

# **MEETING OF THE PARLIAMENT**

Thursday 26 June 2008

Session 3

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## Scottish Parliament

*Thursday 26 June 2008*

[THE PRESIDING OFFICER *opened the meeting at 09:00*]

### Parliamentary Bureau Motion

**The Presiding Officer (Alex Fergusson):** Good morning. The first item of business this morning is consideration of business motion S3M-2272, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on the suspension of standing orders.

*Motion moved,*

That the Parliament agrees that Rule 12.3.3A of Standing Orders be suspended for the purpose of allowing the Standards, Procedures and Public Appointments Committee to meet in the afternoon of Thursday 26 June 2008.—[*Bruce Crawford.*]

*Motion agreed to.*

## Scottish Parliamentary Pension Scheme Committee (Bill Proposal)

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-2068, in the name of Alasdair Morgan, on behalf of the Scottish Parliamentary Pension Scheme Committee, on a proposal for a committee bill.

I remind members that all contributions should be made through the chair.

09:01

**Alasdair Morgan (South of Scotland) (SNP):** I do not often get the chance to contribute to debates, so I am grateful to the Parliamentary Bureau for scheduling the debate in a prestigious slot. Debates at 9 in the morning on a Thursday tend not to bring out the majority of my colleagues, and I suspect that the fact that the debate falls on the morning after the parliamentary journalists dinner has added to that tendency. However, perhaps the attendance shows either that we are not all self-interested in our pensions, or perhaps that our colleagues have lots of confidence in the committee that is looking after the matter.

In any event, I am pleased to present to Parliament the Scottish Parliamentary Pension Committee's report, which recommends that there be a committee bill to replace the existing rules on the Scottish parliamentary pension scheme and the payment of grants to members and office-holders when they leave office. Before I explain why we need such a bill, I thank those who contributed to the process. First, I thank my fellow committee members for their valuable contributions in developing the committee's report. Secondly, I thank the committee clerks and legal advisers, who worked so hard to support members of the committee. I have to say that those thanks are not simply the conventional ones that we give on all such occasions—I genuinely thank the staff and my colleagues for all the work that they put in on this complex issue. Indeed, in this morning's short debate, we will be able only to skim over the surface of the matter.

Thirdly, I thank those who responded to our consultation document. Finally, I thank those who came forward and gave oral evidence to the committee, including the Scottish Public Pensions Agency, the Government Actuary's Department, Sir John Butterfill from the Westminster contributory pension scheme, Alun Cairns, who is chairman of the National Assembly for Wales members' pension scheme, and our own Mike Pringle, who gave evidence on behalf of the Scottish Parliamentary Corporate Body, which administers the current scheme. In particular,

Grant Ballantine of the Government Actuary's Department went a long way towards giving an intelligible explanation for, and putting a human face on, what most of us regard as a black art rather than a science. John Butterfill and Alun Cairns showed us the standard of knowledge and expertise that we in the Parliament should expect of any future trustees of our pension fund if we decide to go down the proposed route.

The Scottish parliamentary pension scheme is similar to the parliamentary contributory pension scheme at Westminster and has been in operation since the Parliament was set up in 1999. Looking around the chamber, I see some members—I could even say old lags, if that was a parliamentary term—who have been contributing since the inception of the scheme, just as I have. How time flies when we are really enjoying ourselves. The rules that cover grants for members and office-holders are also similar to the rules that are in place at Westminster. They, too, were introduced in 1999.

Why do we need to change the rules that govern our pensions and grants? First, they were set up under transitional provisions at Westminster and were always intended to be replaced by an act of the Scottish Parliament. Indeed, because of the transitional arrangements, it would not be possible for us to make any changes to the rules that govern pensions and grants without going down the proposed route.

Secondly, and perhaps more significantly, some major legislative changes at United Kingdom level since 1999 have affected all pension schemes. The main ones are in the Finance Act 2004 and the Pensions Act 2004, which have transformed the tax and legal environment in which pensions schemes operate. In fact, some changes have legally to be made by April 2011—doing nothing is not an option.

Having established the need for changes, Parliament set up a cross-party committee to consider and take evidence on the existing rules for the pension scheme and office-holders' grants and pensions, to report to Parliament on its findings and to set out the changes that we consider necessary and the provisions that should be contained in the proposed bill. To seek views on that, we issued a consultation document on 17 October last year to both current and former MSPs and office-holders, and to a wide range of outside bodies with an interest in pensions. We then took oral evidence from a number of experts whom I have already mentioned. We were mindful of the recommendations that had been made by the Senior Salaries Review Body in Westminster in its triennial report on MPs' and office-holders' salaries, pensions and allowances at the beginning of last year, and we were also mindful of

the pension arrangements that are currently in place in the other UK parliamentary and assembly bodies.

One of the first issues to consider was the role of the Scottish Parliamentary Corporate Body, which is responsible for management and administration of the scheme. We recognised that, on one hand, the corporate body is responsible for funding the pension scheme through pension contributions from its budget—in effect, from the public purse—while on the other hand it has a fiduciary duty to act in the best interests of scheme members. The committee believes that there is a potential conflict of interests between those two roles or, at least, a perception of such a conflict. That view was also expressed by the corporate body when it gave evidence. We therefore recommend that, in line with other parliamentary and assembly pension schemes in these islands, a separate board of trustees be set up to manage the scheme in order to reduce the potential for any conflict of interests.

To bring the scheme into line with general changes to pension legislation, we recommend that express provision be made for pension sharing on divorce, which was introduced by the Welfare Reform and Pensions Act 1999, and to take account of the new status of civil partner, which was introduced by the Civil Partnership Act 2004.

On scheme benefits, we recommend introducing a second accrual rate of one fortieth, giving members and office-holders the chance to accrue pension benefits more quickly, but at their own expense through a higher contribution rate of 11 per cent. It is worth emphasising that, although an accrual rate of one fortieth may seem generous—our current accrual rate is one fiftieth—it will be paid for entirely by the members. Indeed, we anticipate that the sum total of changes to the pension fund and the other payments that we deal with in the report will show some benefit to the public purse. I hope that that will be borne out when we publish our financial memorandum—if Parliament decides to proceed with a bill.

We also recommend that the amount of pension awarded on ill-health retirement grounds be linked to the degree of ill-health suffered—we consider that there should be two levels of pension payable. A stringent test should be applicable for severe ill-health pensions, requiring that the member's ill-health must be such as to prevent the member from performing the duties of any paid occupation, not just those of an MSP. The pension received following that test would be the same as that which is provided under the current rules, which is an enhanced pension. A second, and lesser, category of ill-health retirement should be introduced for those who are assessed as being

unable adequately to carry out their duties as an MSP but who could carry out other employment of a different nature. Under that category, an ill-health pension based on years of service would be payable with no enhancement.

The committee believes that the table that is used to calculate early retirement benefits, which is based on age and service, could be seen to be discriminatory or, at the very least, inequitable. We therefore recommend removing that table and instead using actuarially neutral factors to calculate early retirement benefits.

That was a scamper through the report. In summary, we think that our recommendations will deliver a modern, affordable and equality-proofed scheme that will provide a range of benefits that strike an equitable and proportionate balance between the level of benefits and the cost to the public purse.

I move,

That the Parliament agrees to the proposal for a Committee Bill under Rule 9.15 contained in the Scottish Parliamentary Pension Scheme Committee's 1st Report, 2008 *Scottish Parliamentary Pension Scheme* (SP Paper 103).

09:10

**David McLetchie (Edinburgh Pentlands) (Con):** As members of the Scottish Parliament, all of us are members of a public sector pension scheme whose characteristics are that benefits are defined by reference to final salary, that pension payments are index linked and that the employer's contribution is ultimately paid by the taxpayer.

Like many members, before the Parliament's arrival, I spent most of my working life in the private sector. I was self-employed and had a retirement plan with Equitable Life, so I assure members that I am sensitive to the pressures and problems that many people have experienced with private sector pension schemes and personal pension plans. As we know, many private sector schemes have been closed to new entrants. The recent experience at Grangemouth shows that proposed changes to schemes have even triggered industrial action.

When four of our members were asked to sit on the Scottish Parliamentary Pension Scheme Committee to examine and update our pension scheme—which we inherited from Westminster as part of the devolution settlement, as the committee's convener said—all of us were concerned to ensure that any changes that we proposed as a result would be fair and affordable to members and taxpayers alike, and that they would bring the scheme into line with the new rules in legislation governing pensions, and with

wider legislative requirements on age and sex discrimination. We were also concerned that any enhancements to the scheme's provisions would be paid for from members' contributions or from savings that were achieved elsewhere. I am satisfied that the scheme that is recommended in the committee's report meets those criteria. On that basis, I am happy to recommend the proposal to Parliament and to invite members to support the motion.

Alasdair Morgan has thanked everyone else, so I thank him for the excellent job that he did of convening the committee in his characteristically canny and pawky style. As he did, I thank the clerks and advisers who steered us through the thickets of pension law.

As members know, economics is described as "the dismal science" and actuaries are described as people who found accountancy too exciting. However, being a member of the committee was interesting. I learned much about a complex subject, and the most important fact that I learned was that all pension schemes—our own, others in the public sector and private sector schemes in the wider world—must be fit for purpose. Pensions represent deferred remuneration to the employer and a savings scheme to the employee. We must ensure that pensions for everyone in our society are fair and balanced, that the rules of schemes and plans reflect society as it is and how people live, and that schemes seek to give people security and dignity in retirement.

I am satisfied that our scheme meets those tests and that the proposed changes are fair, balanced, reasonable and affordable. On that basis, I am happy to support the motion.

09:14

**Hugh O'Donnell (Central Scotland) (LD):** I do not want the debate to sound like an Oscars ceremony but, like previous speakers, I thank the clerks and particularly the expert witnesses who guided the committee through the minutiae of a complex subject.

It is difficult to say much more than that, although there are many reasons why we members can be regarded as being in a privileged position. Given the wider issues concerning pension schemes, to which Mr McLetchie referred, we are fortunate to be beneficiaries of a good and effective pension scheme that, because of the proposals in our report, will be brought into line with the rules and regulations and which will, critically, place no greater burden on the public purse than it currently does.

As I look round the chamber—I apologise in advance for what I am about to say—it is interesting to see that most members sitting here

are perhaps of more mature years. Perhaps there is an element of vested interest in our being here, in that increasing age does concentrate the mind in such matters.

With those brief remarks, I support the report and the motion in Alasdair Morgan's name. Again, I thank everyone who was involved in helping us work our way through the subject.

09:16

**Andrew Welsh (Angus) (SNP):** Pension debates are necessary, but are never the most popular occasions; indeed, their attractiveness is probably proportionate to the age profile of MSPs. The presence of younger members would, indeed, be a sign of remarkable foresight.

The time is right for such a pension review and revision. As a member of the SPCB in the first and second parliamentary sessions, I was involved in approving the original pension scheme. I pay tribute to the parliamentary officials who have ensured its smooth working, because there was no real guide or precedent in this newest of Parliaments. Although the original scheme had some anomalies that have had to be sorted out, most of the original decisions were sound.

However, after nine years, it is the right time to put the whole system to the test, and to update and improve the scheme on the basis of experience. There were no Scottish Parliament pensioners when we started out, and their numbers are not yet great, but I am sure that time will soon cure that problem of scarcity.

The Scottish Parliamentary Pension Scheme Committee and its clerks certainly spread the net widely in their evidence taking, which involved meetings, a lunchtime drop-in session and evidence from trustees of other parliamentary schemes, as well as the oral and written evidence that they received, which the committee has used well.

I wish to address my remarks to a particular aspect of the proposed changes. So far, responsibility for management and administration of the pension scheme has rested on the shoulders of the SPCB. Guardianship of the Parliament's pension fund provision is, in fact, only one part of the massive range of corporate body responsibilities that cover the day-to-day working of everything that takes place in this building, from clerking, information services, security, staffing, legal and other services, repairs and maintenance, to every daily activity here. The decision making and ultimate responsibility lands on the agenda of the corporate body. Indeed, that fact of life was especially onerous during the long drawn-out saga of the construction of this building.

I therefore welcome report recommendations 1 to 9 regarding changes to the management and administration of the pension scheme, which propose that trustees be appointed to manage and administer the scheme. That will bring the Scottish Parliament scheme into line with the UK Parliament and National Assembly for Wales schemes, which have separate bodies dedicated to management of their members' pension schemes. The appointment of trustees will ensure that there will be no perceived conflict of interests, and will allow the trustees to be dedicated specifically to considering pension matters. The separation of the roles of employer and scheme sponsor is a sensible way forward for both the SPCB and future trustees. I welcome that recommendation.

The report also set out several consequences of such a division of responsibility and gives clear signposts for future decisions and for the relationship between the SPCB and the trustees regarding assets and liabilities. The report also signposts how the trustees should be appointed and how many there should be; how many staff they should have to advise and assist them; and how the trustees should report to Parliament.

I commend the committee for its balanced approach and for its acknowledgement of the continuing role of the SPCB through standing orders and the process of making changes through parliamentary action. If Parliament agrees to this pension scheme proposal, I wish all future trustees well in their work and decision making, which will affect the wellbeing of every present and future member of our national Parliament. Well done, the committee.

09:20

**Peter Peacock (Highlands and Islands) (Lab):** Like other members of the Scottish Parliamentary Pension Scheme Committee, I pay tribute to the committee clerks, who helped us through a difficult and complex procedure, and to Alasdair Morgan. I echo Hugh O'Donnell's observation: it is interesting that with some notable exceptions the members who are present for this debate are of a certain age. I suggest not that those members have a growing interest in the subject, but that they bring commendable experience and wisdom to the proceedings.

As Alasdair Morgan and other members said, the pension provisions for members of the Scottish Parliament are rooted in the Westminster scheme. Since the Parliament was created, various changes have been made to the Westminster and National Assembly for Wales schemes and to the law, which require us to examine and update our scheme. The Parliament has come adrift from its colleague Parliaments at Westminster and in



Wales, which provide the comparators for our scheme, and we will be adrift of legal requirements unless we make changes to our scheme by 2011.

It is worth recording that because members of the Scottish Parliament receive only a percentage of the salary that Westminster members of Parliament receive, they get only a percentage of the pension that Westminster MPs receive. Given the other changes to which I referred, that means that MSPs' pensions are a percentage of a percentage. I hope that some day the Scottish Parliament will gain confidence and self-respect in its efforts to rectify the anomalies of lower pay and lower pension. I do not suggest in any way that Westminster parliamentarians do not deserve their remuneration—far from it—but it cannot be right to believe that MSPs work less hard or carry less responsibility than do members who serve in Westminster. I hope that the matter will be addressed in the future.

It is worth repeating that the committee's findings were unanimous, and noting how little commentary on or disagreement with the proposals there was. I am sure that some people outside Parliament will disagree with the proposals—some people might even disagree with the proposition that MSPs should receive a pension. However, everyone needs to plan for his or her retirement. This comment, from the website of the association of former members of Parliament, was pointed out to me recently:

"Few voters or even newspapers ever realise that the average length of service for a Member of Parliament is about 8 years. Sooner or later the guillotine falls. Either the voters feel like a change and sack them, or their local parties deselect them. Or their constituency boundaries change ... Their secretaries and staff also lost their jobs too. What happens to the losers then? Nobody knows ... Many sacked MPs suffer serious problems in getting other jobs."

Members of all parties know from experience that many colleagues who have not returned to the Scottish Parliament have struggled, sometimes for a long time, to find alternative employment. To try to offset some of those problems, the committee recommended that MSPs should be able to choose—I stress "choose"—to accrue pension rights more quickly than they can do under the existing scheme. However, as Alasdair Morgan said, MSPs will have to fund those accelerated benefits themselves. The cost to MSPs would be an extra 5 per cent of their salary, which would take their contributions to 11 per cent. That is the basis on which we recommended an option to have an accrual rate of one fortieth per year. It is crucial that individual members understand the cost of making that choice. My point about accrual is linked to my point that by definition our profession brings job uncertainty.

It is right that the committee proposed the removal of the rule whereby a member must have 15 years' service before he or she becomes eligible for early retirement, especially given that a person's parliamentary career can be very short. Under the proposed new arrangements, members who are over 55 would be able to access their own funds, some of which might have been transferred from other pension funds when they entered Parliament. Therefore, a member would have access to funds at a critical stage of his or her life and career. Under the current arrangements, that cannot happen until a member has served 15 years, which seemed wrong to the committee. Any pension payable under the proposed new rules would be reduced by 4 per cent for each year in which the member was retired before they were 65, for the whole life of the pension, so it would be no soft option. That substantial penalty was recommended following advice from the Government actuary.

As David McLetchie, Hugh O'Donnell, Alasdair Morgan and Andrew Welsh indicated, the changes strike the right balance between the interests and needs of members and the interests of the public purse. They are modest improvements at one level and necessary revisions of the law at another level. They are sensible and measured recommendations and—as Alasdair Morgan said—they will come at no cost to the public purse. I encourage members to support them at decision time.

**The Presiding Officer:** Before I close the debate, I have a further request from Hugh O'Donnell. I can allow you to make a brief comment, Mr O'Donnell.

**Hugh O'Donnell:** Thank you, Presiding Officer. I formally apologise to all who are present in the chamber for my late arrival in the midst of Mr Morgan's opening remarks.

**The Presiding Officer:** Thank you for that courtesy, Mr O'Donnell.

## Flooding and Flood Management

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-2208, in the name of Roseanna Cunningham, on the Rural Affairs and Environment Committee's report on flooding and flood management.

We have already eaten a little into the time that is available, so I ask members to stick closely to their allocated times. I call on Roseanna Cunningham to speak to and move the motion in her name.

09:26

**Roseanna Cunningham (Perth) (SNP):** We all remember the images from England last year when very serious flooding took place in the middle of the summer. The devastation and distress were only too evident, and the consequences are still being felt by families and businesses throughout the flood-hit areas. In the Scottish context, with the floods in Elgin still relatively fresh, and given the certainty of new legislation on both flooding and climate change, the subject of the first inquiry of the Rural Affairs and Environment Committee in the current session was the unanimous choice of the whole committee.

I thank all those who have been involved in the committee's work, including the clerks, in particular Mark Roberts and my now departed clerk Andrew Mylne—who has departed to another job rather than departed Earth—and the researchers, in particular Tom Edwards. I also give a special mention to the Scottish Environment Protection Agency, Glasgow City Council and WWF Scotland, which organised a series of visits for committee members in November last year.

The timing of the inquiry was unusual, in that it ran parallel to the Government's consultation on its legislative proposals, which ensured that there were a number of inbuilt challenges. I look forward to hearing from the Minister for Environment about the Government's intended direction of travel and, although I do not expect the normal detailed response to the inquiry, I nevertheless remind both the Cabinet Secretary for Rural Affairs and the Environment and the minister that the committee inquiry ranged further than what is intended for the legislation. I have just received the written response to our recommendations—unfortunately I have not had the opportunity to read through it, so I look forward to seeing the comments.

The committee wished to ensure that its views were taken into account by the Government, so our timetable was very much governed by that requirement. I thank all the witnesses who gave of their time to the inquiry, especially those who

attended the meeting in Elgin. That was no doubt a welcome decision for the Moray-based witnesses, but it may have been less welcome for those who travelled from Glasgow and Edinburgh. The report is long and detailed, so it is impossible for me to cover its every aspect and recommendation, but I will highlight the most important areas that it covers.

We began the inquiry against the backdrop of climate change. Our first evidence came from the Met Office. Professor John Mitchell told the committee that our past climate was no longer a safe guide to what might be expected in the future. He also gave us a stark warning that there is little point in trying to prevent flooding, and that we will instead have to become better at managing it. Much of the inquiry centred on such management.

We heard evidence from the Met Office about the serious lack of high-resolution radar coverage of Scotland, despite such coverage being necessary for accurate flood warnings. Only 50 per cent of Scotland is covered, compared with 95 per cent coverage of England and Wales. That finding, which surprised and shocked all committee members, forms the basis for recommendation 21.

The witnesses from the Met Office were also among the many witnesses who pointed to a serious shortage of hydrological expertise in Scotland. That skills issue clearly needs to be addressed. The committee believes that Government must be proactive on that front, which forms the basis for recommendation 5.

As the evidence sessions progressed, it became clear to us that chief among the changes that we had to consider was the likelihood of an increase in pluvial flooding, in which drainage systems are simply overwhelmed by the amount of water with which they have to deal. Members might recall that the flooding in Hull and Sheffield arose from that very problem.

Scottish Water witnesses were keen to point out that we simply cannot afford to keep building bigger and bigger drains and pumping stations to direct water away from settlements, and that we must instead either prevent or slow down the rate at which water enters drainage systems. Although many witnesses acknowledged the importance of that issue for the future, there was no agreement on where responsibility for directing such activity lies. The committee therefore took the view that the Government must set out a pathway and provide funding to ensure that the potential for pluvial flooding is mapped and addressed. As recommendation 2 makes clear, key to that would be Scottish Water's objectives giving greater priority to pluvial flood management.

Pluvial flooding was just one of the more strategic issues which we had to consider, but it soon became evident to the committee that time and space are also important. I realise that that might sound like something from an episode of "Doctor Who", but we discovered that we need to change both the temporal and spatial scale of our thinking on flooding. As a result of that consideration, witnesses overwhelmingly agreed that what is required is catchment-based management. That view is reflected in recommendation 14.

To reflect our view that we need to think over a much longer timescale than we do at present, we have also suggested that there should be a 25-year strategy to guide prioritisation of investment in flood management. However, we must also look for clear criteria for prioritising funding of future flood management.

There was also a significant debate about who should be involved in the strategic control of flood risk management and how that should be carried out. It is fair to say that on this there was no unanimity among witnesses. Essentially, the issue boils down to whether there should be a new strategic flooding agency—or, indeed, a tsar—or whether the responsibility should be imposed on SEPA. With no clear steer from witnesses, the committee deliberated on the matter and decided that, if we were to recommend the establishment of a new agency, we would in effect be reinventing the wheel—in this case, SEPA, which already exists. As a result, the committee concluded that SEPA's role should be expanded to encompass the strategic flood management role—which, of course, would have resource implications for the organisation. In our view, that did not mean that SEPA should have sole responsibility for the role, but that it should co-ordinate the large number of existing bodies, such as local authorities, that also have roles. The committee specifically does not see the model of the Environment Agency in England and Wales as being suitable for Scotland.

There was throughout the inquiry also significant discussion about the merits of natural flood management techniques. It is fair to say that even the proponents of natural flood management do not argue that it should be the only weapon in our armoury. Given some members' bemusement over the issue at the start of the inquiry, we were grateful for the clear distinction that was drawn between sustainable flood management and natural flood management. The committee feels that further research is needed into the effectiveness of natural flood management; however, as recommendations 14 and 15 make clear, on balance we take the view that there should be a presumption in favour of natural flood management techniques. We feel that, although such techniques should not be mandatory, they

would have to be the first port of call when dealing with flood management and justification would have to be given to depart from them. That said, it is not expected that that would mean an end to hard solutions, which would still have a role to play.

Equally, it became clear to the committee that flood management is not just about flood plans per se; the planning system, building regulations and land use all have parts to play. We have therefore made a number of recommendations, the more important of which refer to the planning system. In that respect, we commend the approach taken by Dumfries and Galloway Council, which has compared its strategic plan with its flood risk plan to ensure that the two are compatible. However, the committee has gone further in suggesting in recommendation 18 that full flood risk assessments should be a prerequisite for planning permission for developments in areas at risk of flooding. That said, Scotland—and, indeed, the Government—should take some comfort from the fact that the insurance industry already regards the Scottish approach to flood management as being better than that which is taken in England and Wales. The Government might wish to build on that by persuading insurers to reflect that belief in their premiums, which is not something that they do at the moment.

Finally, I turn to an area that was covered by our inquiry but which will not be dealt with in the proposed bill—the system of flood warnings and the emergency response to the devastation that we see in the aftermath of flooding. Although that is an area in which constant updating is probably required, it is clear from evidence that the present arrangements are widely viewed as being unsatisfactory. The Government must address that situation, even if the anticipated bill is not the right vehicle for doing so.

There needs to be greater emphasis on dissemination of flood warnings. Witnesses made it clear to us that in many cases messages are simply not getting through. Flood victims in Elgin, in particular, provided compelling testament about the extent to which they were unprepared for what happened. Committee members were surprised that it seemed almost that there were parallel but unofficial warning systems in place, the most effective of which was the anecdotal evidence that was received by businesses such as those in Elgin that had a great deal to lose if they were caught unprepared. The fact that those businesses relied on unofficial warning systems because the official warning systems were simply not fit for purpose is a big indictment of the present arrangements. It seems to be extraordinary that phoning the farmer up the road is a more effective way of managing a potential flood than is relying on official warning systems. Our report makes a number of

recommendations in that general area, and I hope that the minister will take them under advisement separately, even if they do not form part of the upcoming bill.

In one particular regard, the recommendations must be considered, if only out of a sense of fairness. Time and again, witnesses told us that individual home owners had to take responsibility for taking steps to protect their properties. We heard that from the insurers, the police and others. When they were questioned about what information their bodies give to home owners to inform them of what steps could be taken, the witnesses all fell silent. That is not good enough: if we are to demand individual responsibility, we must give people the information and wherewithal to help them fulfil that responsibility. In that regard, I direct the cabinet secretary's attention to recommendation 24, and I look forward to hearing his response—he might have to pass the matter on to another minister. I commend the report to Parliament.

I move,

That the Parliament notes the conclusions and recommendations contained in the Rural Affairs and Environment Committee's 2nd Report, 2008 (Session 3): *Flooding and Flood Management* (SP Paper 96).

09:37

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I warmly commend the committee for its thorough investigation and report, which are certainly helping to ensure that flooding remains firmly on the Parliament's agenda. The report contains many useful and important recommendations that we are considering with great care. We have now published our initial response to the recommendations and will continue to build the committee's work into our thinking in the time ahead.

We welcome this morning's debate on the ever-increasing threat of flooding in Scotland. Floods inflict devastation on people's lives, on communities, on property and on Scotland's precious environment. As Roseanna Cunningham said, to understand the seriousness of the issue, we need only look at the devastating impact of last summer's floods in England and Wales. There is no doubt that Scotland will be able to learn valuable lessons from Sir Michael Pitt's review, which was published just this week.

