their attempts to remain open. However, the motion raises false hopes, as we are now nearly three months into the council's financial year. Time has moved on, and some are now—sadly—facing up to the reality of service loss. I feel particularly sorry for the users of Choices, which provided a lifeline of respite and companionship for very vulnerable people, but has now closed its doors. I wish that it could have found an alternative means of funding its services, as the Aye Can Recycling project did.

The first phase of schools reorganisation is now over, with the decision taken to close Victoria Road and St Machar primary schools. The consultation on the future of the feeder primary schools in the Bridge of Don and Dyce areas is about to begin, with a decision expected in the early autumn.

Negotiations about Glencraft are on-going. It is hoped that it will have a future in more suitable premises and on a more secure financial footing. The council is also currently considering business plans from three organisations that are interested in taking over the running of the Linx ice arena and other sporting facilities in the city. That could well be a very positive outcome.

As I said, time has moved on. That is why I find it difficult to support the latter part of the motion, which refers to securing

“the future of schools and of public and voluntary sector services in the city.”

I lodged an amendment to delete that part of the motion, which gained support from several MSPs including, initially, one Labour member, although their support was subsequently withdrawn.

Lewis Macdonald: I hear what the member says about not wishing to revisit decisions that have been made. Does she accept, however, that the proposition that further school closures for budgetary reasons should be averted is a different proposition from the proposition that we should revisit decisions that have already been made? Does she join me in urging the council not to consider further school closures this year?

Nanette Milne: That is, indeed, another matter. Nevertheless, the prime consideration must be the fact that Aberdeen City Council has been overspending.

I lodged my amendment in the hope that we could move on, with cross-party support, to remedy Aberdeen's situation in the best interests of its citizens. To quote the First Minister, I think that it is time for all sides to “stop the blame game” over Aberdeen City Council's financial problems. Frankly, the Labour Party witch hunt, which has been going on for the past few months, is not helping to find a way forward for Aberdeen.

I would have liked to see an examination of the council's financial history since it was set up in 1995, but the Accounts Commission chose to look only at the past three years and we must accept that. It is clear that Aberdeen City Council has been living beyond its means, which simply cannot continue. I welcome moves by the cabinet secretary to help the council to work through the problems that it is currently facing in order to regain a stable and sustainable financial footing.

It is crucial that we now move forward and that Aberdeen City Council implements the recommendations of the Accounts Commission. The recommendation to establish an all-party leadership board to drive forward an improvement plan must be implemented without delay. I hope that the special council meeting that has been called for next Monday will agree to set up a fully cross-party group—including the council's single independent member—to take things forward.

Aberdeen can no longer afford the luxury of the political posturing that has seriously undermined the council's reputation. I sincerely hope that members of all parties, both at Holyrood and in Aberdeen, will work together to secure a sustainable financial future for Aberdeen City

Council in the interests of the citizens of Aberdeen.

17:33

Alison McInnes (North East Scotland) (LD):

An audit of best value is intended to identify how well a council is performing in relation to best value and community planning. As part of the agenda to modernise local government, it is meant to encourage a culture of continuous improvement and engagement with communities. That whole agenda challenges local government to find new ways of working across services and with other bodies to achieve the best results for citizens and service users.

The scale of that challenge varies from council to council on the basis of historical and cultural styles within each council. As Brian Adam said, the audit was carried out in 2006-07, but the problems that were identified had not appeared overnight. I have no doubt that they were rooted in a culture that was set in place some time ago—a culture that the council has said that it was striving to change.

No one could deny that the audit is a sobering read. Everyone has acknowledged the need for change, and Kate Dean has stated her determination to meet the challenges. Action has already been taken. The council has drafted an improvement plan and has sought outside help from the Convention of Scottish Local Authorities and the Government. John Swinney must respond to that request for assistance. He must step in and help the city financially. The low Government settlement and the council tax freeze this year certainly added to the council's woes at a most unhelpful time.