We must remember that flooding is a natural process that has been made more problematic by human activity. Historically, we have constructed dams, straightened rivers, built on flood plains, constructed artificial drainage systems and removed natural vegetation. Now we must assess

how we can deal with those man-made problems in the most sustainable way in the decades ahead.

Research into climate change tells us that we can expect an increase in the flood risk for all types of flooding. Given that that increased risk stands to affect Scotland's economy and society as a whole, how we manage it is one of the biggest challenges that Scotland faces in the 21<sup>st</sup> century. Tackling climate change and the rising sea levels and extreme weather events that it causes, which have consequences for communities both in Scotland and around the world, is also a priority for this Government. That is why we plan to introduce a climate change bill.

Those of us who represent communities that have experienced severe flooding will know that the committee has confirmed such communities' view that the present statutory framework is not up to the challenge. Legislation from the 1960s is not fit for purpose in the 21<sup>st</sup> century. That is why we have decided to take a completely new approach to flood risk management in Scotland. We all know that a number of key players deal with the many sources of flooding, but there is a lack of co-ordination of the various powers and duties that exist under different pieces of legislation. That lack of co-ordination is the result of the absence of a national framework within which our local authorities, Scottish Water, SEPA and others can take decisions on the management of flood risk.

The bill that we will introduce in September will change all that and will establish a modernised and sustainable approach to flood risk management. It will address many of the concerns that the committee's report highlights. The bill will encourage sustainable flood management at a catchment scale, allowing local authorities and others to take the best possible approach to the flood risk in their areas. The options will range from traditional defences in urban areas to improved flood warning and natural flood management measures where appropriate. The bill will make available to the public and the responsible authorities better information on the risk and consequences of flooding from rivers, the sea, extreme rainfall events and groundwater. It will improve flood risk management planning at the strategic level and ensure that flood risk management plans are prepared for all areas that are at a significant risk of flooding. It will also transfer the enforcement responsibilities under the Reservoirs Act 1975 to a single national body and introduce a compulsory post-incident reporting system, which will create a uniform approach to enforcement of that act throughout Scotland.

We set out many of our proposals for those changes earlier this year in "The Future of Flood Risk Management in Scotland—A Consultation Document". In addition to the formal consultation

process, we developed our proposals with the assistance of the flooding bill advisory group. Of course, we also held stakeholder events throughout Scotland. At those public meetings, we heard at first hand the views of individuals who have been affected by flooding and we intend to learn from their experiences.

We are extremely grateful for the consideration that the Rural Affairs and Environment Committee gave to flooding and flood management during its recent inquiry. I welcome the recommendations in the committee's report, which are generally in line with the proposals that we have developed for the bill and with the results of our public consultation. I will comment on some of the committee's key recommendations. We agree with the recommendation that SEPA should be given the role of competent authority and that it should take the lead at a national level on flood risk management. However, local authorities will be identified as responsible authorities for flood risk management and there will be scope for designating other bodies, such as Scottish Water, as responsible authorities and giving them a duty to collaborate to deliver flood risk management plans. Co-operation and collaboration between the bodies that are involved in flood risk management are essential, so that will be one of the core elements of the flooding bill. We agree that catchments should be the basis of flood risk management. The flooding bill will give SEPA the responsibility for identifying appropriate catchments for managing flood risk.

We agree with the committee that the Scottish Government should retain a national budget to fund research and other overarching flood management initiatives. However, it remains our view that local authorities' expenditure on flood risk management should be supported through the local government settlement. It will then be the responsibility of each local authority to allocate the total financial resources that are available to it on the basis of local needs and priorities, having first fulfilled its statutory obligations and the agreed priorities in its single outcome agreement.

The committee recommended that the Scottish ministers remain involved in the process of approving proposals for strategic flood prevention schemes. We have considered that issue with great care and taken full account of the responses to the public consultation. We agree that our present process is not working, but we consider that the committee's proposal is not necessarily the best way forward. One main concern with the current process for flood alleviation schemes is the length of time that it takes for such schemes to complete the required statutory process. The responses to our consultation on the future of flood risk management showed that a clear majority, including a majority of local authorities,

considered it appropriate to take a local authority-led approach to the approval of flood risk management measures, rather than retain the existing process of ministerial confirmation.

Therefore, the bill will establish a new local authority-led approval process for flood risk management measures, which will enable the Scottish ministers to call in proposals, but only where appropriate. That must be right. Ministers should be involved when an issue cannot be resolved locally—that is a valid role, but it is not a valid role to have to approve every single local authority proposal. We simply do not see how that can accelerate the process. As Parliament is aware, the Scottish Government's intention is to stand back from micromanaging the delivery of local authority objectives. The new approval process in the bill will ensure that the Scottish ministers meet that goal while maintaining a role in the process of approving proposals for flood risk management measures, when necessary.

The new statutory process that will be set out in the flooding bill will streamline procedures by enabling deemed planning consent. The process should also shorten the time that it takes to get approval for non-contentious measures. In doing so, it will continue to ensure that individuals and organisations who are directly affected can object to proposals, without allowing the approval process to be extended unreasonably.

We welcome the committee's recommendation that the Scottish Government establish further pilot studies to assess the contribution that natural flood management measures can make at catchment scale. We acknowledge that natural flood risk management is an important component of sustainable flood management. Detailed studies across a range of catchment scales are required to establish a credible body of evidence on how natural flood risk management could sit with other proven, sustainable, catchment flood risk management measures. We are in the process of establishing a natural flood risk management working group, which will advise on future pilot studies to improve our understanding of the contribution that natural flood risk management can make to reducing flood risk. The forthcoming bill will enable the most sustainable approach to flood risk management to be taken in each case.

The Rural Affairs and Environment Committee has asked us to consider a number of other policy issues that do not relate directly to the bill, as its convener, Roseanna Cunningham, pointed out. I confirm our commitment to address those issues in due course and to continue to work with the committee on the way forward.

We all share a desire to prepare Scotland better for the threat of flooding. We look forward to working with the Rural Affairs and Environment

Committee, the Parliament and the rest of Scotland in the times ahead to achieve that end. Flooding is one of the biggest threats facing Scotland in the 21<sup>st</sup> century. It is a threat to our people's lives, to our property, to our communities and to the environment. It is also a global issue. We look forward to working together to tackle those issues head on in the times ahead.

**The Presiding Officer:** I ask members who are speaking and those who are sitting close to them to ensure that their telephones and BlackBerrys are turned off. Quite a lot of interference came through during the cabinet secretary's speech.

09:46

**Sarah Boyack (Edinburgh Central) (Lab):** We very much welcome the Rural Affairs and Environment Committee's report, which is timely given that the Pitt report, which contains recommendations arising from the experience in England last summer, was published only this week. There are echoes there of Roseanna Cunningham's point about the need for better awareness and flood warning systems, which need to be reviewed and overhauled in Scotland, too.

There is now much greater awareness, not just in the Parliament but among the wider public, of the practical implications of climate change, which have been highlighted over the past few years. We can now see evidence that change is taking place. That comes out strongly in the committee's report. There are warmer temperatures and heavier, more concentrated rainfall, particularly in the west of the country. Those things are not just on the way; they are beginning to happen. In addition, the introduction of the Scottish Government's flooding bill is imminent. For Labour members, flooding legislation is unfinished business, although steady progress was made during the previous session, particularly on improving early warning, and expenditure on flooding was significantly increased. Our legislation, however, is now profoundly outdated and is no longer fit for purpose.

Anyone with personal experience of flooding and its aftermath will know the human misery and the huge economic costs that major flooding incidents can bring. The financial impact can be severe both for householders and for businesses. The long-term human impact, on health and on community confidence, is much harder to identify, but it clearly exists and is no less important. Therefore, I very much welcome the committee report's recommendation of improved analysis of flooding's social and economic costs.

As I am sure members will agree, and as I have said, the starting point is that the current flood

legislation framework is profoundly out of date. We need to identify why it is out of date if we are to get the new legislation right. The current system is bureaucratic and unresponsive, with little support for modern, sustainable flood management methods. There is an almost exclusive focus on hard engineering. Those issues must be addressed.

Any critique of the current arrangements must cover the painfully slow planning and approval processes, which involve double handling of flood prevention scheme decisions and a complete lack of transparency for those who are involved in the process.

The timing of the committee's report is good. I congratulate the committee, its clerks and the witnesses who gave evidence on helping to get the report right, because I think that it will help to shape both the principles and the detail of the forthcoming bill. There has also been some innovation in how feedback has been given to the Scottish Government.

We support all the recommendations in the report. Having seen what the committee has come up with, we put on record the fact that the report is comprehensive and clearly points the way for the future.

There is a striking comment at paragraph 52 of the report:

"Glasgow City Council told the Committee that SEPA's indicative flood risk maps: 'do not show half the areas in Glasgow that are subject to flooding.'"

That is a pretty shocking comment, which reflects what Roseanna Cunningham said: that, although we have some information about flooding on rivers and estuaries and we have some handle on coastal flooding, we do not really have a handle on pluvial flooding. The quotation from Glasgow City Council says it all—it is a call to action. The situation must be remedied. It presents a challenge throughout Scotland, but more action and more expertise are required to address the gaps.

One of the most important recommendations is that there should be a 25-year timescale for long-term planning. We are talking about using tree planting as part of the solution. That does not happen in a year or two years; it needs long-term, sustained investment and a proper funding framework.

I was disappointed at the minister's initial response, in which he defended the system that the Government has put in place. I sat through the Rural Affairs and Environment Committee's discussions on the budget. The lack of thought given to the proposals for changes in flooding investment was almost embarrassing. There was no coherence in the Government's responses to

straightforward questions from committee members—sometimes the responses were even contradictory. We need to ensure that we get a better result.

Even now, there are deeply unsatisfactory situations in parts of the country. I am told that Moray Council's director of finance has described the current situation as a period of complete uncertainty. In Edinburgh, we were concerned about whether our flood prevention schemes would get in under the wire for funding or whether we would miss out. Glasgow City Council is in a difficult position, because it has had to review its capital expenditure as a result of the decision to remove ring fencing from funding for flooding.

There is a real sense of rough justice, which my colleagues in the Labour Party have noted in the areas that they represent. The authorities with well-advanced plans that were lucky enough to get through the complex approval process got in under the wire, but for those that did not, it is tough luck. They have been told that it is up to them to use the existing money.

The reference to flooding in the concordat is opaque. Flooding is mentioned alongside schools, roads, waste management, the police estate and the fire and rescue service. That is not good enough. I hope that the Government will look long and hard at the committee's report, which was unanimous.

We are not arguing for the old system; we are saying that we should look for a new system with a three-tier funding process that will meet the challenge of the future. Many difficult issues will have to be addressed.

SEPA made a good recommendation. The committee considered carefully the issue of the competent authority. There should be clarity about the role of local authorities and Scottish Water, and a statutory obligation for them to work together, which is crucial. We also need a much more streamlined system of planning approvals. The current system is deeply frustrating for everyone and is no longer fit for purpose.

The recommendation about devolving the smaller decisions but maintaining national oversight of major decisions, and following that through with a national pot of funding directed by Government ministers, is absolutely right.

We agree that there also needs to be money in the pot for local authorities to use at their discretion. However, that should be for forward planning and working up schemes, not major capital investment.

The committee's report is extremely well put together. I hope that the Government will shift its position and will be more enthusiastic about all the

recommendations. We need that for the future and for the new bill.

09:53

**Nanette Milne (North East Scotland) (Con):**

The Rural Affairs and Environment Committee is to be congratulated on a thorough and timely piece of work, which coincides with the Government's consultation on flooding. The Conservative party warmly welcomes the report and we share the committee's view that the Government should fully consider the recommendations that the report contains before it introduces its proposed bill on flooding and flood management.

Flooding and flood prevention have moved up the political agenda in recent years as awareness of the impact of climate change has grown and in the aftermath of some high-profile instances of severe flooding, notably, but by no means exclusively, in England. The devastation caused by flooding is hard to comprehend and goes way beyond the material losses sustained by those who are affected by it. The other evening, I watched a report on television about the on-going clear-up after last year's major flooding in the north of England and was particularly moved by the comment from one Hull resident, who said, "You don't have to die to lose your life."

Clearly, the emotional impact of flooding remains for a long time and the fear of further flooding is ever with those affected. I am pleased that the report highlights that and stresses the need for the Government to ensure that proper support is available to those in crisis.

The risk maps that SEPA published last year indicate that flooding is a very real threat to nearly 100,000 properties in Scotland and it is predicted that floods that are currently considered extreme are set to become more common in the future, with water surges threatening our coastal defences and causing surface flooding with which our urban drainage systems will struggle to cope.

There is an urgency about long-term planning, with an emphasis on sustainable flood management, because although the Water Environment and Water Services (Scotland) Act 2003 placed a duty on ministers, SEPA and responsible authorities to promote that, there has been little change in practical terms, with most councils still reacting to flooding by providing hard-engineered flood defence systems locally, rather than trying to manage flood risk at catchment level by working with the natural environment rather than against it.

It is concerning to learn from the report that the number of properties subject to rain-induced flooding is not known because work to map and

address pluvial flooding has not yet been undertaken in Scotland due to a lack of appropriate authority or funding. It is also worrying that there is a shortage of hydrological expertise in Scotland, which is likely to get worse as demand for flood risk management grows, unless greater numbers of students can be induced to study science, engineering and technology at school and in college and university.

There is widespread agreement that catchment-based flood management is the way ahead, as it allows a more integrated, holistic approach to be taken. There is also recognition that the highly complex legislation dealing with flooding and flood management needs simplification.

We agree with the report's recommendation that there should be one body that is charged with drawing together and co-ordinating whole-river catchment plans and coastal defence strategies, and that SEPA is ideally placed to be that competent authority. We note with interest the comments regarding a future role for Scottish Water in the management of pluvial flooding.

I am particularly concerned that planning and building regulations should be adequately enforced, in agreement with current policies that state that built development should not take place on functional flood plains, and with regard to Scottish planning policy 7, which requires developers and planning authorities to consider the possibility of all forms of flooding so that they can ensure that new developments are free of significant flood risk and will not increase flood risk elsewhere in the catchment or increase the need for flood prevention measures.

In that context, I am appalled that Aberdeen's new local plan, approved only yesterday after a long, convoluted and much delayed process, includes within land designated for residential development an area of ground in the Loirsbank part of my former council ward that is a known flood plain and was previously designated as green belt.

The proposal for that change of use was hotly disputed within the council. It was opposed vociferously by many local residents and unanimously by all three local councillors. However, it was eventually approved by a majority on the council and, sadly, endorsed by Government ministers.

I know that any future planning permission will be subject to a satisfactory flood risk assessment, but to have designated that area as residential is almost unbelievable, given that existing houses, set further back from the River Dee than any future new development would be, already carry loaded insurance premiums because of the known

flood risk. I sincerely hope that such folly will not be repeated elsewhere in Scotland.

My party notes and welcomes the report's recommendations on the need for a more streamlined process for the approval of flood management schemes, agrees that investment planning needs to be long term, with provision for updating in every parliamentary session, and welcomes the comments on flood warnings, weather radar and emergency responses. Those elements of the report complete a thorough, painstaking exercise whose recommendations, if eventually enshrined in new legislation, should make the prevention and management of future flooding in Scotland a simpler, more effective and more sustainable process.

09:59

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** One of the most important points in our report is the recommendation that SEPA should take the lead at a national level in overseeing the flood risk plans that are prepared by our local authorities. Indeed, the minister has just confirmed this morning that that is, indeed, the Government's intention. Therefore, I will concentrate my remarks on the reasons why I believe that not enough evidence was taken by the committee to test whether SEPA is sufficiently independent of Government to take on that role.

Representatives of SEPA came to our committee and made the point, in their written submission, that

"Controlling development through planning is perhaps the most powerful tool available to manage flood risks."

I could not agree more with that, which is why I challenged SEPA on whether it had robust processes, independent of Government, to control, for example, the building of houses on the flood plain.

At our meeting on 5 March, I tried to ask questions about the Aviemore application, as it was the most recent example of a developer wanting to build houses on the flood plain, but the committee convener prevented me from asking those questions. The convener used the argument, which in my view was spurious, that another committee was examining the issue. We were all aware that that was not the case. She changed her reasons for disallowing questions on the subject several times over the following weeks.

What had actually happened was that the Local Government and Communities Committee had mentioned in paragraph 268 of its report on the Trump application:

"The Committee is concerned by the implications of Ministerial intervention in the Aviemore case. FOI evidence reveals that intervention by 5 Scottish Ministers",



including the Minister for Environment, Mike Russell,

“pre-dates any request for action by a cross-party group of MSPs.”

Therefore, no other committee was examining the issue. It was the Rural Affairs and Environment Committee’s duty to pursue the issue as it was central to our committee inquiry. Four out of eight committee members wished to recall SEPA to the committee before the minister came before us to give us his evidence, but the convener refused our repeated requests even to put the issue on the agenda for discussion, such was her determination to protect Scottish National Party ministers. In my view, she failed miserably in her duties.

I have never in nine years of service on parliamentary committees come across such a blatant misuse of power and authority by a committee convener and, frankly, it has undermined the authority of our report. It is surely a committee convener’s duty to accede to requests if even one member of the committee asks to put something on the agenda for debate. The convener decided to use her authority to silence other members of the committee to protect her political colleague, Mr Russell. That sort of behaviour will not wash.

**Karen Gillon (Clydesdale) (Lab):** Does Mr Rumbles not accept that there is more than one way to skin a cat? I was able to ask all the questions that I required to ask—and the committee makes recommendations in the report which relate directly to the Aviemore experience—without mentioning the A-word in committee.

**Mike Rumbles:** Yes, but is it not unfortunate that we had to go round in circles and were prevented from using the word “Aviemore”? Let us be clear: the First Minister made it clear in evidence to Parliament that he spoke to his most senior planner about the Aviemore application.

**Michael Russell (South of Scotland) (SNP):** On a point of order, Presiding Officer. The issue of flooding is a very serious subject for debate. If Mr Rumbles is addressing not the issue of flooding but a previous incident, his account of which varies greatly from my own and that of many others, is he sticking to the subject of the debate?

**The Deputy Presiding Officer (Trish Godman):** I am listening very carefully—

**Mike Rumbles:** I—

**The Deputy Presiding Officer:** I am speaking, Mr Rumbles. I am listening carefully to what you have to say. I ask you to remember what the subject is and to be very careful from now on.

**Mike Rumbles:** The subject is clear. It is about managing flooding and preventing the building of houses on the flood plain. This is a prime example of that.

The First Minister said that he spoke to Mike Russell, the Minister for Environment, who in turn spoke to SEPA, which then withdrew its opposition to the project. The freedom of information evidence referred to by the Local Government and Communities Committee showed that there was anger within SEPA over the pressure that it felt it was under from ministers. In e-mails, SEPA’s Martin Boshoff warned that withdrawing its objection

“would weaken SEPA’s position in the future and be perceived as discriminatory”.

SEPA’s senior planning officer talked of being

“Very concerned about the message this is sending to developers which is basically, make a big enough fuss and go high enough and SEPA will buckle”.

**Roseanna Cunningham:** Will the member give way?

**Mike Rumbles:** No. Another SEPA e-mail referred to

“Interference in due process ... if signed off, it will no doubt affect staff morale”.

**The Deputy Presiding Officer:** You have one minute.

**Mike Rumbles:** All those interventions have taken time from me, Presiding Officer, but never mind.

After all that, Mike Russell, the planning minister, came before our committee.

**Michael Russell:** On a point of order, Presiding Officer. I am not the planning minister, so I hope that Mr Rumbles is not misleading the chamber. Perhaps that point could be noted.

**Mike Rumbles:** The convener was so concerned about protecting the minister that prior to the meeting she informed us all that she would not even allow any mention of the Aviemore example and would rule any mention of it out of order—so much for effective committee scrutiny. I asked the minister several times whether he had ever intervened in such matters and he repeatedly said to the committee that he had never intervened in a planning process.

I was once again prevented from pursuing the matter by the convener. It is obvious to any independent observer that when the minister said that to the committee, he was being at least economic with the actualité, to borrow a phrase from the late Alan Clark. I hope that ministers realise that they should not be economic with the actualité to Parliament or any of its committees.

It is because SEPA caved in under such ministerial pressure that I am not at all convinced that the Government is right in advocating it as being the appropriate body to take the lead in flood prevention at the national level.

10:05

**Jamie Hepburn (Central Scotland) (SNP):** By now, observant members will have noticed that motions have been laid before the Parliament that would mean changes to the membership of various committees. One such change would be my move from the Rural Affairs and Environment Committee to the European and External Relations Committee. I do not want to seem presumptuous by saying that members will support those motions at decision time, but I would like to place on record my thanks to the members and clerks of the Rural Affairs and Environment Committee for the—by and large—constructive way in which we have worked together over the past year. In the spirit of harmony, I even extend my thanks to Mike Rumbles, whose single-minded approach to issues has always been interesting. Above all, I congratulate Roseanna Cunningham on the way in which she guided the committee through the flooding and flood management inquiry, on which we worked together in a constructive manner—again, by and large.

Our planet's changing climate may make the possibility of flooding more likely for many of our citizens. When it gave evidence in our inquiry, the Met Office talked about the likelihood of more intense rainfall in summer months in future years and the increased risk of flash flooding as a consequence. That is precisely what occurred in England last summer. We have all witnessed on our television screens the devastating impact on individuals and families affected by floods such as those in England last year and others around the world. Some of us may even have witnessed at first hand the more severe floods that have hit parts of Scotland. During its inquiry, the committee visited Elgin and heard from local businesspeople and residents there about the devastating effects of the flooding that has hit that town on more than one occasion.

In the most damaging floods, homes, businesses, treasured possessions and—in the worst instances—lives are lost. Most people probably do not believe that they will be affected by a flood, but the figures indicate that a significant number of people are at risk. I represent the Central Scotland region. Nearly 12,500 properties are at risk of flooding in the Falkirk local authority area alone. That is nearly a fifth of all properties in Falkirk.

Committee members visited the east end of Glasgow. Those who visit that area will be hard

pressed to identify the rivers and watercourses there, but they do exist, in culvert—that is, they are underground and out of sight. However, because they are out of sight, they should not be out of mind. When heavy rain comes—as it does from time to time in Glasgow—there is a danger that those underground and unseen watercourses will spill out on to the streets and cause them to flood, as has happened in the past. That is the problem of pluvial flooding that Roseanna Cunningham mentioned. That such flooding can happen in an area in which it seems to the naked eye that there would never be a problem indicates the often unknown danger of flooding risk. What I have said illustrates why the committee was right to prioritise its flooding inquiry.

The Scottish Government has also been collecting evidence on flooding through a consultation process and town hall meetings. The committee's report, of course, is something of a warm-up act for the Government's forthcoming flooding bill. I have every confidence that the Government will take into account the committee's conclusions and recommendations when it frames that bill—indeed, there has been evidence today that it will do so. The Government should be congratulated on waiting for the findings of the inquiry before initiating legislation.

The evidence that the committee gathered shows strong support for a more co-ordinated approach to flood risk management in Scotland and for the appropriate use of resources to support that. Two issues in the report are particularly worth commenting on, the first of which is funding to tackle flooding. It is worth reminding colleagues that the removal of ring fencing in local government budgets does not mean the removal of funding for flood prevention. Indeed, the Scottish Government has budgeted for a 41 per cent increase in funding to local government for flood prevention over the next three years.

The Government's approach means that local government now has responsibility for allocating appropriate resources. The committee's report is clear about the effects of increased flood risk and precipitation, and it is in local authorities' self-interest to ensure that there is adequate provision for flood management in years to come. Paragraph 147 of the report states:

"In any one spending review period, it is unlikely that Scottish Government funding will be sufficient to cover all the spending needs identified in catchment flood management plans. Therefore prioritisation will be needed to reflect the 25 year national flooding strategy."

In other words, the issue goes beyond the lifetime of one Government of a particular party. It is right that we should adopt a long-term approach.

The second issue that I want to address is the competent authority for flood management.

Although there was general agreement among witnesses on the need for such an authority, there was not unanimity on whether that authority should be SEPA. As has been demonstrated more than adequately by Mike Rumbles—who should perhaps be rechristened Mike Grumbles after his performance today—the committee was not unanimous on the issue either. However, it was equally clear from our evidence that no suggestion for another body was forthcoming and that, as Roseanna Cunningham said, there was little sense in reinventing the wheel. For that reason, the right approach is to entrust SEPA with the authority for flood management.

The committee's report represents an extremely useful contribution to the debate on the future of flood management in Scotland. I have no doubt that the Government will find it helpful when it introduces its flooding bill. I wish my soon-to-beerstwhile colleagues on the Rural Affairs and Environment Committee all the best as they embark on scrutiny of the legislation and look forward to communities throughout Scotland benefiting from a sensible precautionary approach to flood management for many years to come.

10:11

**Peter Peacock (Highlands and Islands) (Lab):**

Like other members, I think that the committee conducted a good inquiry. It is worth acknowledging the fact that, with one exception, which Mike Rumbles mentioned, the report's findings were unanimous. It contains more than 20 strong, clear recommendations.

We all know that flooding is a growing problem. Sadly, more communities in Scotland can expect to be affected by it in years to come, as climate change increasingly takes effect and we witness changes in our daily lives. The effect of flooding is huge in economic terms, but colossal in human terms. Two weeks ago I was in the village of Caol, which was badly flooded by coastal inundation in 2005. I visited the home of one elderly lady who told me that, while helping her granddaughter to prepare a school project about the first world war, she had taken out of her family album all the photographs that dated back to that time. The flood came in the midst of the project and all those photographs were lost. The lady indicated that she still finds herself going to the drawer in which the photographs used to be contained, only to remember that they no longer exist. That is a devastating experience for anyone. On the same day, I met people who are anxious and testify to finding it difficult to sleep on nights when the rain comes, the tide is high and the wind is blowing in a particular direction. As Nanette Milne indicated, that is a tragedy for the individuals concerned. It is vital that we do more to protect our communities.

The recommendations in the report are a distillation of the experience of flooding across Scotland, of managing flooding events and of policy to date. I will focus on four of them. The first is the recommendation that planning for flood management should be built around river catchments. That is fundamental and is the right approach for the future. As the minister said, it requires agencies in river catchments to work together; I am pleased that he indicated that there will be a duty on agencies to do so, which is a committee recommendation. The approach requires much more joined-up planning, land use and policy than there has been hitherto. Catchment zone planning is central to how we should proceed.

Secondly, the approach must be supported by big investments in flood defences—investments of up to and more than £100 million in the case of some relatively small communities. Finding an appropriate funding strategy and mechanism will be vital. The need for funding is uneven across the country in terms both of the time in which need arises and of geographical location. Perth had huge needs that have largely been addressed, but climate change may mean that further work is required in due course. Moray, Edinburgh, Glasgow and Hawick currently require work in relation to river problems, in particular. The Western Isles require massive expenditure in relation to coastal inundation. Those communities need support to meet the local demands on them. In my view and that of the committee, those areas need national support.

The recommendations on funding are important. A growing sum will be needed over time. Jamie Hepburn and Roseanna Cunningham spoke about the longer-term horizons that are needed, but which conflict with public policy on three-year spending reviews. The Government must wrestle with how to give clear indications of funding beyond a three-year period while remaining within the three-year horizons that determine spending reviews.

The committee recommended three funding levels. The first was a small national fund for research, policy development and piloting potential new approaches to which ministers agreed. The second was a large national fund reserved for flooding to help with the big expenditure that is required. The third was a local distribution fund to allow local authorities to plan to undertake small works.

That third funding level represents a policy change. It would be a development on all past policy and therefore requires every political party in the chamber to move their positions. I hope that the Government will accept that recommendation and I very much regret that the cabinet secretary

said that he would not accept it. I make it clear that that decision is wrong and will have a regrettable impact on communities throughout Scotland. I urge the cabinet secretary to reconsider that decision because there is still time to do so.

Thirdly, natural flooding, which Roseanna Cunningham mentioned, will be very important. Over the centuries, rivers have been separated from their natural flood plains by the ingenuity of man, forcing water further downstream to where communities are located. That requires bigger engineering solutions downstream than might otherwise be the case. Engineering solutions will almost always be required, but we must do much more to use natural flood processes to mitigate downstream effects, as well as for a variety of other reasons. Reconnecting rivers to their flood plains has implications for farming about which the committee made recommendations, but it also has ecological benefits for biodiversity, habitat recreation and restoration. As Roseanna Cunningham said, there should be a presumption in favour of that.

My final point is about statutory processes, which are enormously complex, time-consuming, cumbersome and costly. They include flood prevention orders and planning processes duplicating each other at times, as well as a variety of permissions from SEPA. There are recommendations to streamline those processes, and a recommendation that deemed consent for one process be given on the back of another. I am pleased to hear that the minister is making progress on that point and I hope that it will continue when the bill is introduced.

I have focused on fluvial flooding, but coastal flooding is hugely important and everything that the report says applies equally to it. I do not have time to mention points that Roseanna Cunningham made about providing information to people, which is important. I believe that the committee has struck the right balance in its report—there is a way forward and I will be happy to support the Government if it accepts the recommendations for its legislation. However, I suspect that a big fight is coming on funding for flooding.

10:18

**Bill Wilson (West of Scotland) (SNP):** Having quickly rewritten the start of my speech, I now begin by congratulating Roseanna Cunningham on her chairing of the committee. Events in the chamber have shown just how important it was that the convener did not allow the committee to be detoured into discussing the minutiae of a specific planning event.

There are already signs that climate change is affecting Scotland. Changes in weather patterns and mean temperatures are already having noticeable temporal and spatial effects on our wildlife. While the expansion of the nuthatch's range might be welcomed as increasing biodiversity, we are also seeing the retreat of some species, the upland summer mayfly being one perhaps not very obvious example.

Alongside continuing changes in our fauna and flora we can expect changing patterns and an overall increased risk of flooding in both urban and rural areas, particularly adjacent to our rivers. Significantly, there will also be an increased risk of inundation in coastal areas as sea levels rise.

We cannot be certain how quickly and how high sea levels will rise. If the Scottish Government is successful in meeting its commitment to make 80 per cent reductions in carbon emissions, and if other nations follow suit, the rise might be limited. If, however, other Governments fail to follow Scotland's example, the rise might be considerable. Predictions vary widely. The United Nations intergovernmental panel on climate change forecasts a maximum rise of 81cm. However, in the journal, *Nature Geoscience*, a maximum rise of 163cm is predicted. Dr James Hansen has suggested that if the west Arctic or Greenland ice sheets go, the rise could be as much as 5m. We can be certain that sea levels will rise, but we cannot be certain how great the rise will be. One thing is certain—we must plan and act now, in order to avoid being overwhelmed in the future. Taking action will have its critics and its costs, but if we fail to act, there will be greater costs in the future—not just financial costs, but costs in terms of human suffering as well. Being flooded is a highly stressful experience, but how much more stressful it is for people whose home is permanently flooded and must be abandoned.

We might draw parallels and imagine that we are at the beginning of some other great Government failure—the private finance initiative, perhaps. If the Government almost a decade ago had had the courage to call a halt, and if the former Executive had had the courage to say no to PFI, vast sums of money would have been saved. If action had been taken then, we would not have to pay bills for schools and hospitals decades into the future. If we lack the courage to take action now and we continue to build on low coastal plains, we will be obliged within a few decades either to spend great sums on building coastal defences or to rehouse those who have been forced to abandon their homes to the rising seas.

Of course, the legislation will not be simple. It would be simplistic merely to prohibit building below a certain height throughout Scotland. However, it is simple common sense to place

restrictions on developments that would be directly affected by a rise in sea levels. During the flooding inquiry, I asked several witnesses whether they would consider it wise to place restrictions on developments below a certain height above sea level. They included Professor John Mitchell, who is director of climate science at the Met Office. He agreed that, in view of the predicted rise in sea levels that is associated with climate change, it would be sensible to prohibit building below a certain height above sea level. Others expressed concern that a rise in sea levels, combined with the possibility of more frequent and intense storm surges, could result in a considerably increased risk to low-lying developments.

During our evidence-gathering sessions, I asked witnesses from local authorities whether they had policies to restrict building in coastal areas. In particular, I asked whether they had any restrictions with specific reference to height above sea level as a response to the increased risk of inundation due to the anticipated rise in sea levels. I received several negative replies. In other words, a number of local authorities have no restrictions and no intention of introducing any.

It seems to me an act of folly that, faced with potentially catastrophic rises in sea levels, local authorities would build homes on coastal sites less than 1m above sea level. I ask the Government to consider putting in place clear restrictions on new-build in coastal areas. No doubt some would attack such restrictions, but I say to the Government and to all parties in the Parliament that, whatever attacks might be made on us for introducing such restrictions, they will be nothing compared with the condemnation of future generations if we do not act now.

If we do not act, future generations will have to meet a hefty bill. Whether it is for extensive coastal defences or for rehousing people, the price will have to be paid. The folly of PFI means that we already know the cost of failing to act when it becomes clear that a policy will leave future Governments and generations with massive debts.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Is it Bill Wilson's understanding that the SNP Government will not go ahead with any PFI or public-private partnership projects in the future?

**Bill Wilson:** My understanding is that we are moving towards an alternative, non-profit-sharing method, which will phase out PFI. Where contracts have already been signed, we will be saddled with the debts for a long time to come. That is precisely the point that I am about to make.

In 2024, we will pay £979 million in PFI debt repayments. We will not have cleared our debt repayments until 2041. How much greater will the cost be if we bury our heads in the sand and

ignore the rising seas? If the current generation builds on the shoreline, the next generation might see the sea driving them from their homes, waving them goodbye in both senses of the word.

We can halt careless development now or we can order future ministers to achieve that which King Canute could not. Of course, the new Government has excellent ministers, but even I, as a back bencher from the Government party, do not believe that ministers' attempts to order the seas to halt would be any more significant to our oceans than the plaintive mewing of the gulls wheeling overhead.

10:24

**David Stewart (Highlands and Islands) (Lab):** I echo the mostly positive comments of previous speakers. I thank the Rural Affairs and Environment Committee and its clerks for all their work in preparing the excellent report on flooding and flood management. Perhaps I should declare an interest of sorts as a substitute member of the committee. In a parallel, perhaps, with my footballing career, I spent the entire season on the bench, although I did dream the adolescent dream and hope that I would be selected to play for five minutes in the cup final and would score the winning goal. In fairness, I was given one game when a Labour member failed a late fitness test and I heard fascinating evidence from the Met Office—more of which later.

I want to focus on two main areas: the link between climate change and flood prevention. As other members have said, the debate on flooding must be seen in the context of climate change. At one level, it cannot be avoided: even if all emissions were stopped tomorrow, the greenhouse gases already in the atmosphere would continue warming the planet for generations. If we do not minimise the process and focus on a twin-track approach of adaptation and mitigation, our children will face a future of flood, famine and disease primarily, but not exclusively, in the developing world.

What does that mean for Scotland? It means that coastal and riverside communities will be subject to more severe and prolonged flooding, with knock-on effects for the insurance industry. We will see more frequent return periods of severe flooding as occurred in Perth, Moray and Stirling. That can result in tragic loss of life, as was witnessed in the Western Isles in recent years.

Climate change will also mean that urban drainage schemes will be unable to cope with increasing volumes of storm water. It will mean that buildings designed for the climate systems of the past will be subject to subsidence and that new buildings will need to meet tougher design

standards. The Stern report made it clear that a 3°C increase in temperature could mean that United Kingdom expenditure on flooding had to increase from 0.1 per cent to between 0.2 and 0.4 per cent of gross domestic product.

I will concentrate my remaining remarks on flood warning. There is no real warning system for pluvial flooding in Scotland, and we heard from the committee convener Roseanna Cunningham earlier why that is—the lack of high-definition radar coverage compared with England and Wales. SEPA gives fluvial warnings and operates a national floodline service, which works well in providing information on flood warning and risk. However, as mentioned on page 42 of the committee report, Jennifer Main told the committee that during the floods in Elgin in 2002:

“I did not receive any warning. I just saw the flood waters coming nearer and nearer and I warned my neighbours.”—*[Official Report, Rural Affairs and Environment Committee, 19 February 2008; c 507.]*

Moray Council has since developed a very good system, in which flood warnings can be communicated by e-mail, text, mobile telephone and fax.

SEPA has made a series of recommendations, including those for a national flood warning strategy, a risk assessment of critical infrastructure and work to improve the public's understanding of flood risk. In winding up the debate, will the minister say whether the Government will implement those SEPA recommendations?

Is pluvial flooding the poor relation, as the committee described it? We all know that flood warnings depend on a combination of meteorological and hydrological data, but the Met Office told the committee, at the meeting for which I was present, that the best technical standard is for weather radar to be able to detect rainfall at high resolution—about 2km—as that relates to the size of the weather systems that cause the most intense rainfall. As we have heard, the majority of Scotland—with the exception of Shetland, bizarrely—is currently covered by low-resolution radar, which is fine for weather forecasting. In effect, we have 100 per cent coverage on that.

However, high-resolution coverage is only at 50 per cent in Scotland, which is very poor. The gaps are mostly in our rural areas, such as Moray—which is, ironically, a high-risk area—the Highlands, Orkney and the south-west. In comparison, England and Wales have 95 per cent high-resolution coverage and so are in a much stronger position to predict floods. We need 100 per cent high-resolution radar coverage, which is recommendation 21 of the report.

I do not want our rural areas to become technological no-go zones, so I urge the

minister—if he has a second to listen to the debate—to make blanket high-resolution coverage an urgent priority. My colleague Peter Peacock has been in touch with John Hirst, the Met Office chief executive, who has made it clear that we can conduct an assessment to work out how to take the next step, as has been done in England. We need an urgent assessment and a weather radar network review. That will examine the gaps in Scotland and cost about £75,000. The estimate from the evidence is that we probably need three new radar stations in Scotland.

We want to work as efficiently as possible, but the bigger question is how we can afford not to provide the most comprehensive radar coverage to predict flooding and avoid the worst human and financial misery that can result from it.

I commend the report to Parliament and urge members to support all its recommendations.

10:30

**Mary Scanlon (Highlands and Islands) (Con):**

I am not a Rural Affairs and Environment Committee member, or even a substitute member, so I do not have the depth of knowledge that committee members have. However, I want to speak because flooding is a huge issue in the Highlands and Islands, as David Stewart just said.

The Scottish Government's flood risk maps show that the local authority with the largest area that is covered by fluvial flood zones is Highland Council. The same maps highlight the fact that Western Isles Council has the largest area that is covered by one-in-200-year coastal flood zones.

Of course, horrific floods occurred in Moray in 1997 and 2002. Last night, I attended Jim Hume's textiles exhibition in the garden lobby, where I spoke to Johnstons of Elgin. It is well known that that company lost £20 million in the earlier floods. Its quotations for insurance policies now run into millions. That is just one business, which has also spent huge amounts of money on preventive measures, as the cabinet secretary—who is the local MSP—knows.

In Elgin alone, 650 houses and 180 commercial properties were damaged in the 2002 floods. The combined losses from 1997 and 2002 are estimated to exceed £100 million. The committee visited Elgin to take evidence from a Moray Council official and residents whose homes and businesses were severely affected by flood waters.

Councils such as Moray have overwhelming public support for introducing flood prevention schemes and Moray Council has promoted four flood prevention orders—in Lhanbryde, Rothes, Forres and Elgin—for schemes whose value is

estimated to exceed £150 million. The schemes attracted only 31 objections, but legislation says that if any flood prevention order receives even one objection—no matter how minor—that will lead to a public inquiry. As we all know, public inquiries can be expensive for the local authority and can significantly delay a scheme's implementation. I hope and trust that the minister will give guidance on whether that requirement will change and whether objectors will be limited to people such as those who live in or have businesses in the area and whom flooding would affect.

I will focus on the recommendations on pluvial flooding. Recommendation 9 is

"that the ... Government place significantly greater emphasis on pluvial flood management in setting future objectives for Scottish Water."

That point arose in Moray only two weeks ago, when it was reported that the £83 million Elgin scheme will face further delays and extra costs, because Scottish Water will not do work that the local council's flood alleviation team understood that it would do to improve the drainage system and complement measures in the scheme. Scottish Water insists that that work is outwith its remit. I listened carefully to the cabinet secretary and I understand from what he said that the proposed bill will address the lack of co-ordination. I trust that that will bring clarity to the issue that I raise and that it will be addressed further down the line.

Recommendations 11 and 12, which are on funding, are also significant to Moray. Flood prevention is a top priority of Moray Council, which has allocated £40 million over the next three years to advance flood prevention schemes. However, the current estimate is that the council will face a shortfall of £23 million over those three years. More worrying is the fact that, in the longer term, the shortfall could exceed £80 million. Therefore, clarity on needs-based funding or clear criteria for prioritising funding for flood schemes, which the committee's report recommends, would be welcome.

My final point is on an important issue of guidance that was given to councillors about planning applications. At a recent meeting of Moray Council's planning and regulatory committee, members were faced with contradictory advice from SEPA and the council's flood experts on two applications. Guidance was sought from the director, who suggested that the better, more up-to-date, locally based advice was from the council's own team. I understand that the SEPA advice largely rests on desk-based maps and that, worryingly, it takes no account of flood alleviation schemes that are in place or planned.

I ask the minister whether authorities, such as Moray Council, that have expert local flood teams providing advice, should still have to contend with SEPA as a statutory consultee. I ask that because if the council ignores its own flood experts, and SEPA disagrees, the application must go back to the Scottish Government, which causes more delay and further costs. I know that the cabinet secretary will understand that delay and higher costs are not what we are looking for in Moray.

10:36

**Tavish Scott (Shetland) (LD):** There must be something symbolic in the fact that, when Mary Scanlon and I choose to speak in a debate in which we have only a general interest, the heavens open and it starts to pour with rain. No doubt, by the time that Mr Russell winds up, he will have come up with a suitable symbolic interpretation.

I, too, welcome this important report, which the convener of the Rural Affairs and Environment Committee introduced earlier. The issue is a tough one for both Parliament and Government because it is about tough choices, which Mary Scanlon illustrated in her speech. On behalf of the Liberal Democrats, I welcome the continuation of much of the work that my colleague Ross Finnie began in the previous Administration. I saw earlier a bit of the year-zero approach that we are all too used to from the front bench, but perhaps even Mr Lochhead could, in his more charitable moments, find a way to give some credit to ministers in previous Administrations who worked pretty hard on this difficult issue. I note that the umbrella group Scottish Environment LINK stated clearly on the radio this morning that it welcomes the work of current ministers because it continues the work of previous ministers in this difficult policy area.

I welcome what the convener of the Rural Affairs and Environment Committee said about climate change in her introductory speech, and the points that Sarah Boyack and others have made on that issue. That appears to me to be the right context in which to view the debate. In addition, Nanette Milne, who is no longer in the chamber, rightly made a point about households. From our television screens last year we all gained a powerful impression of the impact of the floods down south on businesses and households, but particularly on the latter. That demonstrated the compelling need for Government across the UK, which in our context is the Scottish Government, to take action to deal with the enormous distress that is caused to people in such circumstances.

Roseanna Cunningham, Mary Scanlon, Peter Peacock and others mentioned recommendation 11 on clear criteria for the prioritisation of funding. Prioritisation is a ghastly word, but we use it all the

time. I confess that I am a little confused by the Government's proposed approach to this because we are being told—and I understand that the committee was told when considering the spending review—that the budget will be allocated to local authorities. The budget will be £126 million, which is, in effect, a continuation of the £42 million a year that was given to local authorities in 2007-08. However, if the Scottish Parliament information centre's numbers are right, that indicates a real-terms cut in the budget for flooding. I am not quite sure how consistent that is with the recommendation, or how the minister will square off the need to tackle funding issues, as Mary Scanlon rightly mentioned.

I ask the minister to reflect on the fact that there is no reference to flood protection in the Government's national outcomes, indicators or targets, which we are repeatedly told in the Parliament are the defining purpose of the Government. If I quote the cabinet secretary correctly, he said earlier that

"flooding is one of the biggest threats"

and I am sure that we all concur with that. If he is right, why are flood prevention and the funding for it not mentioned in the national outcomes, indicators or targets?

I would be grateful if the Minister for Environment could give us an answer on that when he winds up the debate. I would also be grateful if he would help us to understand—perhaps not today but in due course—the principles of distribution that have been agreed with the Convention of Scottish Local Authorities. What is the precise formula by which money has been allocated? What will happen to schemes that have been worked up but were not submitted as completed schemes by 14 November? There is a huge list of such schemes, as members said.

In paragraph 40 of its report to the Finance Committee on the Scottish budget spending review 2007, the Rural Affairs and Environment Committee said:

"The Committee is unclear about how the reallocation of funding to local government will be calculated".

I would be grateful if the minister would clarify that and other matters that I mentioned. It is important that not just the Parliament but affected communities should understand the Government's approach to such issues.

Peter Peacock talked about coastal erosion and flooding, which I have raised with the minister's colleague Linda Fabiani in relation to the impact on island communities. During this morning's debate on the Scottish parliamentary pension scheme, Peter Peacock said that members of the Scottish Parliament probably have an eight-year tenure before they are out of the Parliament for

one reason or another. If the most recent research findings from the Scotland and Northern Ireland Forum for Environmental Research on rising sea levels and on tide levels, which can be elevated by up to 2m by major storms, are true, my constituency is sinking and will be gone soon. I take Bill Wilson's point—he has left the chamber, too—about the changes that are happening. In that context, built heritage is an important issue. Perhaps the minister will consider the need to remove archaeological material that will be lost. I appreciate that the issue is not as important as the loss of businesses and homes, but it is important to many people.

David Stewart talked about weather radar. I do not disagree with his central point, but Shetland has no weather radar—not one iota. I am grateful to the convener of the Rural Affairs and Environment Committee for mentioning the issue and I ask the minister to say exactly what the Government is doing about the matter. David Stewart was right to say that the issue is important, not just for the Highlands but for the islands, which could do with weather radar. I hope that the minister will give a comprehensive answer on that point.

10:42

#### **Rob Gibson (Highlands and Islands) (SNP):**

The flooding that affected the Highlands and Islands about 18 months ago and the Western Isles a year earlier sharpened much of the debate in the Parliament during the past year and led to the production of one of the best reports that has been presented to the Parliament. The long-term implications of the issues that the report raises, particularly for funding, are such that we must think out of the box. Perhaps we should think beyond the three-year period of the comprehensive spending review and try to secure cross-party agreement on how cash can be found in the long term. I suggest that an oil fund could help. I hope that members agree with me.

We must consider the combination of events such as coastal and pluvial flooding and high tides. Catchment-based flood management is difficult. The resilience to flooding of scattered communities in the Highlands is difficult to predict, given that a tenth of houses in the Highlands are liable to coastal flooding because they are situated less than 5m above high-tide level. How we plan is critical. We must acknowledge our geography and accept that people have a right to live in such communities and to expect the funding that will allow them to do so—although they will have to adapt. The terrible deaths in South Uist are a case in point.

The hydrological studies that are now taking place to work out what should be done should,



perhaps, have been carried out before. There has been some remediation, but there is a growing realisation in South Uist that the sea will not let up on the western machairs, and it might be necessary for hundreds of people to move. However, do people in Leith understand that that could be the case for them? The SEPA flood maps show that the major housing developments on the sea shore in Leith could also end up underwater. If we are not taking those issues into account in our planning, the report points to the ways in which we should.

I will give a little example that shows that co-ordination is missing, and why it is needed. One of the incidents in October two years ago affected the burn at Gartymore, just north of Port Gower. Margot MacGregor suddenly saw water flowing past her kitchen window—it was 20ft deep, rather than the burn that normally passes her house. That was frightening for her, and in future we will probably not allow people to build croft houses in such areas.

The culvert became blocked by branches, trees and bushes that were taken down by the flood, and the water flooded over the main A9, washing away about 50yd of the railway bed. It took an enormous effort to convince the police to close the A9, because of the huge diversions that were required. I was able to convince them that Network Rail should get a two-hour window four days later, on a Sunday afternoon, to begin the process of lifting the railway.

That incident highlights the lack of co-ordination, starting with the way in which we manage culverts and ensure that people do not dump bushes and trees into water courses. Landowners have to be more careful about keeping water courses clear. That example shows that people need to be much more geared up to do the routine maintenance that could cut out the problems.

In my own village of Evanton, more and more building has taken place up the hill in Chapel Road, Teandallon Place and Swordale Road, which has meant that the hard concrete and tarmac makes a natural course to carry the waters down. As we heard a parliamentary statement on the floods, we were looking at pictures of the floods at the bottom of the street. Preparation involving flooding equipment, deeper drains and so on will take vast investment, and in small villages such as Evanton there will be major disruption, as there would be in cities. However, the same houses are being flooded time after time. Such villages deserve to be saved from having to face that again.

It is interesting to note the comments that have been made about high resolution radar not being available. That is a matter for the Met Office, which we do not control, and it has also been a

matter for the Ministry of Defence. It is now necessary for us to have the debate with London, in the joint ministerial committees, to decide on funding. We should be looking to catch up, because we were left out in the past as being less important. We are equally important, and it is essential that we are able to catch up. The report's many excellent recommendations point us in the direction to enable us to do so. We need to have an overall body, and SEPA is that competent authority, but each local authority has to be tasked to do things. I ask that when the bill is presented, we get a clear steer on how to fund radar.

10:48

**Des McNulty (Clydebank and Milngavie) (Lab):** Having lasted in this place for more than eight years—not having been defeated by the effects of climate change or the best efforts of Gil Paterson—I can say that the Rural Affairs and Environment Committee's report will register as one of the more significant reports that the Parliament has produced. If one considers the past eight years, it is possible to identify major reports that have had a significant effect, either on legislation or on governance in relation to the matters on which the reports focused. The view will be taken in due course that this is a particularly significant report. The report, which was agreed almost entirely unanimously and with a very broad endorsement of its substantial number of recommendations, provides a template against which any future legislation can be judged.

The Environment and Rural Development Committee has recommended that there should be more clarity and that an identifiable body—which in our view should be SEPA—must be responsible for taking forward and co-ordinating flood risk management. We have also recommended that SEPA's independence in carrying out that role must be safeguarded and that

“the bodies who will contribute to the delivery of catchment flood management plans should be identified in statute and given a duty to collaborate in order to deliver those plans”

to ensure that the roles and responsibilities of all the different parties are clear.

The committee's suggestion that

“the Scottish Government place significantly greater emphasis on pluvial flood management in setting future objectives for Scottish Water”

will, as Jamie Hepburn made clear, be particularly important in Glasgow and the other urban areas in Scotland that are at most risk from pluvial flooding.

As Peter Peacock pointed out, the one area of disagreement between the committee as a whole and the Government is funding, particularly the criteria for prioritising and the mechanism for

allocating funding for future flood management. Frankly, the system that ministers set out in their evidence to the inquiry and in the consultation on the budget will not work. Flood management funding cannot be evenly distributed among the 32 local authorities according to population share; instead, it must be allocated through a needs-based system. Indeed, Scottish Environment LINK has pointed out that strategic flood management

“requires catchment-based planning, often crossing one or two

“local authority boundaries. For this reason ... large-scale projects should be funded using a centrally held government budget. Smaller projects can still be supported using grant-in-aid allocations to local authorities.”

That approach, which has also been recommended by the committee, has to be matched by the funding system. If the Government disagrees with that view and wishes to maintain the position that the Cabinet Secretary for Rural Affairs and the Environment set out with regard to the budget, he needs to make it clear. After all, by maintaining such a position, he simply goes against the committee's recommendation.

**Richard Lochhead:** Mr McNulty seems to suggest that money for the flooding element in the local government settlement has been divided equally among the 32 local authorities. That is certainly not the case. When that money was built into the settlement, the relevant needs of various local authorities were taken into account. For example, out of the overall £126 million budget for flooding, Moray Council was allocated £40 million over the next three years.