Historically, Aberdeen City Council has not fared as well as it might have at the hands of local government distribution formulae, but this year its share of funding fell. I am sure that there must be a fairer and more transparent way of allocating resources to local government, so I restate my support for a review of local government funding. The Liberal Democrats want the local government funding formula to be changed. If Aberdeen were funded at the same level per head of population as Dundee, it would have an astonishing £131 million extra to spend every year. If it were funded at the average level of all Scottish councils, it would have nearly £100 million extra. What help can the Government offer in light of that?

The scale of the reaction to the cuts, with protests and representations being made, demonstrates clearly that the services that were provided were valued. With fairer funding, they could continue to be provided. The city council must now work hard to build bridges with

community groups and other organisations, and it must explore options for alternative service provision.

There is no getting away from the fact that the audit has said that the budget must be brought back on track. As other members have said, that will not be an easy task, and difficult decisions will have to be taken. All parties must work together through this period. It is no good the Labour Party saying that the finances must be sorted out but then refusing to countenance any changes at all.

Councillors and senior management must acknowledge—

Lewis Macdonald: Will the member take an intervention?

Alison McInnes: No, I am just closing. Councillors and senior management must acknowledge both the corporate and the individual responsibility that they carry to bring about the organisational change that is clearly needed. Ministers must try to offer real support. It will take a great deal of determination and resolve, but that is necessary to put the council on a firm footing for the future. The people of Aberdeen deserve that commitment.

17:36

Richard Baker (North East Scotland) (Lab): I congratulate Lewis Macdonald on securing the debate and thank him for his tireless work on these vital issues for Aberdeen. For me, one of the few positive aspects of this difficult time has been the opportunity to work alongside Lewis Macdonald and our MPs, Frank Doran and Anne Begg, in the campaigns against cuts and closures, and to work with local people, of whatever political persuasion, who have fought so hard to save vital services and facilities.

I am pleased that we have campaigners with us here in Parliament today, fighting for local schools, for Glencraft, for Choices and for all the people and organisations that are affected by the cuts. Young people, disabled people and older people's groups are all fighting to save services and facilities that are crucial in their lives, as was eloquently encapsulated in Kevin McCahery's moving evidence to the Public Petitions Committee about the human impact of the closure of the Choices day centre for people with disabilities.

This has been a dispiriting time for Aberdeen. We need to go beyond the expert analysis of the situation that has been provided by the Accounts Commission and move towards solutions. I am pleased that a suggestion that was made by Labour—that external advice should be sought by the council—has been taken on board by the

Accounts Commission, as the idea was initially rejected by the council administration. There has also been an unprecedented recommendation for a leadership panel drawn from the four main parties. If that proceeds on an equitable basis, we can work constructively through the severe challenges.

We must be persuaded that the city council's administration will move forward in the same spirit. For me, the most damning thing that the Accounts Commission said was that the administration did not fully appreciate the seriousness of the situation. It is not acceptable for the administration to absolve itself of fault while blaming everyone else. It will be for the Cabinet Secretary for Finance and Sustainable Growth to defend his settlement to Aberdeen City Council, but how can we genuinely move forward when the administration—indeed, the First Minister, whom Nanette Milne quoted as calling for us to work together, sought to do this at the weekend—seeks to implicate the Labour administration of five years ago, when the cuts and deficits were simply not happening. That makes collaboration difficult. I worry that the administration has still not acknowledged the seriousness of the situation.

It is welcome that the cabinet secretary has sought a speedy response from the council and that ministers have sought further responses to the Social Work Inspection Agency report on the council, which was damning and which praised the Choices centre, which has been closed. Ministers must also consider the fact that, in closing services for the disabled, the council has been in breach of statutory duties, leaving service users no choice but to take legal action.

I regret that other parties in the Parliament supported an amendment to the motion that sought to remove the lines about stopping cuts and closures. If we are not going to work together to stop cuts to education budgets, to stop the closure of successful and valued schools that serve some of the most deprived communities in Aberdeen, to stop the closure of facilities for our young people and to protect services for the most vulnerable people in the city, for the elderly, for the disabled and for the homeless—if we are not working towards the joint goals of saving those key services and, in doing so, restoring the reputation of our city, what is a new consensus for?

It is very sad and shows a paucity of ambition if members of other parties feel that there are no alternatives. We believe that there are, and we have proposed them locally, nationally and in this debate. I hope that we can take action together locally and in a way that is supported by the efforts of MSPs across the chamber.

I congratulate Lewis Macdonald again on securing the debate and I congratulate the people who have travelled here to show their determination to fight for the great city of Aberdeen. They will not give up on ensuring that our council works for our citizens. We should all join them in that goal.

17:39

Nigel Don (North East Scotland) (SNP): I welcome the opportunity to debate an issue that is of considerable concern to the citizens of Aberdeen, although it is probably not of much concern to many other people.

I acknowledge the problems that the situation in Aberdeen has created for its citizens. I am a member of the Public Petitions Committee and I was present at the meeting on Tuesday, as were Lewis Macdonald, Brian Adam and Richard Baker. Richard Baker is right to point out the human issues that result from cuts in services, which we all acknowledge, whatever party we represent and wherever our experience lies. That is the nature of things. As I said at Tuesday's meeting, anything that the Government can do to improve the financial situation in Aberdeen must be welcomed.

I will take issue with a few comments that Labour members made, but first I accord Lewis Macdonald the opportunity of answering the question that Brian Adam asked him. Will he please say how much money he wants to be transferred from capital to revenue and where it will come from?

Lewis Macdonald: I am glad that Nigel Don showed me the courtesy that Brian Adam did not show when he refused to allow me to intervene. We said to the Cabinet Secretary for Finance and Sustainable Growth two months ago that it is not in our gift or the council's gift but in his gift to consider a transfer of funding from capital to revenue. I see that the cabinet secretary is shaking his head, which makes me a little anxious. However, in the context of capital projects of the scale of the £80 million Marischal college project, there is scope for moving funding from capital to revenue, which might offer part of the solution.

Nigel Don: I thank Lewis Macdonald for his response. I understand the point, but the response clarified that he has no particular number in mind, which is what I wanted to demonstrate.

I take issue with Richard Baker. There might have been reserves at the time, but overspending started on his party's watch, albeit that it has continued thereafter. I also take issue with the Labour Party's insistence on highlighting the situation in schools. It is abundantly clear to anyone who stands back and considers the numbers that if there are 30,000 school places

and only 22,000 pupils, modification of what goes on on the ground is needed. We can all argue about which schools should have been closed or merged, but such arguments have gone on since schools were built in the city and are no different this time round. The Labour Party should be a little more careful about backing that particular horse. The process of providing schools where the people are must go on. We must ensure that we maximise funding for teaching and pupils rather than funding for buildings.

Lewis Macdonald: Will the member give way?

Nigel Don: Forgive me, but I am struggling to keep to my time. There is much that we could say.

Aberdeen City Council has already created a budget monitoring board, which I understand has had at least one lengthy meeting. I have been told that opposition councillors were not present at the end of the meeting. If that is true—I think it is, because I have it on good authority—we need to send a message to the opposition parties on Aberdeen City Council that it is time to stop complaining and start contributing to discussions at council level on how to sort out the problems.

I acknowledge that the finances are not in our hands, but the cabinet secretary might have helpful things to say, although he might not—that is in his gift. The organisation of Aberdeen City Council is in the hands of councillors of every party. We must encourage councillors to pull their weight.

17:44

Andy Kerr (East Kilbride) (Lab): I, too, congratulate Lewis Macdonald on his hard work and endeavours on the matters that we are discussing. I also congratulate other members who are involved and the campaigners, some of whom I met today, who have done a sterling job to bring issues to do with Aberdeen City Council to the country's attention. I also congratulate the national press, working locally. *The Press and Journal* and the *Aberdeen Evening Express* have run vociferous campaigns to inform us about the challenges that the city faces—those used to be oft-quoted papers in Parliament, but they are not often quoted on the Government benches these days.