**Des McNulty:** Mr Lochhead knows better than I do that Moray needs £80 million to implement the schemes that it has planned. To be blunt, I have to say that the cabinet secretary has shifted from his original position. What is his consistent position? Does he want devolved budgeting for flood protection or a needs-based system? If he wants the latter, I have to tell him that it cannot be based on a population-driven formula. If that is made clear, we can make progress.

There must be different approval mechanisms for different scales of flood management measures. Indeed, the committee argued strongly that there could not be a one-club system with regard to such mechanisms. Does the minister accept the requirement for the three-tier system that has been proposed? Does he accept the presumption in favour of natural flood management in each catchment plan to ensure that specific justifications are provided before there is any move to a rigid engineering-based system? Again, I hope that the minister will provide clarification on those questions.

Finally, given the importance that the committee has placed on land use management, will the minister indicate whether, as the committee has recommended, “the Scottish Government” will

“ensure that it has the power to require changes to land use for flood management purposes”?

Of course, as we also point out,

“such a power would have to be accompanied by a provision for landowners to be compensated”.

I would greatly appreciate a clear response to that question and the others that I have asked.

10:54

**Robin Harper (Lothians) (Green):** I have listened to the debate with considerable interest and I am glad to note the level of agreement that exists between the committee and the Government in a number of areas. I particularly welcome the idea that SEPA should act as a lead agency and the accent on the adoption of a catchment-based management system. I reflect on the fact that I played my part in ensuring that the Water Environment and Water Services (Scotland) Act 2003 contained references to a catchment-based approach.

I applaud the willingness to conduct further research into natural flood management. Although I acknowledge that the committee was clear in its recommendations in that regard, I would have liked those recommendations to be expressed even more robustly. Similarly, I would have liked the Government to be more robust in accepting natural flood management as an essential part of any future policy.

**Michael Russell:** I give that assurance. The Government regards as essential the work that is being done on natural flood management. There is a strong shift in the balance towards natural flood management.

**Robin Harper:** I thank the minister for his intervention, urge him to make further progress in that direction and hope that he will welcome my observations.

There are openings for a great deal of historical research. Peter Peacock mentioned flooding events in the first world war, when forest cover in Scotland was at an historic low—it accounted for about 5 per cent of the country's land area. Research could be done on deforestation, particularly in northern India, which would support the arguments in favour of planting trees as a way of tackling flooding.

Paragraph 170 of the committee's report quotes Scottish Environment LINK's submission, which said:

“Findings of the [River Devon] demonstration project and

work done by RSPB in Insh marshes and elsewhere indicate that by restoring the functionality of rivers and uplands, it is possible to reduce the risk of flooding downstream in the long term for a fraction of the costs of expensive, short-lived, hard engineering."

Such an approach would tie in well with that of the Government.

As I have done before, I will restrict myself to discussing the use of trees, although there are, of course, other methods of natural flood management. If I recall correctly, the Government has said that it is developing a policy to increase tree cover from its present low rate of 17.7 per cent of Scotland's land area to 25 per cent by 2030. That is an achievable goal; indeed, it is almost modest, given that we trebled forest cover in Scotland from a post-war low of 6 per cent in 1947 to the present level of 17.7 per cent in the space of 60 years.

I was glad that Sarah Boyack and Peter Peacock discussed the advantages of natural flood management and the importance of coherent investment policies. It would help the Government to have a coherent investment policy if it tied its forest cover policy to its flood management policy and identified how those two policies could be more closely integrated. That would be a sensible and straightforward approach.

We should look for win-win approaches. By increasing biodiversity, by doing good things for tourism and for habitat restoration—which Peter Peacock mentioned—and by employing our forestry and our environmental land management policies, we will be able to develop an overall win-win approach over a period of 25 years. As Sarah Boyack correctly observed, we need a long-term approach to investment and policy if we are to control flooding in the future.

I just about have time to make one further reference. Rob Gibson talked about the knock-on effects of housing on flooding. Oddly enough, parking regulations in Edinburgh may have an unforeseen effect, which shows that we need an integrated approach. In some parts of Edinburgh, people have started concreting over their front gardens so that they can park their cars there rather than on the street, thus saving quite a lot of money. However, the increased run-off into our drains will increase flooding.

I urge the Government to follow a trees policy.

11:01

**Helen Eadie (Dunfermline East) (Lab):** I am always interested in listening to Robin Harper when he talks about the trees. I know that he was a teacher in Buckhaven in Fife, where many trees were cut down to build some famous ships.

Perhaps we could have a replanting of trees in Fife—that would be a great start.

As a keen supporter of the European Union, I am pleased that the Government's proposed legislation stems from the European Union directive on the assessment and management of flood risks, which came into force on 26 November 2007, but which member states do not need to implement until November 2009. In the context of the environment, we owe much to European Union directives. I frequently drive through eastern Europe and I have seen the great possibilities that exist there to improve the environment. I think back to the state of the environment in some of the old mining communities in Fife, particularly in what is now known as Lochore meadows, an area that once suffered from flooding and coal pollution.

I congratulate the Rural Affairs and Environment Committee on its report, which is a powerful piece of work. I am impressed by it. The report tells us that, since 1998, floods in Europe have caused about 700 deaths, the displacement of 0.5 million people and at least €25 billion in insured economic losses. However, the point that will stay in my memory from the debate will be Nanette Milne's comment about people losing everything when there is a flood, and how it is like dying. That was the thrust of what she said, although those were not her exact words. Her comment will stay with me.

I represent the Dunfermline East constituency, which has a coastline stretching from Aberdour, through Dalgety Bay, St Davids Harbour and North Queensferry to Rosyth. For that reason, my interest in the important issue of flooding lies in coastal flooding. I will focus on planning issues. I am especially concerned about the effect of sea-level rise, which is likely to be exacerbated by changes in the frequency of storm surges. Major storms can cause elevated sea levels—they can increase the predicted tidal levels by 1 to 2m. The frequency of storm surges is likely to increase as a result of greater storm activity.

Falkirk has the highest number of affected properties and Fife has the second highest number of homes that are known to be at risk of flooding. Sarah Boyack mentioned that the number of properties in Glasgow that are at risk of pluvial flooding is not known. I imagine that the same must apply throughout Scotland. Therefore, we must take any figures that we read in reports with a pinch of salt. SEPA's indicative flood maps do not show half of the affected areas. We look forward to the assessments and the mapping exercise that will come in due course. I am pleased with the committee's recommendation 17, on land-use management. That is an important aspect when it comes to planning and developing new properties.

A study that was done in 2002 for the Scottish Executive analysed possible river flooding in four future greenhouse gas emissions scenarios. The study found that, by the 2080s, in scenarios with high levels of emissions, floods could be up to 20 per cent larger and that, for some rivers, what is now a one-in-50-year flood could become a one-in-20-year flood. That is combined with rising sea levels, which add to the long-term risk. Storminess, too, is expected to increase. The risk of surges, which cause coastal flooding, will be increased: instead of having a one-in-200-year likelihood of flooding, my area might have a one-in-20-year likelihood of flooding.

The reason why I have become so interested in the planning and building control aspects of flooding relates to a planning application at St Davids Harbour, which is well known to the minister. The area of land is not stable, and the local authority, Fife Council, previously refused planning permission. There was a repeat application because, as a result of last year's elections, there was a non-determination, and the reporter approved the application.

I highlight that case because there appears to be a loophole or anomaly in the planning process in connection with flooding. Local authorities must have regard to Scottish planning policy 7, which requires them to ensure that new developments are free of significant flood risk. The policy states:

"Built development should not therefore take place on functional flood plains."

Development should not take place in areas that are at risk. I totally support the view of SEPA, which stated in written evidence:

"Controlling development through planning is perhaps the most powerful tool available to manage flood risks."

We can imagine the shock, anger, dismay and disbelief in my community when the minister, Mike Russell, signed off approval for the new development at St Davids Harbour, which is clearly at high risk of flooding, judging from the SEPA flood map. If flooding devastation follows at St Davids Harbour, the *Official Report* will clearly identify that Michael Russell was the minister. So much for the precautionary principle, as cited by Mr Hepburn.

I am especially interested and pleased to note recommendation 23 in the committee's report, which encourages the Government to consider

"requiring developers to provide flood risk assessments for new developments to potential purchasers."

A key aspect of that would be the independence of any such flood risk assessment.

The likelihood of a spring tide, a storm surge and pluvial flooding around the River Forth cannot be overstated.

11:07

**Jim Tolson (Dunfermline West) (LD):** Like some other members, I am not a member of the Rural Affairs and Environment Committee. However, as a member of the Local Government and Communities Committee, I have a strong interest in the impact of the proposed bill on local authorities. I also have a particular interest, as the coastline of my constituency stretches from Rosyth to Kincardine.

I welcome the SNP's commitment to review flooding legislation. We have the opportunity to introduce a sustainable, integrated approach to flood management in Scotland. That is a continuation of the work of the previous Executive, and principally my colleague Ross Finnie, who was Minister for Environment and Rural Development. That point has already been ably outlined by Nanette Milne, Tavish Scott and Sarah Boyack.

Over the years, flooding has affected various areas of Scotland, including Perth, Stirling and Glasgow, to name but a few, causing severe damage to property and severe distress to many thousands of people. In recent evidence to the Rural Affairs and Environment Committee, Professor David Crichton described his view of the potential economic impacts on Scotland and the United Kingdom as a whole of extreme coastal flooding caused by a storm surge affecting the upper Firth of Forth, including my constituency. His evidence makes unpleasant reading. He said:

"Around 5,000 houses and 40 per cent of the UK's—not just Scotland's—oil and gas treatment facilities would be affected. Longannet, the biggest coal-fired power station in the UK and one of the biggest in Europe, is also in the area. Scottish Power would be much better qualified to tell the committee what the cost of Longannet closing for a year and the effects of such a closure on electricity supply would be."—[*Official Report, Rural Affairs and Environment Committee*, 23 January 2008; c 408.]

The funding of flood prevention measures remains a great concern to us all. The SNP changed the way in which flood protection is funded, with the end of ring-fenced grants that previously were used to help local authorities to undertake major flood prevention work. The money has now been incorporated into the general allocation that is made to local authorities. Flood management schemes can be very expensive, and individual authorities' annual shares of the national budget allocation might not be sufficient to fund the schemes that are needed in their areas.

Some areas of Scotland have more flooding problems than others. The Government and COSLA have stated that the necessary money is available. The problem seems to be that the money is distributed across the 32 councils.

**Michael Russell:** The money is indeed distributed among the 32 councils—it is distributed on a needs basis and on the basis of schemes that are going ahead. Can the member name a single scheme that will not go ahead because of the distribution formula? If he cannot, perhaps we can nail that idea once and for all.

**Jim Tolson:** I appreciate that intervention, but it begs the question, what happened to the concordat and ensuring that others were involved? The problem seems to be that although the money is distributed across 32 councils, the flooding problems are not spread equally across those 32 areas. Some councils desperately need more resources and others will receive more than they need to deal with their flooding problems. Regardless of whether the minister accepts that point, that is the reality.

We need to plan investment in flood management that looks forward over many years. The Association of British Insurers and the committee suggested that there should be a 25-year flood management strategy.

Expenditure on flood management will need to rise continually for years to come if major flooding is to be avoided. The Rural Affairs and Environment Committee concluded that three levels of funding would be needed. First, there should be a national budget to fund overarching projects, such as research on flood warning technology. Secondly, there should be a centrally controlled budget for major flood management projects that are too expensive for individual authorities or groups of authorities working jointly on a catchment basis to fund from their share of flooding expenditure, or for coastal flood prevention work. Thirdly, there should be a local funding budget for local authorities to enable them to prepare and deliver smaller local schemes.

We should not focus on only flood defences, because we need to take a wider view of the situation. Average temperatures and rainfall are rising. The effects of climate change are upon us, and it is predicted that winters will become wetter and summers will become drier.

The SNP needs to take urgent action now. We cannot leave things to the next generation, or even to the next session, to sort out. Cancelling public transport investment and blocking renewable energy projects is short-sighted. Without action to reduce emissions significantly, what is now a one-in-50-year flood could become a one-in-20-year flood by 2080.

A mix of hard and soft flood management is required. In my constituency, old areas have been managed mostly through hard engineering options, such as the storm tanks near my home. The newer areas of Dunfermline have been

managed predominantly by soft engineering options, such as sustainable urban drainage system ponds. Future large-scale developments must be made to give up development space to options such as SUDS ponds. The main anti-flooding benefits of such ponds are obvious, but the less obvious environmental benefits include an increased presence of wildlife, such as swans.

My colleague Mike Rumbles's speech might have been controversial, but that was absolutely right, given that the Government and the SNP convener of the Rural Affairs and Environment Committee damaged the reputation of SEPA—the very body that the Government has charged with administering planning in areas of flooding risk.

**Roseanna Cunningham:** Jim Tolson was not even at the committee meeting.

**Jim Tolson:** No, but I read the *Official Report* of it.

Many members have made serious points, but I will not restate them, because I am out of time.

11:13

**Elizabeth Smith (Mid Scotland and Fife) (Con):** None of us who represent Mid Scotland and Fife need reminding of the horrors that afflicted the residents of Milnathort in 2006 or those which afflicted the residents of Perth and Strathearn in 1993.

As Peter Peacock, Nanette Milne and Tavish Scott said eloquently, it goes without saying that severe flooding is one of the worst natural disasters that can affect a community. It can have long-term psychological and social effects, as well as the substantial economic costs to which Mary Scanlon referred in citing the example of Johnstons of Elgin.

It seems obvious that flood management is hugely important. That is why we welcome the debate and the Government's determination to develop a modern approach to flood management via a new flood prevention bill for Scotland.

The Scottish Conservatives congratulate Roseanna Cunningham and the Rural Affairs and Environment Committee on all their hard work in bringing together many experts in the field in an area that Des McNulty described as one of the most important to have come before the Parliament.

It is useful that the debate has coincided with the publication of the report of the independent review by Sir Michael Pitt in England—a report that has further focused minds on the extent of the problems that we face and which has made it abundantly clear that traditional solutions to flooding are increasingly found wanting, because

recent policy has been far too biased in favour of hard engineering options. In that respect, the consultation processes of the Scottish Government and the Rural Affairs and Environment Committee have both been effective in bringing forth comment from a wide range of interested stakeholder groups, whose expertise is crucial in advising the Parliament about how Scotland can refocus flood protection policy. Indeed, the scientific debate appears to be well advanced. However, there are some key messages that we need to take on board, principally those that involve addressing the current shortage of engineers and people with hydrological expertise.

There was a strong message from several witnesses that national legislation must clearly define where responsibilities lie in a language that is familiar to the general public as well as to the scientists and the technical experts. If there seems to be overwhelming support in favour of the catchment principle of flood management, legislation must reflect that in an unambiguous and workable way so that there is no repeat of the difficulties that were encountered in the aftermath of the recent Kinross and Milnathort floods. Transparency and accountability are essential, as is the existence of strong working relationships between all those involved, rather than there being scope for buck passing.

The Rural Affairs and Environment Committee has been clear about the need to avoid another layer of bureaucracy. We do not believe that we require an additional watchdog. However, there is undoubtedly a need for a national nerve centre, in the form of SEPA, to provide more accurate flood warning information and more careful and co-ordinated planning of flood management, which, I hope, will be of huge help to Scottish local authorities when they create their maps of old drainage ditches and streams in their areas.

It is essential that lines of responsibility are clear and that an assurance is given to people that their communities will be safeguarded. In that regard, I take on board the points that Roseanna Cunningham made at the end of her speech about some of the issues around the information process, which might not be covered by the legislation.

We do not want any future flood prevention schemes, such as those that are proposed in Almondbank, Birnam and Bankfoot, to be put in jeopardy because of disputes about where responsibility lies or a lack of funding. I join other members in asking the minister whether he will soon be able to provide detail in that respect, especially on how the additional funds will be distributed in order to provide funding for such flood mitigation schemes.

As I said, no one needs to be reminded of the horrors that flooding can bring. It is vital that we give full support to the proposal for a new flood prevention bill.

11:17

**Karen Gillon (Clydesdale) (Lab):** I welcome the debate and admit that I really quite enjoyed the inquiry, which was interesting and challenging. As a result of the inquiry, we have come up with a range of recommendations that can help to shape the forthcoming flooding bill and give ministers a steer that will help to ensure that the legislation has an easier passage than it might otherwise have.

As the convener rightly said, in the evidence that we took, there was no unanimity about what should be the strategic flood authority. There was genuine concern that SEPA was not strong enough to withstand external pressure in relation to major developments. There was also concern about the fact that it might be difficult to ensure that flood prevention measures would be constructed if they were required only after planning consent had been given. Concern was expressed about issues such as urban SUDS, as people were not clear about how they would be maintained in the long term.

After considerable debate, however, the committee rightly concluded that SEPA should become the competent authority. I am glad that the Government has accepted that view. However, we believe that SEPA's hand must be strengthened and its independence secured if that is to happen. It is clear that consent for development of flood plains will continue to be sought, often without consideration of the impact on the catchment as a whole.

A constituent to whom I spoke last week gave an interesting analogy that some members might relate to. He said that flood management was "a bit like a lady getting into her stays"—or, for more modern ladies, pulling on her wonder pants—"because you pull it in at one point and it has to get out somewhere else." Similarly, if people build on a flood plain and construct a measure to deal with flooding only on that flood plain, the water must get out somewhere else—generally downstream, which has implications for other people. That is why a catchment-based flood management scheme is the only game in town, as it will ensure that a more strategic perspective is brought to bear on planning decisions. SEPA must be given teeth to allow it to deal with such matters. It must be independent; most important, it must be seen to be independent.

The committee asked SEPA directly how the current system could be improved. It is true that, in

the e-mails that were secured under the Freedom of Information (Scotland) Act 2002 about the Aviemore development, SEPA had expressed concern that consent could be given before an appropriate flood risk assessment had been carried out and a solution developed to manage any flood risk. That is why I was keen to pursue the issue, which gets to the heart of the matter in managing so many competing land use demands, such as housing, farming or tourism, while understanding the risks of development on the flood plain. Developers will always seek to use those competing demands to their advantage. That is why the committee has concluded that full flood risk assessments must be in place—they must be a statutory requirement—before planning consent is given.

It is fair to say that we also want a solution to be in place on a catchment basis, so that if a development is going ahead and a precautionary approach is being taken everybody can have confidence that those downstream will not suffer as a result.

Having such assessments as a statutory requirement would give SEPA one of the tools that it needs and enable it to have the independence that it requires. That approach would also increase transparency and ensure that decisions are factually based and that undue influence cannot be brought to bear before the granting of planning consent. I hope that the minister can comment on that recommendation in his summing up.

The committee is also acutely aware of the human cost of flooding, as a result of the knowledge that we gained through the inquiry and the experience of our constituents. We are keen to ensure that people have the information that they need through better education, earlier flood warning systems and increased mapping, so that they and local authorities can take action and other emergency services are equipped and ready for any event.

Some people who move into an area do not have the local knowledge to make informed decisions, which can lead them to purchase a house that is likely to be flooded at some point. The committee is keen that people are put before profit when developments are being considered, which is why we want developers to provide potential purchasers with flood risk assessments for new developments. My view is that that may well help to focus developers' minds: if they are not sure whether they will sell the houses, they might not build them there in the first place. I am interested to know how ministers will take that issue forward.

On sustainable urban drainage systems, the committee makes it clear that, when planning permission is granted, a maintenance regime must

be a condition of that permission. I am again interested in the minister's response to that.

Finally, on finance, it is clear from the inquiry and from the debate that the current funding system does not have the confidence of the committee and is not sufficiently transparent. I acknowledge that the Government has moved from its muddled position in the budget process, when views changed depending on which official we spoke to. That movement is certainly welcome. However, movement is a two-way process, and the committee is not arguing for a return to the situation in which the money was held centrally. The approach that is being proposed by the committee is sensible. I heard the minister's comments today, but I hope that he will look again at the issue before he comes back to the committee with the bill and before the next budget process. We want a three-tier process that provides appropriate funding at national level and at local level to allow major projects to go ahead. I hope that members will support the committee's report at decision time.

11:23

**The Minister for Environment (Michael Russell):** I welcome the general tone of the debate and I stress that very little divides the Government from the committee and its report. It is important to emphasise that point at the beginning of my summing-up speech, and I will do so repeatedly throughout.

As our formal response to the committee report will show, we welcome most of the recommendations. We have indicated where we think the recommendations are already happening, as well as areas on which we need to have further debate. There is a growing unanimity of approach, which I hope will be reflected when the bill goes through the committee. However, I will come on to one or two significant areas of difference.

Last night, I attended the launch of Alastair McIntosh's new book, "Hell and High Water", which is his personal and influential response to climate change. In the book he talks a little about his experience in January 2005 of talking his mother, who lived on the seafront in Stornoway, through the enormous hurricane that was taking place. He relates her fear and distress as she experienced that dreadful event, which led to deaths in a part of South Uist that is very well known to me.

David Stewart referred to those events in his speech. From the beginning of the debate, we must recognise that we are developing legislation for a changing situation and a changing Scotland, and we will have to work on it together. I think that

we can work on it together because the prize is very important: protecting ordinary people and allowing Scotland to change and develop to take account of what is happening in the world.

There has been only one unchanging thing in the debate: Mr Rumbles's contributions, which have not changed from the beginning of the Aviemore incident and will not change no matter what evidence is presented.

**Mike Rumbles** *rose—*

**Michael Russell:** I will not take an intervention from Mr Rumbles.

**Mike Rumbles:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer (Alasdair Morgan):** Mr Rumbles has a point of order, Mr Russell.

**Mike Rumbles:** Further to Mike Russell's earlier point of order, in my speech I may have referred to him as the planning minister. He is, of course, the Minister for Environment and he has direct responsibility for SEPA. His intervention with SEPA was therefore even more significant.

**The Deputy Presiding Officer:** That was not a point of order.

**Michael Russell:** Everything on the Aviemore case is in the public domain. There was and is no case to answer. In Stalin's Russia, absence of evidence was proof of guilt, and that is exactly the approach that Mr Rumbles is taking. I advise him in a friendly and supportive way to have a period of rest during the recess that may aid his recovery from what is becoming a dangerous obsession.

Mr Rumbles accepted that the debate has been good. The only real difference of opinion that exists is on funding. I am sorry that there is a difference of opinion, but let me outline clearly what the situation is now and say where I think there will be developments.

Funding has been committed to schemes that are under construction. There is no danger with those schemes. The total funding over the next three years—which is a record amount—takes into account the needs of submitted schemes that will be ready for construction over the next three years. With respect to the general distribution thereafter, funds will not be equally divided across authorities, as has been implied; rather, the distribution will be based on the properties that are at risk in each council area. Considerable misunderstanding of that matter has been displayed during the debate, and I want the facts to be on the record.

The new funding regime that the flooding bill will anticipate will develop things further. The national flood risk management plan that SEPA develops

will set out long-term objectives and measures for managing flood risks. The plan must and will include a cost benefit analysis involving identified measures. Money can then be allocated under any future regime through the capital grant as part of a future spending process within the context of the national plan. We can debate how that takes place, but it must be predicated on the fact that the Government is committed to local decision making. There is no conflict whatsoever between catchment management and local decision making.

**Tavish Scott:** Will the minister take an intervention?

**Michael Russell:** I was about to talk about single outcome agreements. If that is the issue that the member—

**Tavish Scott:** It is not, actually.

I am grateful to Mr Russell for talking about funding, but I would like him to clarify something. If his position is that there will be local discretion, is the funding within the grant-aided expenditure settlement? I cannot see how it can be within the GAE settlement and be needs based at the same time.

**Michael Russell:** I have outlined the formula clearly. Mr Scott and others have assumed that local authorities do not, in some sense, care or worry about flooding. The local outcome agreements will prioritise tackling flooding where that is a priority for local authorities. We should trust local authorities to get things right. I believe that democracy is a good way forward and that local democracy is one of the best ways forward of all.

I want to refer briefly to some of the other issues that can unite us. We regard radar as an important issue; indeed, we are consulting SEPA and the United Kingdom Government as closely as possible on how radar coverage can be extended in Scotland. We recognise that radar is an important tool.

**David Stewart:** Will the minister take an intervention?

**Michael Russell:** No. I am sorry, but I must make progress.

Various initiatives that relate to education and warning the public are under way. This year, SEPA is receiving substantial additional funding to develop a warning system, and there is a possibility that we will welcome the National Flood Forum to Scotland and help it to work with the Scottish public. I would support that.

On planning, of course there is a presumption against development on flood plains. However, let us think carefully about the matter for a moment.



There are, for example, brownfield regeneration areas in the middle of the city of Glasgow that are on a flood plain. We could not abandon and walk away from those areas. Therefore, a blanket proscription against developing on flood plains would be impossible to fulfil. A careful approach needs to be taken, time after time. A presumption should exist that we do not want to create difficulties, but there should not be a blanket ban.

**Karen Gillon:** Will the minister take an intervention?

**Michael Russell:** I am sorry, but I must make progress.

The issue of natural flood management goes to the heart of what we are talking about. We are trying to provide the maximum protection and adaptation, but we are also trying to ensure that we develop such measures in keeping with and by working alongside the other forces in nature, rather than working against them; Robin Harper made that point strongly. I repeat our commitment to the natural flood management approach. In our view, there must be a much better way of undertaking sustainable flood management, and the bill must reflect that.

I make it absolutely clear that the recommendations in the committee's report will be echoed in much of the bill. I hope that that will be seen in committee debates and discussions as the bill proceeds. Where we have differences—on funding, for example—discussion will have to continue, but I think that on most issues we will be able to unite to protect Scotland. The comprehensive effort that the committee and the Government have made to gather evidence and views from key stakeholders and the public has been extremely important. The evidence that we received in our consultation will inform the development of a bill that will be important to every community in Scotland.

I was struck by a point that Bill Wilson made. Of course, there are communities that are deeply at risk—we know where they are and must work with them—but every community in Scotland could be at risk from extreme rainfall events and the effects of pluvial flooding. Communities such as Newmills never expected to be affected but have suffered devastating floods. We must raise the profile of the issue, make the whole of Scotland understand how important it is to the Parliament and to Scotland generally, and find the appropriate methods of moving forward. I am grateful to the committee for its work and hope that we will be able to work well with it. The debate has been helpful and has taken the issue forward.

11:31

**John Scott (Ayr) (Con):** In closing today's debate on flooding and flood management, I begin by declaring an interest as a farmer.

I thank our clerks for their assiduous preparation of the report that we are debating and fully endorse Roseanna Cunningham's remarks in that regard. The debate has been valuable and largely consensual in nature, notwithstanding Mike Rumbles's contribution. That augurs well for the passage of the bill that will be introduced in the autumn.

When the Rural Affairs and Environment Committee launched its inquiry last year, it did so in the full knowledge that the Scottish Government intended to introduce legislation to update and transform the way in which Scotland manages its flood risk. We recognised that in the past Scotland has had a better approach to flood risk management than England, but that that was absolutely no reason to rest on our laurels, as future challenges are significant. As the minister suggested, we recognised that the experience of the National Flood Forum would help us in Scotland to address the issue. The intention was that the committee's report should inform constructively the Scottish Government's thinking; I hope that it has achieved that aim.

Reform of the legislative framework for flood management is long overdue. The current statute appears to have driven a piecemeal approach to the issue, but what is required is an holistic approach, with all the bodies and organisations that contribute to flood risk management working together coherently. I note the minister's view, which will be reflected in the bill, that the process should be local authority led. I accept that, provided that major and contentious plans remain subject to ministerial approval and that SEPA is the central co-ordinating body.

Several key themes have emerged. Climate change means that flooding is likely to become more common in future. We are likely to get wetter winters—the data tell us that that is already happening. Intense rainfall events are likely to become more common, especially in the summer time, which means that the risk of fluvial and pluvial flooding will increase. Areas of Scotland that may have seen themselves as immune from flooding in the past will have to learn to understand flood risk and to adapt to it.

Increased storminess may generate greater coastal flooding and inundation. I welcome Bill Wilson's thoughtful contribution on that issue. The debate appears to have shifted from arguing about the reality of climate change to discussing how to adapt to it; I welcome that shift. We know that at present around 77,000 homes are at risk of fluvial

flooding and 94,000 homes are at risk of coastal flooding, but we do not know how many are at risk of pluvial flooding—those data do not seem to exist. Many of the witnesses from whom we heard said that the issue ought to be a priority; the committee agrees whole-heartedly with that position. David Stewart and Des McNulty also made that point.

To address the situation, it is essential that we take a long-term view of planning for flood management. The committee suggested a period of 25 years and I argued for an even longer timescale because we need to make investment decisions over that timescale or longer. The departing Jamie Hepburn referred to that, as did Peter Peacock. Certainly, investing now will be more cost effective than waiting for flooding to happen and then dealing with it.

The Stern report on the economic impacts of climate change estimated that annual losses due to flooding in the UK could increase from around 0.1 per cent of GDP today to 0.2 per cent and then 0.4 per cent of GDP once global temperatures increase by 3°C to 4°C. Therefore, at a purely economic level, we cannot afford not to get better at flood management.

However, this is not just about economic impacts, as the devastating social and human costs of flooding must be factored in. The committee's recommendation on incorporating non-economic factors in the assessment of flood prevention measures is essential. Many members, such as Nanette Milne, referred to that specifically.

I turn to how flooding can be coped with physically. In the past, the emphasis has tended to be on hard flood defences. There is no doubt that those will continue to be needed, but they are only one element of the toolkit that flood managers will need to draw on to achieve sustainable flood management in the future. In order to deliver sustainable flood management, the catchment must be the unit for flood management and an holistic approach must be taken to the management of flood risk throughout a catchment. I note that the minister shares that view.

The precise needs of catchments vary, and that variation will determine which elements of the flood management toolkit will need to be used. The funding required will also vary. We expect the minister to honour his pledges on making available adequate funding in future. I endorse Karen Gillon's comments in that regard.

Land use management within a catchment will be critical. Compelling evidence was presented by the Forestry Commission about the potential of afforestation, to which Sarah Boyack and Robin Harper referred, to increase hydraulic roughness, slow the speed at which rainfall enters

watercourses and act as a physical barrier on flood plains, thereby taking the peaks off floods.

Peter Peacock referred to the fact that systems will need to be established to allow agricultural land to be flooded deliberately in order to protect areas both upstream and downstream. Obviously, such systems would need to be supported by adequate compensation for farmers and landowners. We need to think sensibly about that when costing projects in future, as Des McNulty said.

Similarly, incentives, perhaps through land management grants, to reduce land drainage, recreate former wetlands and reinstate natural meandering river channels might need to be considered, too. The progressive spread of hard surfaces, in the form of roads, driveways, car parks or whatever, has an impact on hydrological behaviour, resulting in more rapid run-off. That must be addressed, as Robin Harper mentioned.

I turn now to the planning system, which has a vital role to play in future. The committee was told that the situation in Scotland is significantly better than that in England, with less building on flood plains. However, with Government-driven targets, there is demand for more housing, although it might be slowing at the moment. The conflict between that demand, the desire for economic development and the need to avoid development in areas of flood risk needs to be resolved—or at the very least managed.

Land use management and planning are but two elements of the sustainable flood management toolkit; natural flood management techniques and effective building standards and regulations are others. All those need to be brought to bear, as we cannot simply rely on building bigger and bigger defences and drainage systems, which would be wholly unsustainable.

The committee looks forward to scrutinising the Government's legislative proposals later in the year. We hope that many of the recommendations contained in our report will be taken forward.

The timescale for achieving effective flood management stretches far into the future—way beyond this parliamentary session. Getting the legislation right now is vital for future generations who will have to live with the consequences of climate change and the bill that is to be introduced.

I hope that the committee's report has been a valuable contribution to the overall effort. We all look forward to receiving and reviewing the proposed legislation in the autumn.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:39

#### Crown Office (Meetings)

**1. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive when ministers last met the Crown Office and what issues were discussed. (S3O-3935)

**The Lord Advocate (Elish Angiolini):** I am in regular discussion with ministerial colleagues about how to make a safer and stronger Scotland.

**Pauline McNeill:** I am at least the fourth member to raise concerns about the implementation of the Criminal Proceedings etc (Reform) (Scotland) Act 2007, so I hope that the Lord Advocate and ministers will take the matter seriously.

Like other members who scrutinised the legislation, I am getting reports that the number of cases that are being diverted to fiscal fines is not what we expected when the powers were extended. There are reports that the cases that have been diverted from prosecution include cases of domestic violence and serious assaults. Will the Lord Advocate assure me that our concerns will not be dismissed? Will she and ministers commit to give a full response with a full discussion of the guidelines? Will she meet the justice spokespeople and members of the Justice Committee so that we can go through our concerns?

**The Lord Advocate:** I am always happy to meet the justice spokespeople and indeed the Justice Committee to discuss the implementation of the 2007 act. The legislation is tremendously radical and I hope that it will transform the way in which we deal with summary justice.

I have been a prosecutor for 25 years—more years than it is ladylike to confess, probably. During that time, I have experienced the frustration, in the context of summary justice, of watching cases in which the accused pleads not guilty, only to plead guilty thereafter. Of 70,000 such cases, on average only 7,000 proceeded to trial. Cases churned around the courts—traumatised and worried witnesses came to court, police officers were holed up in witness rooms rather than being on the streets, and forensic reports were commissioned, which caused delay. It was an absolute disgrace that we could not bring justice rapidly and swiftly for the victims of crime,

nor indeed for the accused, who would benefit from sharp, swift, effective measures. I was therefore delighted to have the legislation. I know that Pauline McNeill supported it during its passage, as well as questioning and testing it appropriately.

The legislation came into force in March this year, so clearly it is in its infancy. The sensible and measured guidance that has been issued leaves an element of discretion to procurators fiscal. That is crucial to the independence of the prosecution system in Scotland. We cannot have micromanagement of the decisions of procurators fiscal by politicians or newspapers. That would amount to an intrusion into their independence. What we need is good, sound guidance allied with the common sense of procurators fiscal.

I assure the Parliament that domestic violence will continue to be treated with the utmost seriousness. We have a policy of zero tolerance in relation to it. If fiscals take inappropriate decisions or make errors in implementing the guidance, we will ensure that action is taken. The area procurators fiscal and the district procurators fiscal are monitoring the position closely to ensure that there is appropriate compliance.

As far as serious assault and serious violence are concerned, again, the suggestion that fiscal fines would be appropriate is wholly inept. They will not be used for such cases. Violence covers a wide range of conduct, from spitting at someone, chasing after someone, putting a cream cake in someone's face or throwing a piece of wool at someone right up to hitting someone with a machete. When the offence is a minor assault, a fiscal fine may be appropriate, but it would not be appropriate for a serious assault, as the member suggests.

I am happy to discuss the guidance in general terms and I assure the member that we will monitor it constantly for the next 12 months or so. Indeed, the Inspectorate of Prosecution in Scotland intends to carry out an inspection of the implementation, which will be helpful.

**Patrick Harvie (Glasgow) (Green):** On a separate matter that relates to the Crown Office, the Government might be aware that individuals in Glasgow were recently moved on for peacefully protesting against scientology. That followed on from similar circumstances south of the border that led to arrests. Will the Government discuss with the Crown Office the inappropriateness of any prosecutions for peaceful protest against cult activity in Scotland? Will the Government then raise the matter with Strathclyde Police?

**The Lord Advocate:** I would be extremely surprised if the Government discussed with me, as the independent Lord Advocate, the merits of a

prosecution. The fact that prosecution in Scotland must be carried out independently is not a matter of arrogance or pomposity on my part, but a duty that is enshrined in the Scotland Act 1998. I must make decisions independently of any other person, and that independence flows to procurators fiscal, who must act in the same way. When procurators fiscal consider an offence, they do so on the basis of the law, sufficiency of evidence and the public interest. They make their decisions purely and clinically on that basis, not on the basis of any lobby or clamour.

This democracy cherishes peaceful protest. Such protest is legitimate and the European convention on human rights supports it. Where it trespasses into violence or disturbance, or where it might amount to a breach of the peace, that must be balanced against the liberties and freedoms of others that might be trespassed by that protest. That balance is safely in the hands of procurators fiscal across the country, and I hope that the member supports that.

**Christina McKelvie (Central Scotland) (SNP):** Is not the Criminal Proceedings etc (Reform) (Scotland) Act 2007 legislation that was introduced by the previous, bipartisan Administration? Is the Lord Advocate concerned that she should not be persuaded by those with a vested interest?

**The Lord Advocate:** The legislation was introduced by the former Minister for Justice. I fully supported it and, as I said earlier, it is an enlightened piece of legislation. The previous Administration is to be commended for making those radical changes.

Likewise, we should be cautious of becoming hysterical about the use of fiscal fines on the basis of anecdotal evidence. Members are aware that many solicitors in defence practice are very apprehensive about the potential loss of income because of the changes. Some solicitors have survived because of the system's inefficiency and having adjournment business, in which they simply turn up to deal with the business that is being churned around rather than being dealt with.

The intention behind the reforms is that cases and trials should take place much more quickly than has ever happened before. Some of that business will therefore evaporate from the courts, which can only be good for the public and for victims. Ultimately, it will also be good for the legal profession. I hope that the concerns and apprehensions that have been manifested throughout the media will soon calm when the legislation is fully in place and we have had an opportunity to settle in.

## **Telephone Boxes (Highlands and Islands)**

**2. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Executive whether it will ensure that no BT public telephone boxes are removed from areas of the Highlands and Islands where mobile reception is poor or non-existent, particularly when the removal may impact on public safety in the event of a road collision, mountain or maritime incident. (S3O-3921)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** This is a reserved issue and an example of one of the many areas in which the Scottish Parliament and Government would be better able to respond to the needs and interests of the Scottish people if responsibility were to be transferred from the United Kingdom. The member is clearly keen for the Scottish Government to have sufficient responsibilities to act in this area. I have ensured that her views have been fed in as part of our national conversation, and I welcome her support for the necessary further transfers of competence.

**Rhoda Grant:** I had hoped that the minister would agree to use his good offices to speak to BT rather than turning the issue into a political football. The phone boxes often have a low level of usage, but when there is a lack of any other means of communication, they can be a lifeline. Will the minister use his good offices to speak to BT and discuss options such as local maintenance contracts, as suggested by the Gairloch Business Association, which would lower maintenance costs and make it more viable for BT to keep the phone boxes open?

**Jim Mather:** I appreciate the member's comments and share her concerns, as I have a similar situation on Jura and in Kintyre. However, the process is covered by Ofcom regulations for BT. Phone boxes are part of BT's universal service obligation and if it wishes to remove one, it must do so subject to consultation. It must put up a poster for 42 days and it must consult, unless there is another payphone within 400m.

We need to get the problem across to local authorities, which should respond to BT, perhaps with prompting from MSPs and councillors, and give objections and the reasons for them. If those reasons are considered to be valid—for example, if the area is a cell phone black spot—the phone boxes will not be removed.

The member and I share an interest in the Highlands, and BT has extended its consultation period to mid-August following the concerns that have been raised. The process exists and we should use it.

**Elizabeth Smith (Mid Scotland and Fife) (Con):** Has the Scottish Government made any submissions to BT during the period of formal

consultation on the future of public telephone boxes? If so, what have those submissions entailed?

**Jim Mather:** The submissions consciously got across the reality of life out there. This week, I received a considerable submission from Kintyre, which was passed on. The key message is that there is a process that can be activated when there are valid reasons why a box should not be removed. In such cases, Ofcom will issue guidance to ensure that the box is not removed.

### **Mobility and Access Committee for Scotland**

**3. Johann Lamont (Glasgow Pollok) (Lab):** To ask the Scottish Executive when the Mobility and Access Committee for Scotland will be reconvened and what support will be put in place for it. (S3O-3927)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** A meeting of the Mobility and Access Committee for Scotland took place on 17 June, when the appointments process for new members, the work programme and effective liaison with the Public Transport Users Committee for Scotland were discussed. The secretariat is provided by the Scottish Government.

**Johann Lamont:** It might have been appropriate for the minister to apologise for the impact on people with disabilities of his original decision to abolish MACS. He was so driven by a narrow agenda on public bodies that he disregarded his basic equality responsibilities. Will he reflect on the fact that it was fortunate that parliamentary scrutiny was needed, as MACS would otherwise have been dumped, regardless of the damage that that would have caused? One wonders what other decisions have been made without such scrutiny.

Given that experience, what action will the minister take to ensure that equality responsibilities are taken more seriously in other areas? For example, will he commit his Government to ensuring that no single outcome agreement is signed off unless evidence is provided that an equality impact assessment has been completed?

**Stewart Stevenson:** I am disappointed by the tone of that supplementary question. The Government takes its equality responsibilities extremely seriously. It also recognises the important role of Parliament in scrutinising what goes on in the Government. In response to the Transport, Infrastructure and Climate Change Committee's debate, which was good tempered and well balanced, we sought urgently to re-establish MACS as an effective body. We will go beyond the commitment that was shown by the

previous Administration by ensuring that—for the first time—members of MACS receive a fee for attendance. Previously, they were expected to attend for no fee.

We have delivered equality to members of that committee, who will be on the same basis as members of the Public Transport Users Committee. The Government steps up to and meets all its equality responsibilities.

**Alison McInnes (North East Scotland) (LD):** I thank the minister for responding to the concerns of the disabled community and of the Transport, Infrastructure and Climate Change Committee by agreeing to maintain MACS. However, as the organisation was somewhat neglected in anticipation of its wind-up, it now needs nurturing and intensive care.

**The Presiding Officer (Alex Fergusson):** We need a question, please.

**Alison McInnes:** It is important that new members of MACS are appointed as quickly as possible. Will the minister assure me that he will make all possible progress on that? Has he considered a truncated process that uses nominations to PTUC? Further—

**The Presiding Officer:** Very briefly, please.

**Alison McInnes:** Will the minister ensure that secretarial provision is responsive and supportive?

**Stewart Stevenson:** I thank Alison McInnes for her constructive questions. We are talking to the Office of the Commissioner for Public Appointments in Scotland about accelerating the process. We seek to establish whether people who expressed an interest in serving on PTUC can be redirected to MACS. I hope that we will make the progress that fulfils the commitment that I gave in my previous answer.

**Cathy Peattie (Falkirk East) (Lab):** I welcome the decision on MACS. Will the minister ensure that MACS reflects the diversity of disabled people and organisations throughout Scotland?

**Stewart Stevenson:** During the Transport, Infrastructure and Climate Change Committee's debate, I expressed the concern that not all disabilities could be fully reflected within the committee's boundaries. We had a constructive debate on that. I will ensure that we reflect all disabilities to the extent that we can. We will also ensure that MACS and PTUC work together closely. We will use opportunities in the framework of sub-committees for PTUC—if appropriate and in agreement with MACS—to reflect all appropriate disabilities.

## **Her Majesty's Inspectorate of Education (Meetings)**

**4. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Government what recent discussions it has had with HM Inspectorate of Education. (S3O-3961)

**The Minister for Schools and Skills (Maureen Watt):** Recent discussions with HMIE have covered the normal business of professional advice and updating on key operational matters.

**Christine Grahame:** Following concerns about the HMIE inspections process that have been raised with me and echoed by the Educational Institute of Scotland, will the minister instigate a review of the entire school inspection process? It appears in some instances to have a damaging effect on headteachers, staff and pupils, which is in no one's interests.

**Maureen Watt:** I thank the member for her supplementary question. Of course, I will always keep an open mind on the subject to which she refers. However, HMIE's work is already subject to a significant amount of independent review. It has been reviewed as part of the international Organisation for Economic Co-operation and Development study, and as part of the Crerar review. It is also subject to scrutiny by Audit Scotland and the Scottish Parliament. The independent reviews report the important views of parents, pupils and teachers. The figures show that 87 per cent of teachers rated inspections good or very good in terms of helpfulness to their school. Over the same period, 98 per cent of parents found the inspection of their children's schools helpful.

## **Kinship Care**

**5. Mary Mulligan (Linlithgow) (Lab):** To ask the Scottish Executive how many local authorities are currently paying kinship care payments to grandparents. (S3O-3937)

**The Minister for Children and Early Years (Adam Ingram):** One of the commitments in our concordat with the Convention of Scottish Local Authorities is to pay approved kinship carers of looked-after children a weekly allowance. This means that, for the first time ever—

**The Presiding Officer:** Sorry, minister—can I have less conversation in the chamber, please.

**Adam Ingram:** For the first time ever, more than 2,000 such carers will be entitled to receive financial support. Progress against each of the commitments in the concordat will be reported annually by COSLA at the end of each financial year.

**Mary Mulligan:** I thank the minister for that answer. However, he did not answer my question,

which was how many local authorities are paying the allowance. Other MSPs and I remain concerned that the plans to which the minister referred do not address the needs of kinship carers when the child is not formally looked after or when the carers have a residency order. How will the minister ensure that all local authorities pay a kinship care allowance that is at least equivalent to the sum that the Fostering Network Scotland recommends, and that all local authorities pay the same allowance so that kinship carers do not face a postcode lottery?

**Adam Ingram:** I remind the member that the previous Administration had eight years in which to produce proposals to support kinship carers. *[Applause.]*

**The Presiding Officer:** Order.

**Adam Ingram:** This Government was barely in power before we embarked on a journey to support vulnerable families who are reliant on kinship care. The first step was to establish parity between foster carers and kinship carers of looked-after children. That will be achieved throughout the country over the next three years.

**Bob Doris (Glasgow) (SNP):** Does the minister agree that the best use of MSPs' time, if they care about direct payments to kinship carers, is to do what I have done in Glasgow? I felt that Labour-led Glasgow City Council was dragging its heels on kinship care payments, and that it was unprepared and giving misleading information.

**The Presiding Officer:** Briefly, please, Mr Doris.

**Bob Doris:** Does the minister believe that members, rather than grandstanding in the chamber, should meet the leaders of the relevant councils? I did that in Glasgow, and there is now a task force for implementation because a Scottish National Party member—

**The Presiding Officer:** Thank you, Mr Doris. We have got the hang of the question.

**Adam Ingram:** I certainly endorse and support the activities of Mr Doris with regard to Glasgow City Council. I am perfectly aware—

**The Presiding Officer:** As briefly as possible, please.

**Adam Ingram:** We still have a considerable way to go to get to the point at which all kinship carers have access to the support that they need. However, it is incumbent on all of us in the Parliament to support that process and to try not to undermine it.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** I ask the minister to remember that he said in the chamber that he would not blame councils for their failure to implement kinship care

payments. The minister told us that 2,000 people are in receipt of payment this year. How many people were in receipt of that payment last year?

**The Presiding Officer:** As briefly as you can, minister.

**Adam Ingram:** There was none, as far as I am aware. This kinship care allowance is entirely new. Prior to our new strategy being brought into play, councils had the opportunity to make discretionary payments, and I know that some councils did that.

**The Presiding Officer:** Before we move to First Minister's question time, I am delighted to say that His Excellency Mr George Liswaniso, the High Commissioner of Namibia, has joined us in the Presiding Officer's gallery. On behalf of the Scottish Parliament, I extend a warm welcome to the High Commissioner. *[Applause.]*

## First Minister's Question Time

12:00

**The Presiding Officer (Alex Fergusson):** I inform members that, as Wendy Alexander has lost her voice, although she will ask her question as printed in the *Business Bulletin*, I will then call Cathy Jamieson to ask supplementary questions to question 1, as permitted by standing order 13.7.5, which states:

"If the member who asked the question does not ask the first supplementary question, any member may, at the discretion of the Presiding Officer, ask a supplementary question or questions."

### Engagements

**1. Ms Wendy Alexander (Paisley North) (Lab):** I have indeed been rendered speechless.

On that note, for the last time before the recess, I ask the First Minister what engagements he has planned for the rest of the day. (S3F-925)

**The First Minister (Alex Salmond):** I wish Wendy Alexander a speedy recovery.

I am busy with engagements for the rest of the day—a full programme to take forward the Government's programme for Scotland. I might not get as much publicity as Wendy Alexander, but it is a busy programme nonetheless.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I, too, wish Wendy Alexander a speedy recovery.

The Government recently published its plans to tackle Scotland's booze culture. Today, I ask the First Minister about his plans to tackle Scotland's blade culture. Last July, Damian Muir was stabbed to death in a random and unprovoked attack in Greenock. Damian's father, John Muir, is visiting Parliament today to deliver a petition of 15,000 signatures. The petition asks the Parliament to consider mandatory sentences for knife crime. I ask the First Minister what his Government is doing to tackle Scotland's blade culture.

**The First Minister:** We are considering exactly that, among other measures. Cathy Jamieson will be well aware of the initiatives that have been taken against the blade culture. As a former justice minister, she will know how difficult these matters are. However, I think that she will recognise that this issue is one that the Parliament can unite behind, to address one of the serious problems in Scottish society. In turn, I welcome the broad support of the Labour Party for our assault on the drink abuse culture in Scotland.

**Cathy Jamieson:** We recognise that effective action to tackle the blade culture is every bit as

important as tackling the booze culture. At the previous election, the manifestos of both Labour and the Scottish National Party promised a sentencing council to deliver consistent and effective sentencing throughout Scotland. When will that sentencing council be established?

**The First Minister:** Within the next few days, we will have the long-awaited report of the McLeish commission, which will help us enormously not just to bring the criminal justice system in Scotland up to date but to rationalise our sentencing policy, our approach to prisons and our approach to community punishment. We should thank that commission for its work and I very much look forward to the publication of its report.

**Cathy Jamieson:** I, too, look forward to the report of the McLeish commission, because there are some serious issues to address. I press a point in relation to the sentencing council. We appreciate that any sentencing council must be led by the judiciary, but will the First Minister ensure that if and when a sentencing council is established, there is a mechanism to allow that council, in its deliberations, to hear the voices of the people of Scotland, the voices of victims and indeed the voices of their families?

**The First Minister:** It is important that we do that and that we hear the voice of organisations such as Victim Support Scotland. We are committed to the sentencing council. I assure Cathy Jamieson that once the McLeish commission reports, we will respond quickly to its provisions and recommendations.

**Cathy Jamieson:** With due respect to the First Minister, although I welcome what he has said, to date there has been little action on this vital issue. In February, in answer to a question from Duncan McNeil, the Cabinet Secretary for Justice said:

"We are not closed to considering further legislative action".—[*Official Report, Written Answers*, 27 March 2008; S30-2828.]

It is now the last day of the parliamentary term. Will the First Minister give an assurance that, when his programme for government is debated on the first day back after recess, the sentencing council will be part of that programme?

**The First Minister:** As Cathy Jamieson knows, we are bringing into consideration a criminal justice bill, in addition to the McLeish commission and the most radical assault on the abuse of booze in Scotland. I am sure that Cathy Jamieson, like me, would not want to underrate in any way the connection between crime levels and the booze culture in Scotland. According to some estimates, over 50 per cent of crime is alcohol related.

Given the new criminal justice bill, the McLeish commission and the various initiatives that he has

made as the Cabinet Secretary for Justice, the one thing that Kenny MacAskill could never be accused of is inactivity. On the contrary, we have a Cabinet Secretary for Justice who is putting the interests of the Scottish people first and rallying a great amount of support for tackling the underlying problems in Scottish society.

### Secretary of State for Scotland

**2. Annabel Goldie (West of Scotland) (Con):** I, too, wish Wendy Alexander a full recovery. Wendy Alexander without a voice is a strange phenomenon.

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-926)

**The First Minister (Alex Salmond):** I met the Secretary of State yesterday at the first plenary meeting of the joint ministerial committee since 2002.

**Annabel Goldie:** The First Minister has just celebrated what is popularly known as his paper anniversary, but he should not let romance go to his head. Some of the brave promises that attended his arrival in government are, one year later, turning out to be more brash than brave and, in some cases, more brazen than brash.

However, let us not be churlish. I congratulate the First Minister on finally admitting that he is not the master of political infallibility and that even he can get things wrong. I congratulate him on ditching the first-time buyers grant. Will he demonstrate continuing humility by indicating to the chamber on this anniversary which other parts of his manifesto are not worth the paper they are written on?