Members have spoken of political posturing. We are faced with one of the most damning reports on any local authority in Scotland. It is therefore right that we bring these issues to Parliament's attention. Lewis Macdonald and other Labour members have addressed the issues in a way that tries to provide solutions for some of the serious problems that the council faces. That cannot be called posturing.

On the subject of posturing, I watched an entertaining interview with Brian Adam on "Newsnight Scotland" in March, in which he said that we were scaremongering because the situation that the council is in happens every year. He said that all councils go through it, and that it is all about budget setting. Situations like this do not happen all the time. We have not seen a situation such as the one in Aberdeen for many years. *[Interruption.]*

Brian Adam can make sedentary comments, but if he looks at the transcript, he will see what he said that night—

Brian Adam *rose—*

Andy Kerr: It is in the transcript.

I say to the trade unionists, campaigners, and senior citizens who are losing services that of course this does not happen every year. A very special set of circumstances is involved.

Joe FitzPatrick (Dundee West) (SNP): Will the member give way?

Andy Kerr: I will finish the point.

Like his colleague Nigel Don, all Brian Adam has done is justify the cuts. He has done nothing to resolve the issue.

It is interesting to hear what the SNP has to say on schools. Fiona Hyslop, the Cabinet Secretary for Education and Lifelong Learning, is keeping a school open that Her Majesty's Inspectorate of Education and the council want to close not for economic reasons, but for reasons of educational value. The cabinet secretary is keeping a school in business and yet, when budget cuts drive education cuts, we hear nothing from her on the subject. Money counts on one occasion, but not on another. Educational value appears not to be the key issue in this instance.

I turn to the figures. The Accounts Commission was very clear about why the council is in the mess it is in. SNP members claim that the problems have been present in the council administration over the years, but that is a false claim. Ministers are saying that the pattern of significant overspending goes back to 2002, but that is not what the Accounts Commission demonstrated in its report.

I will go through the point in detail. In the seven years from 1996 to 2003, using provisional outturns—which was the Government's preferred measure of comparing budget estimates at the time—there was a range from a £4.75 million council overspend to an underspend of £2.7 million. The cumulative overspend during the seven years of Labour administration was £8.3 million—an average of less than £1.2 million a year. In my experience, such a figure is

unexceptional, particularly for an organisation that has a budget of £300 million a year.

By exactly the same measure, in the four years from 2003 to 2007, the overspend was £6.5 million in the best year and £17.5 million in the worst year. That is a cumulative overspend in just four years of £48.1 million—an average of over £12 million a year. When it comes to the figures, we must not mess about. Let us focus on who is responsible for the situation. We need to ensure that we work together, but we also need to understand from where the problem has emanated.

It is ironic that we are having the debate on the day after the meeting between the First Minister and the Convention of Scottish Local Authorities in which he spoke about power to the people and the enhancement of powers to local government. The self-appointed emperor of Scotland, Mr Salmond, is fiddling while Aberdeen services burn. That is inappropriate. He does not understand the real issues that campaigners are bringing to Parliament. The First Minister has said that he will not leave Aberdeen in the lurch. I suspect that he will.

17:48

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I congratulate Lewis Macdonald on securing the debate and on providing me with the opportunity to put on record the Government's position on the situation in Aberdeen City Council. I am also grateful for the opportunity to address some of the remarks that have been made in the debate.

The findings of the Accounts Commission and the report that the Social Work Inspection Agency published, along with the controller of audit's report on the property issues that relate to the council, make it clear that the difficulties that face the council are of long standing. Frankly, the council's present financial position is a product of years of avoiding the issues that faced it.

In its report, the Accounts Commission states that

"the council is in a precarious financial position."

As I recorded in my letter to Nicol Stephen of some weeks ago,

"the Council has spent ... £50 million more than they had budgeted to spend in the period 2002-07."

That is an unsustainable position. Although we can endlessly exchange blame across the chamber about where the overspend has come from and where the money has gone, that is the reality that faces Aberdeen City Council. Nobody can doubt the statistic that I have just put on record: in the period from 2002 to 2007, the

council spent £50 million more than it budgeted for.