**The First Minister:** We have been totalling up the number of commitments that we have undertaken and delivered over the past year: 137. I do not have time to go through every single one, although if Annabel Goldie wants to make an appointment, perhaps we can discuss it in more detail. Let us call these the magnificent seven: funding a freeze on council tax over the next three years; the small business bonus scheme for 150,000 small businesses; removing the tolls on the Forth and Tay bridges—[*Applause*.]

**The Presiding Officer:** Order. That is enough applause, thank you.

**The First Minister:**—reversing the closure decisions at Ayr and Monklands hospitals; abolishing—in this, the 60<sup>th</sup> anniversary year of the health service—prescription charges over the next few years; reintroducing free education, after a gap of some years thanks to Labour and the Liberal Democrats; and, of course, signing the historic concordat with the Convention of Scottish Local Authorities. The concordat is second this



year only to the national conversation on independence and Duncan McNeil's historic declaration that the Labour Party would not stand in the way of an independence referendum.

**Annabel Goldie:** Many of us have good reasons to look forward to the recess, but respite from the historic concordat must be at the top of the list.

I return to the hair-shirt opportunity that I am giving the First Minister to show a little humility, however alien an experience that may be for him. For example, the policy on class sizes is seen by most councils as financially untenable and by the Scottish National Party-led City of Edinburgh Council as undeliverable in law. Is it not time to ditch that promise and to concentrate our resources on the things that really matter in our classrooms?

Throughout Scotland, from the business community to students to Glasgow City Council, local income tax is being lambasted and ridiculed. Is it not time to drop that promise and cut council tax instead?

Finally, if something is really beginning to unnerve the public, it is the SNP's unrelenting drive to create a soft-touch Scotland and its continual dumbing down of Scotland's criminal justice system, which have led to the emptying of our prisons, the extension of home detention curfews and the setting free of prisoners to commit more crime. Above all else, will the First Minister please use his forthcoming recess to go home and think again?

**The First Minister:** Annabel Goldie was doing so well until the last bit of her question. I am forced to remind her that, in its 18 years of government, the Conservative Party did not build a single prison in Scotland and created the system of automatic early release that this Government is—with, I hope, Conservative party support—committed to ending. Moreover, when the Conservatives were in government, there were three times as many absconds from the open prison estate as there are now.

If Annabel Goldie's party is to have any credibility with regard to criminal justice and crime levels in Scotland, it must change its approach to the misuse of alcohol in Scotland. In that respect, the approach taken by her young Turk sitting at her right-hand side is at best immature and at worst irresponsible.

Like Miss Goldie, I do not want to be churlish. On that basis, I want to say how much I deprecate the remarks of former leading Tory MSP, Brian Monteith, who last week said:

"while Goldie may be a game old bird—she is competent within her policy-light limitations and has a St Trinian's sense of humour—beyond the

appeal to

"her blue-rinse brigade, she has little crossover appeal."

I deprecate those comments as sexist, ageist and typically Tory. No member of the SNP will ever describe Annabel Goldie in those terms.

**The Presiding Officer:** I think that that deserves a further question from Miss Goldie.

**Annabel Goldie:** The last bit of the First Minister's response does not worry me in the slightest, but the first bit does and I must be given the opportunity to correct him. When the Conservatives were in government, crime in Scotland was falling and the prison population virtually matched prison capacity. I also point out that we planned the building of Kilmarnock prison. Let us hear no more nonsense from the First Minister on that matter.

On automatic early release, as the facts—not the First Minister's fiction—show, the Conservatives repealed the policy in 1997, but Labour refused to implement that decision. Indeed, the facts are that, on numerous occasions in this Parliament, Labour, the Liberal Democrats and—yes—the SNP have blocked Conservative attempts to end automatic early release. We have had enough of the First Minister's attempts to hide his discomfiture by lashing out at others.

**The First Minister:** I note that Annabel Goldie neither denied that the system of automatic early release was created in 1993 by the Conservative Party nor refuted that in 1996-97, when the Conservatives were last in government and when Lord James Douglas-Hamilton was the Scottish Office Minister for Health and Home Affairs, there were 98 absconds from the open estate at a time when the population was 290, against 69 in the latest year, when the population was 444. In other words, as a proportion of the open prison estate, there were three times as many absconds then as there are now. I fully accept that, on a range of issues, particularly drugs, the Conservatives have been supportive and responsible. However, I do not believe that a party with such a track record should lecture other parties in the chamber on their approach to criminal justice.

Secondly, on Murdo Fraser's remark that

"It is ludicrous to suggest that Scotland's student population cannot purchase alcohol and it will do nothing to promote Scotland as a place of study",

I have spoken to the Indian authorities, the Chinese authorities and the American authorities, who represent thousands of people who come to Scotland to study, and not one of them has ever mentioned being able to get cheap booze from off-licences as a reason for coming here to study.

I hope that, over the recess, Annabel Goldie, who has taken a responsible attitude towards the

drugs problem in Scotland, will be able to persuade her young Turks and the rest of her party to take the same responsible attitude to the booze culture in Scotland.

### **Cabinet (Meetings)**

**3. Nicol Stephen (Aberdeen South) (LD):** I, too, wish Wendy Alexander a speedy recovery.

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-927)

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

**Nicol Stephen:** Last October, the First Minister wrote to General Than Shwe in Burma, to Robert Mugabe in Zimbabwe and to 187 other countries to ask for their support for Scotland to be given observer status at the United Nations. How many of those countries wrote back?

**The First Minister:** We received a number of replies—not from the countries that Nicol Stephen has mentioned, I am delighted to say. Just in case anyone does not remember exactly which countries we are talking about, they are the countries that are covered by the non-proliferation treaty arrangements, all of which the United Kingdom has diplomatic relations with. That is why they were written to. The purpose was to emphasise the view that is held by so many people in Scotland—by people across civic society, in the Scottish Trades Union Congress and in every church and faith group in the land—that it is high time that this country, our country, had weapons of mass destruction removed from its soil.

**Nicol Stephen:** I can probably help the First Minister. Of those 189 countries, 167 ignored him—in his words,

“I do not have time to go through every single one”—

but 22 of them wrote back. He got replies from Guyana, Cuba, Lesotho, Cameroon and the Vatican City. His Government refuses to tell us what any of them said, but we know that he did not even get a clean sweep of his friends in the arc of prosperity.

Should the First Minister not take the hint, drop the global grandstanding and put more effort into delivering at home? This year, will he write instead to the people he has let down in Scotland: the parents whose children will be in bigger primary school classes than they were in last year; the students who are still waiting for him to write off their debts; and the first-time buyers, who found out only yesterday, in only 23 words, that the grants that they were promised by the Scottish National Party have been cancelled by the

Scottish National Party? Will he apologise to them? Will he apologise to Scotland for writing that letter to Robert Mugabe? What will his priority be this autumn? Will it be writing more letters to despots or fixing his broken promises?

**The First Minister:** I would have hoped that even Nicol Stephen would have welcomed the substantial increases in budget for homestake and the home owners support fund, which are answering the crisis that has arisen across the housing industry in Scotland thanks to the credit crunch and economic factors.

As Nicol Stephen may well remember, the measures that we have taken on housing to build a total of 35,000 houses a year and to tackle the crisis that was ignored by Labour and the Liberal Democrats include the banning of the right to buy for new houses. Why did we do that? We did so because, in the final four years of the Labour-Liberal Democrat Administration, a total of six council houses were built in Scotland. Admittedly, all of them were built in Shetland. Will Nicol Stephen apologise to everyone on the waiting list who has suffered as a result of that deplorable record?

On the countries that Nicol Stephen mentioned, because of the due courtesies that are accorded to diplomatic correspondence, we do not release the details of it. However, I am not certain why Nicol Stephen thought that the Vatican state and its correspondence should be the butt of his attempt at humour. We can probably interpret well what the Vatican state said in its letter to the Scottish Government: it would have put forward its long-standing view that weapons of mass destruction should be outlawed and it probably welcomed the fact that the Government in this country is standing up to the new generation of Trident. I thought that the Liberal party once supported that, but that is far from clear from Nicol Stephen.

**The Presiding Officer:** I will allow Nicol Stephen a very brief supplementary.

**Nicol Stephen:** Very briefly, the important point is that the letter that the First Minister sent was not about Zimbabwe. There was not a word in the letter about democracy or repression—it was just me, me, me from Alex Salmond. Does he regret sending it?

**The Presiding Officer:** Can we have an equally brief answer, please, First Minister?

**The First Minister:** The letter that I sent to the non-proliferation treaty countries was about nuclear weapons and I will never regret campaigning to remove nuclear weapons from Scottish soil.

### Joint Ministerial Committee

**4. Michael Matheson (Falkirk West) (SNP):** To ask the First Minister whether he will report on matters discussed at this week's meeting of the joint ministerial committee. (S3F-947)

**The First Minister (Alex Salmond):** Yesterday, the Cabinet Secretary for Finance and Sustainable Growth and I attended the first plenary meeting of the joint ministerial committee in six years. The meeting was chaired by the Lord Chancellor, Jack Straw, and attended by Paul Murphy, the minister responsible for the JMC and the Secretary of State for Wales, the First Ministers and Deputy First Ministers of Wales and Northern Ireland, and the Secretaries of State for Northern Ireland and Scotland. We discussed a range of matters, including the United Kingdom renewable energy strategy and the draft marine bill, and we took stock of relations generally. John Swinney also took the opportunity to raise a number of other issues of concern to Scotland, including attendance allowance, council tax benefit and the lack of Barnett consequential from the Olympic regeneration spending in London.

**Michael Matheson:** The First Minister will be aware that the London Government has raided Scotland's lottery fund to the tune of £184 million to help to meet the spiralling costs of the London Olympics. What progress was made on securing Scotland's share of the £1.5 billion that the London Government intends to spend in the next three years on regeneration projects that are associated with the games? That money could help to offset the damage that has been caused to the many local organisations that are suffering as a result of the cut in lottery funding.

**The First Minister:** As Michael Matheson indicates, there are two distinct issues. The first is the question of the funding of many facilities for the games through lottery funding and the impact that that is having on lottery funding elsewhere in the country, in England, Scotland, Wales and Northern Ireland. The second aspect is equally serious. The Government, the Welsh Assembly Government and the Northern Ireland Executive feel that the statement of funding policy cannot possibly be interpreted to mean that regeneration funding in London—which, I am pleased to say, is welcome and necessary—should not have a Barnett consequential for funding in Scotland, Wales and Northern Ireland.

I cannot say that the Treasury collapsed in a heap at yesterday's meeting of the joint ministerial committee but, nonetheless, for the first time in six years we have re-established a mechanism for adjudication and further discussion, rather than taking a simple no from the London Treasury. I am sure that previous First Ministers would have found that mechanism extremely useful—for

example, Henry McLeish would have found it useful when he got a no and was deprived of the attendance allowance money, which has crippled the budget for free personal care in Scotland. I hope that all members will recognise and welcome the resumption of the joint ministerial committees and the opportunity that that gives Scotland, Wales and Northern Ireland to progress justified claims and demands to ensure parity and fairness for our nations.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** Does the First Minister accept that he is becoming more like Don Quixote by the day, by winning victories over people who did not even realise that they were at war and knocking down poor innocent windmills?

**The Presiding Officer:** Briefly, please.

**Ted Brocklebank:** Does the First Minister accept that, like Don Quixote, he does not know the difference between terms such as "historic" and "hysteric"? Although I am sure that the joint ministerial committee is a convenient forum for slagging off Westminster, would he not be better engaged giving evidence to the Calman commission if he really wants devolution to work effectively?

**The First Minister:** I am puzzled: I seem to recall that David Mundell MP, the lone Tory ranger in Scotland, welcomed the resumption of the joint ministerial committees. I know that parties sometimes lose their communications, but as there is only one Conservative MP in Scotland, Ted Brocklebank might at least manage to stay in touch with him.

As far as being Don Quixote is concerned, perhaps I should study closely *The Scotsman's* psychiatric analysis of the Labour Party's new tactics in defeating Alex Salmond. It says:

"The battle of minds during recent Question Times has been repeatedly won by the First Minister, but the Labour Party believes its new psychological evaluation has provided it with crucial insights".

**The Presiding Officer:** Briefly, please.

**The First Minister:** The article continues:

"The psychiatrist, who has not been named, identified particular Labour MSPs as enablers whose behaviour actually assisted the SNP leader.

Amongst the biggest culprits are Lord George Foulkes, Duncan McNeil and Andy Kerr."

I could have told the Labour Party that without any payment. That gives me the last opportunity before the recess to say something that I have longed to say. [*Interruption.*]

**The Presiding Officer:** Order.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer.

**The First Minister:** It is proof positive that the Labour Party is seeking psychiatric help.

**The Presiding Officer:** I will take points of order at the end, Mrs MacDonald.

**Iain Gray (East Lothian) (Lab):** The First Minister has appeared in the press this morning boasting that he negotiated an arbitration procedure at the joint ministerial committee. Given the level of grudge and grievance that is the daily currency of the Scottish Government, it is no wonder that an arbitration procedure might be required. Will he undertake unequivocally to accept the decisions of such procedures when they find against him, as they inevitably will, given the weakness of so many of his claims?

**The First Minister:** I am astonished at what Iain Gray says, as he has some Westminster experience and surely must be aware that the major protagonist who has been arguing the case for the reimbursement of Olympic regeneration funding has been Mr Rhodri Morgan, the Labour First Minister of Wales. Is Iain Gray arguing that Rhodri Morgan—or indeed the Northern Ireland Executive or the Scottish Government—would be putting forward a weak case, or is he so thirled to the Labour Party in London that he cannot see the wood for the trees and cannot even support a Scottish argument when the case is overwhelming?

### Marching Season (Public Safety)

**5. Bill Butler (Glasgow Anniesland) (Lab):** To ask the First Minister what discussions the Scottish Government has had with local authorities, police forces and march organisers in respect of ensuring public safety during the summer marching season. (S3F-946)

**The First Minister (Alex Salmond):** Decisions on marches and parades rest with the relevant local authority. The Scottish Government will support local authorities in working with the police and march organisations to ensure the appropriate balance between the rights of individuals and communities on the one hand, and the rights of the wider community to minimum disruption of daily life on the other.

We have begun a consultation on the changes in the Police, Public Order and Criminal Justice (Scotland) Act 2006 that affect marches and parades, which seeks the views of the police, communities, marching organisations and the relevant local authorities.

**Bill Butler:** The First Minister will be aware that improving the regulation of marches and parades was a key part of the previous Scottish Executive's action plan on tackling sectarianism, which was a package of measures that challenged us all to face up to the reality and seriousness of the issue

and which committed Government to act in a number of areas.

Sadly, that momentum has slowed considerably over the past year owing to the lack of a specific, coherent national strategy. There is a need to commit resources, set ambitious targets and meet regularly with all the organisations that were involved in the formulation and implementation of the previous Executive's action plan. Given that all of us in the chamber wish to rid Scotland of the ugly stain of sectarianism, will the First Minister make clear to Parliament today when his Government plans to bring forward its strategy to tackle sectarianism and build on the work of the previous Executive, so that sectarianism is not allowed to slip back into the darkness?

**The First Minister:** If Bill Butler wishes to appeal on a cross-party basis on this fundamental issue, he should try to do so without making cheap party-political points. This Government has the same interest as the whole Parliament has in tackling the evil of sectarianism in Scottish society.

I point out to Bill Butler one modest but nonetheless significant advance. As he probably knows, the police collect data on the cost of policing marches, but those are not currently available in a standard format. The previously quoted costs have not withstood any rigorous analysis. I am pleased to tell Bill Butler—I know that this is a matter in which he is genuinely interested—that Her Majesty's inspectorate of constabulary for Scotland is now collecting the data. That information will be available in the annual statistical returns for the first time from July 2009. That will replace the anecdotal evidence that we have at present and it will give us firm evidence to support further action on the very matters with which Bill Butler is concerned.

### Homelessness

**6. Robert Brown (Glasgow) (LD):** To ask the First Minister what progress the Scottish Government is making towards meeting the target to end unintentional homelessness by 2012. (S3F-942)

**The First Minister (Alex Salmond):** The 2012 target, as enshrined in the Homelessness etc (Scotland) Act 2003, is to abolish the distinction between homeless households that are currently assessed as "priority" or "non-priority" and to ensure that all people who find themselves homeless unintentionally are treated equally. The homelessness monitoring group's report published in March sets out the current progress. Since then, we have agreed joint priorities for action with the Convention of Scottish Local Authorities, including stronger efforts to prevent homelessness occurring in the first place and greater flexibility to

use the private rented sector to address homelessness.

**Robert Brown:** The First Minister will accept that the question of house building is highly relevant to the ability to meet homelessness targets. Is he aware that, in South Lanarkshire in the last year of our Government, 260 houses were planned under the affordable housing investment programme and 334 were built, whereas this year—the first full year of the Scottish National Party Government—only 175 houses are planned? Is he aware that, throughout Scotland, our Government built 8,027 units in our last year, but the SNP Government plans only 6,070 in its first year? Is he not ashamed of the SNP Government's housing record to date? How does he imagine that such figures will allow the implementation of the radical target to eradicate unintentional homelessness by 2012, which was set by our Government?

**The First Minister:** As Nicola Sturgeon brilliantly set out yesterday in her statement on housing, the increased funds for the homestake initiative and the increased funds for the home owners support fund answer many aspects of the current housing crisis in Scotland.

I draw to Robert Brown's attention the real record of the Labour-Liberal Administration over the past few years. As I said, six council houses were built in four years—admittedly, all of them were in Shetland. This year, the SNP-controlled West Lothian Council alone has announced plans for 700 new houses over three phases. Incidentally, given that the Liberal party chose to support Labour over eight years in which homelessness and the housing crisis increased in Scotland every single year, it might remember the Labour target of 30,000 new homes—more than 7,000 a year—which was in the Labour manifesto of 1999. Six months later, Wendy Alexander changed that to 18,000 over three years—6,000 a year. The average overall, for which the Liberal party has joint and several responsibility, was 4,200 a year. As we said yesterday, we are going to surpass that comfortably and, at last, provide a realistic answer to the homelessness crisis in Scotland, which was long ignored by the previous Administration.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer. I refer to rule 13.7.7 in the standing orders, which states:

"A member asking a question shall, in asking the question, not depart from the terms of the question."

I submit that there is an implicit acceptance in that of the need for the answer also to be relevant.

I happen to have agreed with the First Minister in his initial answer to the initial question from Nicol Stephen. However, I regret to say that,

thereafter, the First Minister departed from the script and from the terms of the standing orders. Will you have a word with the leaders of the parties in here, so that next year's question times are not so abused?

**The Presiding Officer:** I hear your suggestion, Ms MacDonald but, as you well know, that matter does not come under the standing orders.

## Rosyth to Zeebrugge Ferry Service

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a members' business debate on motion S3M-2014, in the name of John Park, on the Rosyth to Zeebrugge ferry service.

*Motion debated,*

That the Parliament is deeply disappointed to learn of Superfast Ferries' decision to end sailings from Rosyth to Zeebrugge from September 2008; recognises that the ferry link to Europe is vital to the Fife and Scottish economies; notes that the service has been a commercial success regularly operating at full capacity; is disappointed that Superfast does not plan to continue with sailings until an alternative operator is found, and hopes that an alternative operator can be found for this crucial ferry route.

12:36

**John Park (Mid Scotland and Fife) (Lab):** I am grateful for the opportunity to raise this matter in Parliament but, obviously, my gratitude is tinged with sadness because, like many other members, I am disappointed that the debate is necessary.

The announcement by Superfast Ferries at the end of last month was a huge disappointment and a shock to many. I am pleased that the Minister for Transport, Infrastructure and Climate Change is here today as it is important that we know exactly what happened in the weeks and months leading up to the announcement by the operator. It is crucial that we are told when the Government knew about the decision and what action it took. It is also important that we are told what steps it is taking now.

We should be in no doubt that getting the service to Rosyth in the first instance took a great deal of effort and persistence. As a union official in Rosyth dockyard, I met many key people while campaigning for the service and saw at first hand their hard work and dedication. *[Interruption.]*

**The Deputy Presiding Officer:** Excuse me, Mr Park. I ask members of the public who are leaving the public gallery to do so quietly.

**John Park:** Thank you, Presiding Officer.

Although it is impossible to mention all those who were involved in the campaign to bring the ferry to Rosyth, it is important to acknowledge some of those who played a key part and to put their names on record. I start by paying tribute to the work that many politicians did on the matter, especially my good friend, the late Rachel Squire. Rachel is fondly remembered for her tireless campaigning on behalf of the workforce at the dockyard in Rosyth, but we must not forget that she also made a huge contribution to ensuring that

Scotland gained a link to the continent. I would also like to mention Helen Eadie and Catherine Stihler, who worked tirelessly, often behind the scenes, in the Scottish Parliament and in Europe to make things happen.

The trade unions in Rosyth dockyard, with the support of the Scottish Trades Union Congress, also played a key role. They lobbied the likes of Dave Jamieson and John Spellar, who were ministers with responsibility for transport in Westminster at the time, to ensure that the freight facilities grant for short sea shipping would be available to assist the development of the service. On a lighter note, probably the most entertaining factor at the time was watching some of my former colleagues trying to say "short sea shipping" after a couple of pints at the dockyard social club.

I have mentioned a number of Labour members, but I know that the proposal for the ferry had support right across the political spectrum. It was during that period that I first came across Bruce Crawford, who I know vigorously supported the calls for a continental service from Rosyth and has supported improved transport links for the area ever since.

All that work paid off, and the service was delivered in 2002. Since then, Rosyth has been completely transformed from what it was in the 1980s and 1990s. Fifteen years ago, the dockyard lost the Trident refitting contract and, with it, thousands of jobs. Now, preparatory work is under way to support the construction of two new aircraft carriers, which will employ a generation of skilled workers. Thirteen years ago, the naval base closed and the minesweeper fleet sailed up the Forth for the last time. However, in 2008, we see new roads, finance companies and huge potential for development on the site.

Unfortunately, we are now witnessing a turn of events that could scupper the progress that has been made.

The ferry service is vital for Fife, as the Fife Chamber of Commerce—whose representatives are in the public gallery—well knows. In my meetings with the chamber of commerce, it constantly raises the issue on behalf of businesses in Fife. However, the service is also vital for the rest of Scotland, as the Confederation of British Industry Scotland recognises. In a recent press release about the ending of the operation, it said:

"As a nation on the periphery of major export markets in Europe it is crucial that Scotland maintains excellent transport links to the continent.

The Superfast ferry has made a significant contribution to this over recent years, and it would be a great loss if that service was to cease, as it would reduce the range of affordable, practical and reliable transport options open to freight operators and manufacturers."

One of the manufacturers that use the service is Michelin Tyre plc. The workforce at its Dundee factory and their trade union, Unite, campaigned when the service reduced from a sailing every day to a sailing on alternate days.

Members of the Parliament and businesses throughout Fife and beyond know that the service from Rosyth has, since 2002, provided a viable alternative to the ports in the north of England and beyond for heavy goods vehicles, thereby reducing the number of lorries on the roads, which is something that we all aim to do.

Where are we now? The preferred option would be for Superfast to stay in place until a new operator has been found. Will the minister confirm in his closing speech whether the Government explored that option? The second preference would be for an alternative operator to be found to replace Superfast in time to ensure that there is a seamless changeover. As I highlighted, discussions have been taking place and options are being explored with potential new operators, which is positive. The minister may not be at liberty to say much about those discussions, but I am sure that members would appreciate it if he could outline the next major milestones in the Government's efforts to secure the service.

We need to move forward. I made it clear that a statement from the Government on the matter would be helpful. Unfortunately, we did not get that, but I am pleased that the minister recognised the importance of the debate when he was before the Transport, Infrastructure and Climate Change Committee recently.

I understand that fortnightly meetings are now under way between the Scottish Government, Forth Ports, Scottish Enterprise, specialist consultants and Fife Council to consider options for the future operation of the service. I also understand that that group's objective is to arrange a seamless continuation of the direct Rosyth to Zeebrugge return route and that work is under way to test the market to identify an operator and vessels for the run. I wish the group every success but stress the need to release Rosyth's full potential as an international port.

As the developing world becomes more globally connected, freight transport by sea will become one of the growth markets, and Scotland must be in a position to take advantage of that opportunity. That is why I wrote to the minister earlier this year to ask him to bring together an action team that would include smaller businesses in the area and other organisations that have an interest, such as Forth Ports, to consider the potential for developing Rosyth as a port. Such a group is even more important since the announcement last month. The existing group, which is considering the current situation, is undoubtedly reactive, but it

is also welcome. However, a proactive group would make most sense for the future, and I would like the minister to support that concept.

I remind members that the service has been first class for Fife and first class for Scotland. It has enabled key sectors, such as tourism and freight transport, to grow—and we all know how important that is. Superfast has been clear that the service is a commercial success, albeit not a financial one for the company. As I read between the lines, that says to me that finding an operator that can run it efficiently should be the number 1 priority so that we do not find ourselves in the same situation in future. Today, the Parliament must send a clear message that Scotland is open for business, whether imports, exports or tourism.

12:43

**Jim Tolson (Dunfermline West) (LD):** I am grateful to John Park for securing the debate and was happy to support his motion. As former employees of Babcock International Group plc at Rosyth, he and I have a good understanding of the issues that affect the area and, as I am the constituency member for the Rosyth waterfront area, including the ferry terminal, the debate is close to my heart.

However, John Park made a slight oversight in his praise for the people who were involved in setting up the service. Although his praise was welcome, he forgot one person who was important in bringing the service to Rosyth: Tavish Scott, the then Minister for Transport.

Not only has the loss of the service had an adverse effect on Rosyth and local jobs in my constituency, but its effect on business and tourism throughout Scotland is potentially devastating. I am sure that many people were as shocked as I was by the suddenness of the recent announcement that Superfast is to withdraw its service from mid-September, particularly as it had received nearly £15 million of public money and provided an excellent service, which often operated at capacity and had to turn away business.

After the shock announcement, I sought assurances from Forth Ports on the job security of the affected employees, submitted 10 parliamentary questions seeking more details from the current minister and met him. I am grateful to him for arranging that meeting promptly and I hope that he will agree to my more recent request for another meeting to discuss updates on a possible new ferry service as well as other issues of importance to my constituency.

Continued joint working is crucial to securing a new provider that may not only continue the Rosyth to Zeebrugge service but, potentially,

expand the services that are available to include a Scottish link to Norway. Therefore, I urge the minister to share information in the fortnightly talks that are under way involving Forth Ports, Fife Council, Scottish Enterprise and the specialist consultants. I also ask that he consider the views of the Flanders Government and seek its assistance with tourism and freight business in Brussels.

The potential loss of the Rosyth to Zeebrugge ferry service is a bitter disappointment not only to me, but to the Road Haulage Association. For many members of that association, the service has been a vital link for their businesses. If a service is not restored before September, hauliers and tourist travellers will have to drive much further south. The knock-on effects of that would include increased journey times and fuel costs, and there would be an adverse effect on the environment.

The Government's priority must be to provide a seamless transfer from Superfast to a new operator in mid-September. That is a big challenge, but I am sure that Stewart Stevenson is up for it. A key part of the challenge is to identify an operator and the vessels that are required for the route. Can the minister tell us any more about progress on that? For example, can he tell us about the level of interest that potential operators have shown in the route?

The service was running to capacity, which proves its value and the need for it. I used it when I went on holiday to Brugge with my wife and friends, and I know about the quality that Superfast and the people of Brugge provide. I hope that the minister can give us further assurances—not only for me, but more for the benefit of Scotland's tourism and freight—that he is putting his full efforts into retaining and expanding such a great service. He will be assured of my backing if he continues to do so.

12:47

**Cathy Peattie (Falkirk East) (Lab):** I congratulate John Park on securing the debate.

I declare a constituency interest. Forth Ports is based in Grangemouth, and many hauliers who use the Rosyth ferry are based in Falkirk East. They carry paper, forest products, seafood, electronics, whisky and other spirits, and many other manufactured goods. Rosyth is easily accessible and, contrary to what some have claimed, the Rosyth to Zeebrugge service has been a success for passengers and freight traffic. It is popular with hauliers in my constituency, and I have heard many good reports about it from passengers.

The service is an attractive alternative to air travel—the growth in passenger numbers shows that—and we need such services if we are to meet our climate change targets.

In many ways, the freight operation is important to, and dovetails neatly with, freight movements through the port of Grangemouth. Together, both operations are essential to the health and growth of the Scottish economy. They handle a huge proportion of Scotland's exports; indeed, I have been told that a tenth of Scotland's gross domestic product moves through Grangemouth.

With appropriate development, the Rosyth market could be significantly expanded. Many lorries and car transporters still travel hundreds of miles from ports further south, but they could come direct to Scotland from the continent, and vice versa. As fuel costs rise, the competitive advantage of using Rosyth will increase. Moreover, extending sea transport services and reducing road miles results in environmental benefits.

What comes in through Rosyth could treble if we get things right. The market is there for the taking. I was in Rosyth last week and was impressed by the capacity and facilities there. It has a skilled and trained workforce.

The ferry service should represent an attractive opportunity for any new operator. Things may take time, but I call on the Scottish Government to ensure that doors are not closed before solutions can be found. I am sure that back benchers will want to do whatever they can. In that context, I suggest that we set up a cross-party working group to consider what we can do to move things forward.

I look forward to a successful Rosyth ferry service in the future.

12:49

**Christopher Harvie (Mid Scotland and Fife) (SNP):** Despite being an MSP, I am still a jobbing historian. At the moment, I am editing National Museums Scotland's book on Scottish transport—all 700 pages of it. About a third of the book is devoted to sea transport, from which we have tended to drop away in the recent evolution of Scottish transportation. There has been far too much concentration on roads and even on rail routes, given that we have a marine motorway up the North Sea.

I want to set the problem of the Rosyth to Zeebrugge ferry in the context of the big players in European long-distance road freight transport. Tübingen, where I taught, is just next to Reutlingen, which is the headquarters of the Willi Betz organisation. I am sure that all members



have seen their big yellow and blue HGVs on the roads. Since the middle of April this year, Mr Thomas Betz, the managing director of the company, has been in Stammheim jail in Stuttgart, having been found guilty of bribery, coercion, employing a labour force from Bulgaria and registering his brand new vehicles in Azerbaijan, and has also been fined €5 million. The Willi Betz organisation is not a minor rotten apple of European road freight, but is the biggest spediteur in Europe. The case gives one some idea of the problems that an alternative has in coping with a system that is run by cowboys.

Sixty per cent of vehicles coming off the ferries during a live broadcast of the "Today" programme from Dover in November last year were overweight. At Holyhead, 30 per cent of vehicles coming off ferries from Ireland are overweight. I speak with fairly direct knowledge of the issue, because my brother was an HGV driver for the late lamented Christian Salvesen company, which is now owned by Norbert Dentressangle of France. The douce and decent hauliers of Fife used the Rosyth to Zeebrugge ferry service well, but they were up against very powerful international concerns whose attitude to commerce is that of Long John Silver to commercial Caribbean traffic in the 18<sup>th</sup> century.

We are in a difficult situation, but we must support attempts to open up competition, especially by sea. We must investigate the new more efficient vessels that are available, especially the Visentini ferries from Trieste, which are only 1 knot slower than the present Superfast ferries, but 50 per cent cheaper to operate. On that basis, we can have services from Zeebrugge to Rosyth and on to Scandinavia and further north, and make the marine motorway that I mentioned a possibility.

That will involve negotiations with the European Union and, above all, trying to get a rational allocation of freight to different modes of transport. It will mean taking on the enormous, powerful and quite unscrupulous lobbies that operate in Brussels. The German Government has reacted impressively to the challenge of the Betz case. We must be as circumspect and wide ranging in the backing that we give to alternatives to road freight haulage. At the moment, the chief of those alternatives from Scotland is sea transport.

12:53

**Alex Johnstone (North East Scotland) (Con):** I congratulate John Park on securing the debate. I thank him for bringing the issue before Parliament and for giving us the opportunity to air our views on it. The announcement that the Rosyth to Zeebrugge service was to be terminated caused a certain amount of panic in my household, as my wife and I are booked on the ferry for next

Thursday. It was with some relief that we discovered that the service will continue throughout most of the summer. However, today members are brought together by the need to ensure that it continues well beyond that period. Too many people in Scotland have failed so far to recognise the importance of the ferry service. The true market for the service is estimated to be far in excess of the number of those who have been prepared to use it to date.

As we see fuel prices rising day after day, many road hauliers and private individuals who seek to get to the continent find that ferry fares pale into insignificance when compared with the cost of running a heavy goods vehicle all the way to an English Channel port in order to access the European market. For that reason, we have to work very hard. We have heard in previous speeches about how important the ferry service is not only for our exports, but for the environment, which is being protected from significant emissions but could be protected further.

The ferry service is not entirely without public subsidy but, having looked at the subsidies that are provided to other ferry services elsewhere in Scotland, I am surprised to discover just how little financial support was necessary to get the service off the ground and to keep it running. For that reason, I am delighted that the ferry service was established.

Before I finish, I will speculate or hypothesise a little about how things could have been rather different. We depend on a foreign-owned company to provide the Rosyth to Zeebrugge ferry service and today there is probably not a single Scottish company that could conceive of providing that important service to Scotland. However, if a bus lane were to run all the way to Zeebrugge, perhaps a Scottish company such as Stagecoach would be ready and willing to bid for the contract to provide that service. Perhaps if there were a railway line that ran from Rosyth to Zeebrugge, a company such as FirstGroup plc—or even First ScotRail, heaven forbid—would be ready to bid for that contract.

We have never taken the opportunity to free up the market in ferry services here in Scotland, so there is no comparable Scottish ferry company ready to bid for that contract. That is why I encourage the minister to consider in the context of the publication tomorrow of the Transport, Infrastructure and Climate Change Committee's report into ferry services—and with many decisions to be made during his prospective tenure as transport minister—that the time has probably come to give Scotland's private ferry companies the opportunity to compete in the marketplace. Who knows? One day we might have a ferry company fit to rival Stagecoach or

First in their ability to compete in international markets.

12:57

**Helen Eadie (Dunfermline East) (Lab):** I thank my friend and colleague, John Park, and congratulate him on securing today's debate. I also thank him for his personal comments about my background in the subject when I was the roads and transportation spokesperson for Fife Council. I am pleased to have had the opportunity at that time to be so closely involved in getting the idea of the Superfast ferry off the ground in the first place when there were so many doubting Thomases around. We still bear the scars of that period in Fife Council.

A fortnight ago, I had the privilege to represent the Health and Sport Committee at a meeting of EMILE—the European elected members information and liaison exchange. Although I was at the meeting primarily as a health representative, I took the opportunity to raise issues about the Superfast ferry with the Minister for Europe, External Affairs and Culture and civil servants. The minister said that she and the civil servants are involved in detailed meetings and a plethora of work on the matter. I have no doubt that Stewart Stevenson, the transport minister, will tell us shortly about the work that is going on.

When I was trying to get the idea of the ferry service off the ground, I worked closely with the North Sea Commission and the Conference of Peripheral Maritime Regions, which are very relevant to Scotland. Although I am highlighting the short-term goal that we need to consider, I say to the minister that in the longer term, we have to encourage local authorities in Scotland that previously had detailed involvement with organisations such as the North Sea Commission, which has been a standing organisation for many years, to become much more involved once again. I am aware that Peter Grant and his colleagues from Fife Council have not attended any of the meetings of the North Sea Commission.

That commission was where we put together some of the nuts and bolts with which to get the ferry service off the ground—we had credibility from working with local authorities on the North Sea, which was very persuasive when it came to approaching the European Commission. I hope that, although we have a short-term imperative, the longer-term imperative will not be lost. We should encourage local authorities to get heavily involved with the North Sea Commission and the Baltic Sea Commission because that would open up opportunities, of which we should be mindful.

I have also had the privilege to be involved as a member of the Scottish Parliament in work that

has been undertaken with Ireland through the British-Irish Inter-parliamentary Body, through which I have met industrialists, parliamentarians and others who are keen to see a route via Stranraer that continues all the way up through Rosyth and over to the Baltic, just as there is a trans-Pennine route that continues all the way across to Europe. I hope that the minister will speak with some of our European colleagues to see what we can do about that.

Like Alex Johnstone, I panicked when I heard about the likely demise of the Superfast ferry, as I am booked to travel on it on 6 July. There was some concern in my home because I will drive to eastern Europe. There are now about 30,000 people in this country who own a property or a business in Bulgaria, let alone the other eastern European countries, and they will be seriously affected by the Superfast Ferries decision. As Alex Johnstone rightly pointed out, the cost of fuel is so high that it is imperative that we encourage the continuing development of ferry routes. Industrialists throughout Fife and central Scotland, as elsewhere, are key to that.

Cathy Peattie's suggestion that we establish a cross-party group is excellent, so I hope that John Park will undertake to do that. However, perhaps what we need is not just a cross-party group, but a cross-Parliament group involving the Westminster Parliament and the European Parliament. The matter needs to be addressed urgently, as there are short-term goals that must be achieved. I wish the minister, John Park and my other colleagues well in their efforts on what is a critical cross-party issue for all of us.

13:02

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** I commend John Park for his efforts in bringing the debate to Parliament and for the phrasing of his motion, which has enabled the widest possible support on a multi-party basis. It is a model of what a members' business debate can usefully do. In particular, I pick out of the motion the words that sum up the way that we all feel—"deeply disappointed". The disappointment is not just John Park's; it is shared by us all, including me.

In the time that is available, I will attempt to address a range of issues that have been raised in the debate. Before I do so, however, I extend a general invitation. I am happy to meet members—preferably collectively, as that is the most effective way of doing things—to discuss in confidence some of the matters that it would not be appropriate to put in the *Official Report* of the Parliament, so that we can maintain, from here forward, the clear and useful consensus that has

been expressed in the debate. I hope that members feel that that is useful.

We first became aware in January of some issues associated with the service, although at that stage its withdrawal was not on the agenda. We had a couple of meetings with the local management; the first at their behest, the second at my behest. Matters then moved on, and we became aware in April of the plans to close the service. I went with Alan Burns of Forth Ports to visit the owners of the ferry company in Athens. I regret to say that it was the only time that I have been to Greece and I did not leave the airport. I hope to enjoy my next visit there rather more than I enjoyed that visit. We were heard courteously and with good grace, but we did not like what we heard in return.

So we started to take the relevant actions to see what we could put in place to help. We sought to change Attica's mind. We sought as a secondary objective to get it to move the date of withdrawal further back in the calendar—members will know that the last sailing is planned for 13 September. We had no success in that, although we bought some additional time before the announcement, which was helpful in exploring some options.

On the day of and in the hours before the announcement, I had further discussions by telephone with the company owners in an attempt to turn them away at the last moment from the course of action that we now know they are taking. I regret that I had no success.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Will the minister confirm that the ferry service was a commercial success but did not prove to be sufficiently profitable for the company to maintain it?

**Stewart Stevenson:** Attica says that the route is commercially viable, and we agree with that assessment. However, Attica has had a number of challenges. Its main interest is as a ship broker rather than a ferry operator, and its trading history shows that in this decade it has sold substantially more ships than it deploys on its ferry routes.

We broadly accept that the Superfast ferries that originally served the route could have proved a commercial success. However, other aspects of the business were perhaps not pursued to best effect. The marketing outside the United Kingdom was minimal and ineffective, with the result that a company whose cost base was largely denominated in euros had an income stream that was largely denominated in pounds. As the exchange rate changed, that caused particular difficulties for the company. Those facts illuminate some of the points that Mr Johnstone and Dr Harvie made on where the most effective companies might reside. Recognising that the

route is commercially viable, Attica is continuing to make figures available to others who have an interest in operating the route.

Before drawing to a conclusion, I will try to pick up on some points made by members. John Park referred to Michelin Tyre. A key point is that the daily service enabled it to provide a specific facility. The cut to one ship dramatically reduced the effectiveness of the service, and the situation was not helped by the change to the ship that now sails, which has nothing like the original capacity. In 2004, 41,450 units made the crossing, but in 2007 the figure was 22,552—because of capacity constraint rather than anything else.

Jim Tolson spoke about public money. It is worth pointing out that most of it was a capital investment in shore-side infrastructure, which will be available for any future operation. The waterborne freight grant is still available—€2 million is still to be drawn down. Subject to an application being made by a new operator, I would expect it to be available. The Flanders Government is fully engaged; it approached us and we are having discussions with it.

I acknowledge Cathy Peattie's constituency interest. I have met several of the freight operators in her constituency, and she is right that road miles are important. Chris Harvie said that slower ferries might be more effective. I caution him on that because, on a long crossing such as Rosyth to Zeebrugge, and considering the turnaround times, there are significant difficulties with slower ferries.

Alex Johnstone and I will probably continue to disagree about the future structures of the ferry industry in Scotland, but the Government will consider carefully the report from the Transport, Infrastructure and Climate Change Committee when it is published.

Are companies interested in the route? On the public record, I can say that John White of the NORSHUKON group has indicated an interest, and we are continuing discussions with it. We have basically approached everybody we can think of in this country and elsewhere. We are continuing to engage, and there are still options that may deliver a successful outcome. It will be extremely challenging to ensure that there is no break in service—I want to manage expectations on that—but in the longer term there will be opportunities.

The economic climate is tough, and it is a particularly difficult time for anyone to consider new transport services generally. We are continuing to work with people, and I express again our wish and willingness to work with members who are interested in the subject. Today's debate is not the end of the story, merely

a part of it. I hope that the members who have attended it feel that all members of all parties are engaged in the issue and recognise its importance.

13:10

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Health and Wellbeing

##### Ambulances (Journey Distances)

**1. Jim Hume (South of Scotland) (LD):** To ask the Scottish Executive what assessment it has made of the safety of ambulance journey distances. (S3O-3893)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Getting to patients quickly and providing the appropriate treatment at scene are the most important objectives for the Scottish Ambulance Service as it strives to improve the clinical outcomes for patients. More generally, the Scottish Ambulance Service also recognises that patients expect it to respond quickly to all emergency calls.

**Jim Hume:** The independent scrutiny panel's report into accident and emergency services in Ayrshire and Arran takes issue with the health board's claims that the distances travelled in an ambulance do not affect outcomes. On page 37 of the report, the panel identifies a number of serious concerns about the evidence that has been assembled. Does the minister agree that the implications of that extend right across Scotland and that the concerns that are expressed in the report merit a wider review of the safety of ambulance journey lengths?

**Nicola Sturgeon:** I am aware of the comments in the independent scrutiny panel's report, which backs up the Government's view that health care should be provided locally wherever possible. That is why we decided, early on in government, to save the accident and emergency units at Ayr and Monklands hospitals. I appreciate the fact that the member was not a member of the Parliament under the previous Administration. I welcome the Liberal Democrats' support for our position, which we did not have when the previous Administration was trying to close the A and E units.

The geography of Scotland means that journey times to hospital vary, notwithstanding our commitment to local health care. It is, therefore, appropriate that, as well as being mindful of journey times, we ensure that the appropriate treatment is delivered to patients at scene as quickly as possible. Ambulance staff these days have a much wider range of skills that can be used

to benefit patients, to stabilise them quickly and to improve their outcomes. That is why that is a key focus of the Ambulance Service.

**Alasdair Allan (Western Isles) (SNP):** A dh'fhaighneachd do Riaghaltas na h-Alba dè an ìre aig a bheil na planaichean a chur às do sgiobaidhean singilte air carbaidean èiginn anns na h-Eileanan an Iar.

To ask the Scottish Government what stage its plans are at to stop the single manning of ambulances in the Western Isles.

**Nicola Sturgeon:** Alasdair Allan will recall that I stated in the chamber on 4 June that I had asked the Scottish Ambulance Service to provide me with an action plan demonstrating how it intends to achieve the elimination of single manning. I expect to receive that action plan from the Scottish Ambulance Service over the next few days, and I will discuss it in detail with the Ambulance Service board when I meet it next Wednesday.

I have said several times in the chamber that the policy is that traditional accident and emergency ambulance vehicles should be double crewed, with at least one crew member being a paramedic. However, as we are all aware, in too many instances the practice does not live up to the policy. That is not a new situation, but it is one that needs to be addressed, which is why I have taken the action that I have.

**Margaret Curran (Glasgow Baillieston) (Lab):** I take the opportunity to apologise to the chamber for my absence yesterday when a statement was made on the Scottish Ambulance Service. I pressed for the statement and it is a matter of regret that I was absent. For the record, I confirm what Hugh Henry said—that I was at a family funeral. I am disappointed that a point of order was raised by a member in relation to that. I thought that my work record might lead people to assume that I would only ever be absent for a good reason.

Can the cabinet secretary reassure Parliament that there will be a full disclosure of the outcomes of the number of inquiries that she has initiated in relation to the Ambulance Service? The outcomes of those inquiries are important not only to members of Parliament, but to the staff of the Ambulance Service. The Government needs to restore, as quickly as possible, the Scottish public's confidence in that key service and, yet again, recognise the work of the staff in the Ambulance Service.

**Nicola Sturgeon:** I acknowledge Margaret Curran's comments about her absence during the statement yesterday. Of course, that is perfectly understandable. Nevertheless, she was present in the chamber for the statement that I made on the Ambulance Service on 4 June. During that

statement, she heard me outline a number of inquiries and work streams that I wanted to be pursued in relation to the Ambulance Service. She will also have heard me say that I intend to keep Parliament fully informed and updated on the outcome of that work. I did not set up the inquiry into the allegations of bullying and harassment; the Scottish Ambulance Service board set that up. I hope that Margaret Curran appreciates and acknowledges that I have always been open and up front with Parliament about such issues, and I intend to continue to be so.

### **Aberdeen City Council (Social Work Inspection Agency Report)**

#### **2. Richard Baker (North East Scotland) (Lab):**

To ask the Scottish Executive what action it is taking with local health officials to ensure that the correct measures are taken in response to the findings of the Social Work Inspection Agency report on Aberdeen City Council, with particular reference to the provision of substance misuse services. (S3O-3907)

**The Minister for Public Health (Shona Robison):** Officials have been working since August 2007 with NHS Grampian, Aberdeen City Council and the local alcohol and drug action team on issues raised by the SWIA-led multi-agency inspection of substance misuse services in Grampian. That work will continue and take into account the findings of this most recent inspection to which the member refers.

**Richard Baker:** New figures highlighted in the *Evening Express* this week show that Grampian still has the longest waits for access to drug misuse treatment. What future role will the Scottish Government have in ensuring that the service failures in Aberdeen, which the SWIA report identified, will be addressed? What extra resources will be available to Grampian to help drive down waiting times? In what timescale does the minister hope to see progress?

**Shona Robison:** Progress has been made in tackling the substantial drug treatment waiting lists in the city. The health board, the council and the ADAT have worked together to develop robust proposals for tackling what has been a long-standing problem that, as the member knows, goes back to at least 2006.

NHS Grampian invested an additional £500,000 to increase service capacity. The most recent figures, which were published earlier this week, and to which the member referred, show that there has been a significant reduction in the waiting lists in the city, from 622 to 500, although that is still too high. More work requires to be done and we will be encouraging and supporting local partners to continue their robust action.

**Brian Adam (Aberdeen North) (SNP):** Will the minister also acknowledge that this is the second quarter in a row that has seen a substantial fall in the figures? At the turn of the year, the figure was around 800, then it dropped to the 600 mark and it is now down to 500. Will the minister join me in commending the work that the local team has done, particularly under the leadership of the retiring chief executive of Aberdeen City Council, Douglas Paterson, who has transformed the ridiculously long waiting times and high numbers of people on the waiting lists?

**Shona Robison:** As Brian Adam points out, there has been a substantial reduction in waiting times. However, as I said, progress still requires to be made. On 18 June, I met those on Aberdeen City Council who have responsibility for social work services, along with Kenny MacAskill and Adam Ingram, to take forward some of the issues in the most recent SWIA report. That meeting was very constructive and the local partners are under no illusions about the need to make further progress. However, it is important to record the progress that has been made and to give praise where it is due.

**The Presiding Officer (Alex Fergusson):** Question 3 was not lodged.

#### Royal Hospital for Sick Children

**4. Mike Pringle (Edinburgh South) (LD):** To ask the Scottish Executive what assessment has been made of the demographic and other factors that will affect the future capacity needs of the planned new Royal hospital for sick children at Little France, Edinburgh. (S3O-3898)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** NHS Lothian has worked closely with a number of stakeholders during the development of the outline business case for the new Royal hospital for sick children. The proposed activity for the new hospital includes a number of variables that will affect the future capacity needs. NHS Lothian will continue to review all the factors that may impact on children's services.

**Mike Pringle:** The minister will also be aware that patrons of the Little France site are subject to extortionate car parking charges of up to £7 per day. Can the minister confirm that the parking for the new, publicly funded sick kids hospital will be provided at the maximum £3 a day national health service rate? Will she consider approaching the board of Consort Healthcare to examine options for reducing parking charges across the whole site?

**Nicola Sturgeon:** As Mike Pringle will be aware, when I took the decision to cap charges at £3 per day for all hospital car parks not run by private

companies, I asked all NHS boards to review their policies on car parking and to submit a report to me by the end of this month. Our overall review will consider the situation at hospitals such as the Edinburgh royal infirmary. I intend to issue a full statement on car parking charges in due course.

**Mary Mulligan (Linlithgow) (Lab):** At a recent briefing by Lothian NHS Board, MSPs were told that the management of the paediatric unit at St John's hospital will transfer from West Lothian community health and care partnership to the Royal hospital for sick children in Edinburgh. Is the cabinet secretary content with that change? What effect will the change have on the capacity of children's services at St John's in West Lothian?

**Nicola Sturgeon:** Obviously, that is an issue for NHS Lothian, but I am more than happy to go away and look in detail at the point that Mary Mulligan has raised and to respond to her in writing.

#### Ambulances (Portable Oxygen Cylinders)

**5. Iain Gray (East Lothian) (Lab):** To ask the Scottish Executive what advice it has received regarding the suitability of heavier types of portable oxygen cylinders. (S3O-3922)

**The Minister for Public Health (Shona Robison):** The Royal College of Physicians defines ambulatory oxygen equipment as items that weigh up to 4.5kg and can be carried by most patients during the activities of daily living. The Scottish Government recognises that equipment weighing 4.5kg is not suitable for all patients. The cylinders that are listed in the Scottish drug tariff weigh around 3.2kg.

**Iain Gray:** The minister will be aware that many people have been provided with PD cylinders, which are not only heavier, but have a lower capacity than other cylinders. That may be acceptable to the cabinet secretary, but I have been contacted by a growing number of constituents whose mobility has been severely compromised. In one case, a constituent is now housebound. I simply ask the minister to make a priority of finding a resolution to the issue as quickly as possible, given that it has run on for some months now.

**Shona Robison:** As the member will be aware—I have written to him and several other members about this—the shortages are the result of a manufacturing problem at the French company that supplies BOC. We have worked closely with BOC, NHS National Services Scotland and Community Pharmacy Scotland to ensure that there is no disruption to the supply of portable oxygen to patients. However, we are aware that maintaining the supply to patients has involved the reintroduction of older, heavier cylinders, which is

causing concern to some patients, as the member mentioned. I have recently approved the use, on a temporary basis, of the home-fill system, which is a new product that offers concentrator patients the possibility of filling and refilling small cylinders without the need for repeat prescriptions from their general practitioner or the supply of portable oxygen to community pharmacists.

I assure the member that we are well aware of the concerns and we have done everything possible to resolve the situation. We are assured that the problem will ease as the supply is re-established and the issues are resolved, but the problem is United Kingdom-wide. The issue has been challenging, but we are determined to get on top of it.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I thank the minister for her letter, which arrived today. However, when the new PD cylinders—which require a separate head that the patient must insert—are found not to be full, patients have no confidence that their oxygen needs will be met when they are out. That is a very serious issue.