Lewis Macdonald: Does the cabinet secretary nonetheless accept the point that Andy Kerr has just made that including 2002-03 in that series is entirely misleading, as that year is much more aptly included in the series of seven years of Labour administration, when the overspends at no point exceeded £5 million on provisional outturns? Indeed, the cabinet secretary will know that, on final outturns, in all those seven years, including 2002-03, there was an underspend by Aberdeen City Council.

John Swinney: Mr Macdonald can put on the record as many numbers as he wants to, but in the period from 2002 to 2007, the city council spent £50 million more than it budgeted for.

The Accounts Commission report sets out that the city council's financial position is "precarious". That is not the first time that that word has been used in connection with the council's finances. In 2005-06, precarious was exactly how the council's overall financial position was described in its external audit report. That substantiates my point that the issues have been around in the city council for some years and left unattended to.

The Government takes the findings of the Accounts Commission report and the Social Work Inspection Agency report extremely seriously. I have written to and met the leadership of Aberdeen City Council and made clear my strong concerns over the findings directly to the leadership. I explained that I expect the council leadership and all members of the council to take swift and effective action to make progress on the commission's recommendations and to address the issues that are raised in its report. I will monitor the situation closely to ensure that the council takes the swift and effective action that is necessary to improve its position. The council should be in no doubt that I reserve the right to use the statutory powers that are available to me should I consider that the council has not taken appropriate action.

If the council is to overcome the substantial challenges that it faces and meet the reasonable expectations of people in Aberdeen—I accept that many people in Aberdeen feel strongly about some of the issues that we are debating—everyone within it must play their full part in the process. The political administration must pursue the necessary improvements with pace, purpose and clear direction, never losing sight of the fact that its key purpose is to secure better services and outcomes for people in Aberdeen, now and in the future. I expect the political opposition to deliver on its commitment to work with the administration to bring about the necessary improvements.

I agree with Nanette Milne that it is time for everybody to focus on the way forward for Aberdeen City Council. Over many months, the citizens of Aberdeen have been treated to an exercise in trying to apportion responsibility. We now know the factual basis, from the Accounts Commission report. It is now time to focus on solutions. In that respect, the realities of the financial situation that faces Aberdeen City Council cannot be avoided by anybody, whether they are in the council leadership or the opposition. That is why it is important that, rather than play games, everybody subscribes to taking part in the leadership board that the Accounts Commission has said is required to ensure that the improvement plan that emerges from the city council leadership and is discussed by the city council results in the improvement and recovery that are required.

I confirm to the Parliament that I have received from the city council the draft improvement plan, which is designed to tackle the findings of the Accounts Commission and SWIA reports. The plan will be considered by the full council in due course. The council leadership has worked hard in recent days to produce the plan, with support from COSLA, the Improvement Service and a panel of councillors and chief executives from elsewhere in Scotland. I welcome the fact that the council leadership proposes to seek external assistance from its peers; that it is establishing an all-party leadership board; and that it will appoint an independent local government finance expert to assist in addressing its financial position. Those are welcome and swift responses from the council to the demand for action that I made during my meeting last Thursday.

Of course, the drafting of the improvement plan is only the start of a challenging journey for the council. However, at this stage, I am broadly satisfied that it reflects a reasonable and genuine effort to address the most pressing issues. I will take comfort if the council approves the plan and takes the necessary action on the issues.

I conclude with some words on the role of the Scottish Government. We have made it clear that we will review and revise the funding formula for local authority services in consultation with COSLA. In recent months, the Scottish Government has provided direct support to Aberdeen City Council in a range of ways. We have supported the partnership between the Government, the council and the Wood Family Trust to transform some of the council's services into social enterprises—a route that the Parliament should agree has merit.

A whole range of other interventions have been made to ensure that Aberdeen City Council can be supported through the difficulties. I have given a

pledge to consider the capitalisation issues that Lewis Macdonald has raised, but I point out to him that any measures will require approval from the Treasury.

Meeting closed at 17:55.

Aberdeen City Council must face up to the challenges raised by the Accounts Commission report. Every single member of the council must face up to them, and I will expect every member to contribute to the process.

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