We now have only one supplier in Scotland, as the two other suppliers have withdrawn. Will the minister undertake to review the efficacy of the traditional local pharmacy contract, which is unique in the United Kingdom and which appears to me to be no longer suitable for supplying our needs?

Lastly, will she ensure that BOC does not divert lightweight cylinders to England, as a number of individuals have suggested is happening? The lightweight cylinders are supposed to be returned and recycled, but the number of them that have disappeared from circulation is far in excess of what can be accounted for by the need for regassing.

**Shona Robison:** On that last point, cylinders are sent to England by BOC for testing but they are returned to Scotland when tests confirm that they are safe to use.

As Dr Simpson will know, NHS community pharmacies have individual contracts with BOC for the supply of oxygen cylinders. Supply problems have therefore been somewhat unpredictable and outwith our control. However, I take his point about the contracts and I am certainly prepared to look into the matter and get back to him.

### **Scottish Centre for Healthy Working Lives**

**6. John Wilson (Central Scotland) (SNP):** To ask the Scottish Executive what financial support will be received by healthy working lives in 2008-09, with particular reference to the operation of Salus occupational health and safety. (S3O-3976)

**The Minister for Public Health (Shona Robison):** The principal funding for the Scottish centre for healthy working lives is provided through the core budget of NHS Health Scotland. Salus operates the healthy working lives national advice line under contract to the centre.

**John Wilson:** I draw the minister's attention to the work of Salus, particularly its work on occupational health. Will the minister assure us that the recent decision by certain local authorities to award the delivery of occupational health support services to private companies will not impact on Salus's innovative work?

**Shona Robison:** Arrangements for the purchase and provision of occupational health services are a contractual matter between the organisations concerned. However, we would expect any occupational health service provision to promote the health and wellbeing of employees. I have every confidence that Salus's good work will continue. I will keep an eye on that to ensure that it does.

**Elaine Smith (Coatbridge and Chryston) (Lab):** The healthy working lives plan for action—which was introduced by the previous Executive—acknowledges the importance of workplace occupational health provision, such as that offered by Salus, which is based in Coatbridge in my constituency. Does the minister believe that occupational health services in the public sector—in the health sector specifically—should be provided by private companies or should be provided in-house? Will she commit to intervening to stop the threat of privatisation that is currently hanging over some services? Will she look favourably on the Scottish Trades Union Congress's call for formal recognition of international workers memorial day, which could provide an annual opportunity to review progress on healthy working lives and on health and safety at work in general?

**Shona Robison:** On that latter point, I intimated some time ago to the member that I would be prepared to meet her to discuss the matter.

The provision of occupational health services comes down ultimately to the contract between the organisations concerned. However, I stress that any occupational health provision must promote the health and wellbeing of employees. Good occupational health services have an important role, not only in helping people who are off sick to get back to work, but in ensuring that early interventions prevent people from going off sick in the first place. A lot of work is being done. In health for example, OHS extra is a very good model to follow.

The evidence is compelling that investment by employers in the health and wellbeing of their staff

more than pays for itself. I would certainly encourage Scottish businesses and the public sector to ensure that they offer an occupational health service that is as good as it can be.

**The Presiding Officer:** Marlyn Glen is unable to be here, for entirely understandable reasons. Question 7 is therefore withdrawn.

### Infertility Treatment

**8. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive what progress has been made on reviewing the eligibility criteria for infertility treatment. (S3O-3890)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** We provided national health service boards with an update on eligibility criteria guidelines for access to specialist infertility treatment last year, including guidance on maternal age and timing of cycles. We have not committed to any further review of eligibility criteria at present.

**Mary Scanlon:** Some health boards in Scotland have an age limit of 38 while others have an age limit of 40; and some provide two cycles of treatment while others provide three. Waiting times are up to 20 months in Glasgow and up to three years in Lothian, which forces many women to fund their treatment privately. Will all those differences be addressed to give equality of access to fertility treatment across Scotland?

**Nicola Sturgeon:** I recognise the importance of the issue. The variations throughout Scotland that Mary Scanlon mentions must be addressed. She will be aware that the updated guidance changed the position on maternal age. The 2000 guidance said that a woman could receive treatment until her 38<sup>th</sup> birthday. The current guidance says that it should be her 40<sup>th</sup> birthday, although there are some exceptions to that, for example when frozen embryos are being used. Mary Scanlon also rightly pointed to some variation in waiting times. Waiting times are of particular concern to me, especially the fact that until now we have not routinely gathered or recorded data on the issue. I have asked for some work to be done on that. We must ensure that we are getting accurate information. I want to consider how we can make vast improvements in this important area of treatment over the next few years.

**Rhoda Grant (Highlands and Islands) (Lab):** I am grateful for the minister's comments about waiting times and for the steps that she is taking on the issue. Will the minister also consider the availability of services in areas such as the Highlands and Islands, where people routinely have to travel to access treatment, and whether

even part of the treatment could be delivered closer to home?

**Nicola Sturgeon:** I am happy to undertake to consider that. Rhoda Grant raises an important point. The difficulties that some women face in accessing infertility treatment will be particularly acute in remote and rural areas of the country. I am happy to take the member's points into account in the context of our overall efforts to improve access to that kind of treatment and to ensure more consistency throughout the country.

### Glasgow Housing Association

**9. Robert Brown (Glasgow) (LD):** To ask the Scottish Executive what steps it is taking to ensure that Glasgow Housing Association transfers its housing stock to community-based and locally accountable housing bodies. (S3O-3891)

**The Minister for Communities and Sport (Stewart Maxwell):** I recently met Glasgow Housing Association and the Glasgow and west of Scotland forum of housing associations and secured their commitment to working together to make transfer happen. A first meeting has taken place, which included the local housing organisations that are developing transfer proposals. I welcome that as a step forward.

I also welcome the real progress that has been made on second-stage transfer. As the Cabinet Secretary for Health and Wellbeing announced yesterday, ballot dates are now in view for the first time, with Parkhead and Cassiltoun working towards ballot dates of 17 November. The Scottish Government is providing support funding to local housing organisations to develop transfer proposals. However, tenants will decide on transfer, and the first tenants will be getting the opportunity to vote on actual proposals soon.

**Robert Brown:** I am grateful for the minister's reply. I welcome the cabinet secretary's statement yesterday that she sees Glasgow Housing Association as a transitional organisation. However, I invite the minister to go a little further. In particular, I remind him of the Mazars report's indication that if GHA transferred all of its stock on its valuation basis, it would be left with no houses, a substantial organisation and hundreds of millions of pounds of unused funding. Notwithstanding the welcome progress on some issues that the minister mentions, does he agree that, in reality, the GHA valuation method so criticised in the Mazars report imposes a restrictive glass ceiling on the potential for second-stage transfer? Does he agree that that issue is so fundamental, and so undermines the potential for second-stage transfer, that it requires to be resolved on a valid and equitable basis? If necessary, will he consider the option of legislating to establish a community



right to buy or some other mechanism to impose a facility for binding arbitration on agreed principles?

**Stewart Maxwell:** I remind the member that as well as the Mazars report, we have the Scottish Housing Regulator's report, which identified areas for further exploration. We have encouraged the GHA, the west of Scotland forum and the LHOs to discuss those issues. Among the issues identified by the regulator were revisions of the final sale prices where a number of positive SST ballots are achieved, and GHA can disaggregate more costs to the benefit of purchasers; the disaggregation of contingencies where greater certainty can be achieved; and the disaggregation of the financial benefits of Glasgow gold. The issues that have been identified by the regulator are under discussion.

However, I remind Robert Brown that, besides having a duty of care to the tenants who will transfer via the second-stage transfer process, we must ensure that the level of empowerment and the opportunity to influence tenancies that the tenants who are not transferring have is in line with what is available to the tenants who transfer. We have a duty of care to both sets of tenants in Glasgow to ensure that they are properly managed and given the proper opportunities to ensure that the services that are provided to them become much better, whether or not they transfer.

**James Kelly (Glasgow Rutherglen) (Lab):** The minister will be aware of the Glasgow homelessness partnership's important work in meeting Glasgow's housing needs. Sadly, the partnership has no secure funding beyond September this year. Will he agree to put in place measures to secure funding for it to continue its important work, which has included measures to ensure that 1,000 households were not homeless this year?

**Stewart Maxwell:** I am sure that James Kelly is aware that that decision is a matter for Glasgow City Council. As far as I am aware, a pilot has taken place, but no final decisions have been made. I am sure that he also supports yesterday's statement on housing, which takes forward the Government's vision for improving the housing stock in Scotland and dealing with homelessness. I issued a consultation on making greater use of the private rented sector earlier this week, and I am sure that he agrees that we need to concentrate long term on the supply side of the problem.

### Plagiocephaly

**10. Joe FitzPatrick (Dundee West) (SNP):** To ask the Scottish Government what steps have been taken to raise awareness of plagiocephaly. (S3O-3958)

**The Minister for Public Health (Shona Robison):** Last year, we developed with colleagues in NHS Scotland a leaflet on plagiocephaly for all new parents to help raise awareness of the condition. The leaflet, "Protect your baby's natural headshape: tummy time to play, back to sleep", gives information on tummy time and repositioning advice, while strongly reinforcing the back to sleep message.

**Joe FitzPatrick:** I welcome the leaflet's publication, but I have received anecdotal evidence that although the leaflet is available to all health boards, they are not all distributing it as widely as could have been hoped. What will the minister do to ensure that all new parents throughout Scotland are given a copy of the plagiocephaly leaflet?

**Shona Robison:** The majority of health boards give out the leaflet to all new parents antenatally or soon after birth, but I am aware that a few boards currently do not and I am taking steps to ensure that all boards give a copy to all expectant parents or new parents and to ensure that it is on display. At the beginning of June, more than 65,000 copies of the leaflet were issued to boards throughout Scotland. That is being followed up with a letter at director level asking boards to ensure that all new parents are given a copy of it. We will ask for confirmation from boards that that is happening.

I am also pleased to tell Joe FitzPatrick that the two boards that did not previously distribute the leaflet to all new parents have now indicated that they are doing so.

### National Health Service Treatment (Charges)

**11. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive whether anyone has been charged for their NHS treatment because they have decided to pay for medication privately. (S3O-3896)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** A fundamental principle of the national health service is that care is free at the point of delivery on the basis of clinical need. NHS boards have responsibility for the planning and provision of NHS services and for ensuring that they are available equitably. However, it remains the case that all patients can exercise their choice to use the services that are available in the independent health care sector.

In the interests of patient safety and good clinical governance, current guidance is that a patient cannot be both a private patient and an NHS patient for the treatment of one episode or package of care. However, the Scottish Parliament's Public Petitions Committee has

considered the issue of top-up payments or co-payments for the purchase of drugs as part of its inquiry into the provision of cancer drugs in Scotland. The inquiry report was published on 18 June and the Scottish Government will fully consider its recommendations on the issue in due course.

**John Farquhar Munro:** I am sure that the minister agrees that we all want access to medicine to be as wide as possible in Scotland. It is understandable that some patients will choose to purchase medicines privately, especially in the most serious circumstances. Without seeking in any way to encourage a two-tier national health service, I wonder whether the cabinet secretary is able to assure the Parliament that constituents of mine who choose to take this route will not be penalised by the NHS.

**Nicola Sturgeon:** I thank John Farquhar Munro for that question and for taking such a constructive approach to the issue.

I acknowledge the importance of and the sensitivity involved in the issue. After all, we all want people to have the widest possible access to drugs in Scotland. It is important that we have the Scottish Medicines Consortium to assure us that decisions on recommending particular drugs are robust and are taken by experts without interference from politicians. In my evidence to the Public Petitions Committee's inquiry, I gave a commitment that we would consider reviewing the current guidance on the issue and I will certainly make clear what, if any, further steps we intend to take when I respond to its report.

That said, we must bear in mind two very important points. First, as John Farquhar Munro has highlighted, we must avoid creating a two-tier system by allowing some people effectively to top up their NHS care. Secondly, we must ensure that there is rigorous clinical governance, particularly with regard to cancer drugs. Very few drugs are given in isolation; they tend to form part of a package, and it is important that there are clear lines of clinical governance and accountability in the whole episode of care. As I say, I recognise the issue's importance, but I ask John Farquhar Munro and other members to appreciate—as I am sure they do—that some very sensitive issues must be considered.

**Ian McKee (Lothians) (SNP):** Is the cabinet secretary aware that many patients who pay privately for medication are still getting it cheaper than they would if it were being dispensed under an NHS prescription and that, for that reason, NHS patients are eagerly awaiting the further reduction in NHS prescription charges promised by the Scottish National Party Government?

**Nicola Sturgeon:** Can I thank—

**The Presiding Officer:** I think that “Yes” would do, cabinet secretary.

**Nicola Sturgeon:** I agree with the member that the abolition of prescription charges delivers not only an SNP manifesto commitment but great benefits to patients all over Scotland.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I thank the cabinet secretary for her responses so far and for her evidence to the Public Petitions Committee's inquiry, which acknowledged the case that Michael Gray and his family presented to the committee.

The cabinet secretary said that she was considering a review of the guidance on this issue. Will she consider taking the same bold step that Alan Johnson, the Secretary of State for Health at Westminster, has taken and initiate an inquiry into payments for cancer drug treatment, with particular focus on the role of United Kingdom cancer charities in assessing certain medical and ethical concerns, to find out how the health service can best deliver cancer drug treatment that puts the patient's interests first?

**Nicola Sturgeon:** Like Frank McAveety, I pay tribute to Michael Gray, who instigated the petition in question. Although we should not pre-empt any decisions, any changes that might flow from the petition and the inquiry will be part of the legacy that Mr Gray has left.

I have not made any announcements similar to those made by Alan Johnson because I did not want to pre-empt the report of the inquiry undertaken by the Public Petitions Committee, of which Frank McAveety is the convener. The report is very important and any decision that I might make on what, if any, steps should be taken will be set out in my response to it.

### NHS Boards (Meetings)

**12. Margaret Curran (Glasgow Baillieston) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Health and Wellbeing last met the chairs of national health service boards. (S3O-3914)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** I last met chairs of NHS boards on Monday 2 June, and my next meeting with them will take place next Monday.

**Margaret Curran:** I presume that representatives of NHS Greater Glasgow and Clyde will be present at that meeting and that, at that meeting or in some other forum, the cabinet secretary will have the opportunity to discuss with them the outbreak of *clostridium difficile* that has been so much in the public mind in recent months. Will she confirm that the inquiry that she has

initiated will cover not only the apparent lack of surveillance systems at board level but the apparent failure of systems at Health Protection Scotland, which is part of her department, and, indeed, her own role in all of this? Finally, will she confirm to Scots that she will take action to ensure that all hospitals in Scotland have effective procedures in place to tackle as much as is humanly possible *C difficile* infections?

**Nicola Sturgeon:** This issue is very serious and I have to say, in passing, that it is a matter of regret that over the past couple of weeks Margaret Curran has at times appeared more interested in attacking me than she has been in the interests of the patients concerned. I find that unfortunate.

As I said in my statement last week, the inquiry will be wide ranging. The inquiry team met for the first time today. I do not know whether Margaret Curran has had an opportunity to look at the terms of reference for the inquiry; I am sure that when she does so, she will be assured that the inquiry will be wide ranging and will get to the issues that are of greatest importance.

As regards Margaret Curran's other question, I can confirm that the main topic of discussion at Monday's meeting with NHS board chairs will be infection control in our hospitals.

**Jackson Carlaw (West of Scotland) (Con):** I add my welcome for this week's announcement by the cabinet secretary that Scotland will have its first male screening programme for abdominal aortic aneurysms in older men, which I have recently called for. Given that my own father died of AAA, I welcome the fact that many families might now be spared the pain of an avoidable loss.

As a 49-year-old, I ask the cabinet secretary to review, when she discusses the matter with health boards, whether in due course screening by exception might be introduced for men aged 50 and over whose fathers have suffered from AAA.

**Nicola Sturgeon:** I acknowledge Jackson Carlaw's interest in the subject and his pursuit of screening for the condition.

As he knows, we follow the recommendations of the United Kingdom National Screening Committee—[*Interruption.*]

**The Presiding Officer:** Order. Could members who are coming into the chamber please respect the fact that a question-and-answer session is going on?

**Nicola Sturgeon:** The National Screening Committee has made it clear that it thinks that screening of the male population for AAA at the age of 65 is effective, which is why we have decided to introduce such a programme in 2011, although it is already being piloted in NHS

Highland. I will continue to consider any representations that are made on the possible extension of that programme, but I stress that I think that it is right that such decisions are based on expert evidence and recommendations, which in this case are provided by the National Screening Committee.

### Housing Strategy

**13. Helen Eadie (Dunfermline East) (Lab):** To ask the Scottish Executive what discussions it has had with professional agencies about housing strategy. (S3O-3915)

**The Minister for Communities and Sport (Stewart Maxwell):** The Scottish Government has engaged with a wide range of professional bodies on the proposals that are set out in the "Firm Foundations" consultation document. In her statement to Parliament yesterday, the Deputy First Minister set out our plans for housing in Scotland and our commitment to work closely with all stakeholders as we progress them.

**Helen Eadie:** Does the Scottish Government plan to implement the proposals of the 2003 housing strategy report which, following work in partnership with the conveyancing committee of the Law Society of Scotland, recommended that legislation be introduced to ensure that protection on dates of entry be provided for purchasers of new-build homes, who currently have no such protection, and that the existing legislation be amended to cover missives for new-build properties?

**Stewart Maxwell:** That was a detailed question about our future policy on the regulations. If it would be acceptable to the member, I suggest that I write to her or sit down with her to discuss the matter in detail so that I can gain a clear understanding of her concerns, which I know she has pursued over a number of years.

### Health (Children and Young People)

**14. Iain Smith (North East Fife) (LD):** To ask the Scottish Executive what steps it is taking in partnership with local authorities to improve the health of children and young people. (S3O-3902)

**The Minister for Public Health (Shona Robison):** The early years and early intervention framework sets out a joint approach to early years and early intervention by the Scottish Government and the Convention of Scottish Local Authorities. Improving health outcomes for children and young people and tackling inequality through early intervention are integral to the framework. We aim to create environments for pre-school and school-age children that promote their physical, social, spiritual, mental and emotional wellbeing, both in school and in other settings.

**Iain Smith:** There seems to be serious confusion about the Government's ambition for improving the health of Scotland's children. In its manifesto, the Scottish National Party said:

"we will ensure that every pupil has 2 hours of quality PE each week delivered by specialist PE teachers",

but in the obesity action plan that was published on Monday, that commitment was reduced to an expectation that schools will

"continue to work towards the provision of two hours of good quality physical education for each child every week."

The much-vaunted historic concordat with local government, which I suspect will soon be consigned to history, talks about reducing

"the rate of increase in the proportion of children with their Body Mass Index outwith a healthy range by 2018".

Is it the limit of this Government's ambition on childhood obesity to reduce the rate at which its incidence is increasing?

**Shona Robison:** That outcome was devised when the member's party was in government. We thought that it would be appropriate to continue with it, given the difficulty of addressing the issue. We thought that the previous Executive had got that outcome right. We believe that it is achievable. I am very surprised that Iain Smith is dissing his own previous commitment in such brutal terms.

There is no confusion over the two hours of PE. The outcome is clearly set out in the curriculum for excellence and it is part of a wide-ranging set of ambitious proposals in the obesity action plan. Of course, that action plan is a first because, yet again, the previous Government, of which Iain Smith was a supporter, failed on all occasions to produce any coherent obesity action plan. I am proud that the present Government has now produced such a plan.

## Parliamentary Bureau Motions

14:55

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of Parliamentary Bureau motions. I ask Bruce Crawford to move motion S3M-2265, on committee membership, and motion S3M-2266, on substitution on committees.

*Motions moved,*

That the Parliament agrees that—

Kenneth Gibson be appointed to replace Rob Gibson as a member of the Education, Lifelong Learning and Culture Committee;

Rob Gibson be appointed to replace Brian Adam as a member of the Economy, Energy and Tourism Committee;

Jamie Hepburn be appointed to replace Alasdair Morgan as a member of the European and External Relations Committee;

Angela Constance be appointed to replace John Wilson as a member of the Justice Committee;

John Wilson be appointed to replace Kenneth Gibson as a member of the Local Government and Communities Committee;

John Wilson be appointed to replace Angela Constance as a member of the Public Petitions Committee;

Alasdair Morgan be appointed to replace Jamie Hepburn as a member of the Rural Affairs and Environment Committee.

That the Parliament agrees that—

Bill Kidd be appointed to replace Shirley-Anne Somerville as the Scottish National Party substitute on the Education, Lifelong Learning and Culture Committee;

Willie Coffey be appointed to replace Jamie Hepburn as the Scottish National Party substitute on the Equal Opportunities Committee;

Brian Adam be appointed to replace Tricia Marwick as the Scottish National Party substitute on the Local Government and Communities Committee;

Bob Doris be appointed to replace John Wilson as the Scottish National Party substitute on the Public Petitions Committee;

Jamie Hepburn be appointed to replace Bill Kidd as the Scottish National Party substitute on the Rural Affairs and Environment Committee.—[*Bruce Crawford.*]

## Decision Time

14:56

**The Presiding Officer (Alex Fergusson):** There are four questions to be put as a result of today's business. The first question is, that motion S3M-2068, in the name of Alasdair Morgan, on a proposal for a committee bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the proposal for a Committee Bill under Rule 9.15 contained in the Scottish Parliamentary Pension Scheme Committee's 1st Report, 2008 *Scottish Parliamentary Pension Scheme* (SP Paper 103).

**The Presiding Officer:** The second question is, that motion S3M-2208, in the name of Roseanna Cunningham, on the Rural Affairs and Environment Committee's report on flooding and flood management, be agreed to.

*Motion agreed to.*

That the Parliament notes the conclusions and recommendations contained in the Rural Affairs and Environment Committee's 2nd Report, 2008 (Session 3): *Flooding and Flood Management* (SP Paper 96).

**The Presiding Officer:** The third question is, that motion S3M-2265, in the name of Bruce Crawford, on committee membership, be agreed to.

*Motion agreed to.*

That the Parliament agrees that—

Kenneth Gibson be appointed to replace Rob Gibson as a member of the Education, Lifelong Learning and Culture Committee;

Rob Gibson be appointed to replace Brian Adam as a member of the Economy, Energy and Tourism Committee;

Jamie Hepburn be appointed to replace Alasdair Morgan as a member of the European and External Relations Committee;

Angela Constance be appointed to replace John Wilson as a member of the Justice Committee;

John Wilson be appointed to replace Kenneth Gibson as a member of the Local Government and Communities Committee;

John Wilson be appointed to replace Angela Constance as a member of the Public Petitions Committee;

Alasdair Morgan be appointed to replace Jamie Hepburn as a member of the Rural Affairs and Environment Committee.

**The Presiding Officer:** The fourth question is, that motion S3M-2266, in the name of Bruce Crawford, on substitution on committees, be agreed to.

*Motion agreed to.*

That the Parliament agrees that—

Bill Kidd be appointed to replace Shirley-Anne Somerville

as the Scottish National Party substitute on the Education, Lifelong Learning and Culture Committee;

Willie Coffey be appointed to replace Jamie Hepburn as the Scottish National Party substitute on the Equal Opportunities Committee;

Brian Adam be appointed to replace Tricia Marwick as the Scottish National Party substitute on the Local Government and Communities Committee;

Bob Doris be appointed to replace John Wilson as the Scottish National Party substitute on the Public Petitions Committee;

Jamie Hepburn be appointed to replace Bill Kidd as the Scottish National Party substitute on the Rural Affairs and Environment Committee.

**The Presiding Officer:** That concludes decision time. I now close this meeting.

## Points of Order

14:57

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer.

**The Presiding Officer (Alex Fergusson):** I said that I was closing the meeting, but I am prepared to take a point of order, seeing as it is you, Ms MacDonald.

**Margo MacDonald:** Thank you, Presiding Officer. The point of order is under rule 1.6 of the standing orders, which refers to the code of conduct. Proceedings in the Parliament that are on-going may have raised a serious difficulty for us, because there appears to be an argument about a point of law. On whether something is a registrable interest under the Interests of Members of the Scottish Parliament Act 2006, the Parliament's lawyers say no and the Scottish Parliamentary Standards Commissioner's lawyer says yes. We are advised under our code of conduct to seek the advice of parliamentary clerks, who take legal advice. If the standards commissioner then produces legal advice offering the opposite solution, in what position does that leave members? Where should they go for redress? I ask most respectfully that the Scottish Parliamentary Corporate Body consider the whole matter, as the recent example may have illustrated a gap in our procedures.

**The Presiding Officer:** I point out to the member as gently as I can that the Parliament has not yet seen the Standards, Procedures and Public Appointments Committee's report. I equally respectfully suggest that we wait until the report is published before we deliberate on any of its findings.

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer, I accept entirely your desire to deliberate on the report, but I also point you to the statement from the convener of that committee, which is a matter of public record.

I raise three further issues that arise from Margo MacDonald's point of order. First, what is the standing of advice that is tendered by the parliamentary legal service and what advice is tendered to a committee where there is a conflict of legal advice? Secondly, where there is such a conflict, is it expected that individual members should personally fund further legal advice and, if so, what standing would that advice have when an unresolved conflict of legal advice already exists? Thirdly, through your good offices and under rule 1.6 of the standing orders, will you invite the Standards, Procedures and Public Appointments Committee to review the code of conduct to put beyond any doubt those items that must be

registered as a gift, given that there are gaps in the code? I appreciate that those are substantive matters and I would be pleased if you could reflect on them and bring something back to the Parliament following the recess.

**The Presiding Officer:** The issue of the code of conduct, and a possible review of it, is not a matter for me, but any member may take it up with the Standards, Procedures and Public Appointments Committee. If Jackie Baillie wishes to do so, she is more than welcome—it is her right.

I agree that the other issues are substantive. I hope that, on this occasion, members will forgive me if I do not say something about them right now. However, I will deliberate on them and I will come back to members at a later date, either in writing or in the chamber.

I take this opportunity to wish everybody a very happy recess.

*Meeting closed at 15:00.*

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