

MEETING OF THE PARLIAMENT

Thursday 4 September 2008

Session 3

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Scottish Parliament

Thursday 4 September 2008

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

Interests of Members of the Scottish Parliament Act 2006 (Breach)

The Presiding Officer (Alex Fergusson): Good morning. The first item of business this morning is a debate on motion S3M-2442, in the name of Keith Brown, on behalf of the Standards, Procedures and Public Appointments Committee, on a breach of the Interests of Members of the Scottish Parliament Act 2006.

I call on the convener of the Standards, Procedures and Public Appointments Committee, Keith Brown, to speak to and move the motion.

09:00

Keith Brown (Ochil) (SNP): Members should excuse my breathlessness. Traffic from the Forth road bridge was very slow this morning.

I speak in support of the motion, which relates to the committee's findings on a complaint against Wendy Alexander MSP. The full details of that complaint are set out in the report that the committee published on 10 July 2008, which also includes a detailed report on the complaint by the Scottish Parliamentary Standards Commissioner. It is important to remind members that the committee is unaware of any complaint made to the commissioner until the commissioner reports to the committee at the end of stage 2 of the complaints process, and that his investigation is entirely independent of the committee.

In summary, the complaint was that the member failed to register in the register of members' interests within the required timescales 10 donations above £520 in value that were made to her campaign for the leadership of the Labour group of MSPs. Paragraph 6 of the schedule to the Interests of Members of the Scottish Parliament Act 2006 requires that members must register any interest if the member receives or has received

"a gift of heritable or moveable property or a gift of a benefit in kind and ... the value of the gift, at the date on which it was received, exceeds 1 per cent of a member's salary on that date ... and ... that gift meets the prejudice test."

Section 3(2) of the act states:

"An interest meets the prejudice test if, after taking into account all the circumstances, that interest is reasonably considered to prejudice, or to give the appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament."

The act requires that interests are registered within 30 days of the date on which the member acquires that interest.

The Standards, Procedures and Public Appointments Committee considered and agreed the following findings of fact made by the commissioner. Between 15 August and 14 September 2007, the member engaged in a campaign to be elected leader of the Labour group of MSPs in the Scottish Parliament. Donations towards the cost of that campaign were received from individuals and organisations and paid into the WA campaign account, to which the member was not a signatory. Ten of those donations were of a value over the registration threshold of £520 for gifts. They were banked between 31 August and 5 November 2007. Although the member did not have direct ownership or control of the campaign funds, she had a beneficial interest in them. Contrary to a claim that was implied in the complaint, the campaign team was not a company or partnership. The member made no entry relating to the relevant donations under gifts in the register of members' interests within 30 days of their receipt. The member sought and received written advice from the Standards, Procedures and Public Appointments Committee clerks on 8 November 2007. That advice was to the effect that registration of the donations in the register of interests was not required. The advice was sought after the deadline for registration of around half of the donations had passed.

Pauline McNeill (Glasgow Kelvin) (Lab): On the advice that the Parliament's lawyers gave Wendy Alexander, could you tell the Parliament—

The Presiding Officer: You should speak through the chair, please, Ms McNeill.

Pauline McNeill: Will you tell the Parliament whether you requested to see—[*Laughter.*] I apologise. Will the member tell the Parliament whether he asked for the parliamentary advice to be published? If not, why not?

Keith Brown: From my recollection, the committee did not ask for the advice to be published, but we asked to see it. We were told what the advice was, but only verbally, not in writing.

Karen Gillon (Clydesdale) (Lab): Will the member take an intervention? I would like to clarify something.

Keith Brown: I must make progress. I am sorry.

On 1 February 2008, when the Scottish Parliamentary Standards Commissioner's investigation was not yet complete, nine donations were registered voluntarily in the register of interests; the 10th donation was registered under sponsorship.

The committee noted the commissioner's and the member's views on whether the prejudice test had been met. It then considered the commissioner's conclusion that the member's

"failure to register as gifts in the Register of Members' Interests, within the appropriate timescale, eight of the donations to her leadership election campaign constituted a breach of section 5 of the Interests of Members of the Scottish Parliament Act 2006 together with paragraph 6(1) of the Schedule."

In reaching its view, the committee considered all the evidence that was set out in the report, and agreed, by a majority of five to two, with the commissioner's conclusion. During its deliberations, the committee considered the key issues of the definition of a gift or benefit in kind; what is meant by receiving a gift; the financial threshold; and the prejudice test.

Having reached a majority view that the member had breached the requirements of the 2006 act, the committee considered written representations from the member before it decided whether to recommend sanctions to the Parliament. It considered a number of mitigating factors that were highlighted in the member's written representations together with the evidence in the commissioner's report, and agreed by a majority of four to three to recommend sanctions for the breach of the 2006 act. We noted that the member had sought advice from the Standards, Procedures and Public Appointments Committee clerks on 8 November, albeit that that was after the deadline for registering some of the donations. We also noted her comments on her previous compliance with respect to registration and that she had, in fact, exceeded those requirements in the past, albeit that we found her previous diligence incongruent with not having taken timely advice and action in respect of the donations in question. The committee also noted the procurator fiscal's comment that there was a degree of uncertainty surrounding the interpretation of the relevant provisions and that the member could not be held responsible for that. In addition, it noted that it and its predecessor committee had not provided advice on the categories of registrable interest.

We considered the available sanctions that are set out in sections 15 and 16 of the 2006 act. Only the four committee members who had agreed to recommend the imposition of sanctions discussed sanctions. The committee agreed by division—four

for, with three abstentions—to recommend that Wendy Alexander MSP be excluded from all proceedings of the Parliament for the first Wednesday that is a sitting day following Parliament's agreement to the sanction.

On behalf of the Standards, Procedures and Public Appointments Committee, I move,

That the Parliament notes the 6th Report, 2008 (Session 3) of the Standards, Procedures and Public Appointments Committee, *Complaint against Wendy Alexander MSP*, and agrees to impose the sanction recommended in the report that Wendy Alexander MSP be excluded from all proceedings of the Parliament for the first Wednesday that is a sitting day following agreement of this motion.

09:08

Christina McKelvie (Central Scotland) (SNP):

The convener of the Standards, Procedures and Public Appointments Committee has talked in detail about the committee's report to the Parliament. I associate myself with his remarks and will make some comments in support of the committee's deliberations.

We have an absolute responsibility, enshrined in the law, to register our interests. We cannot deviate from that responsibility. It ill becomes any member to seek to avoid that responsibility or to seek to lay it at the feet of others, especially if those others are committee clerks or MSPs' staff, who do not have the opportunity to defend themselves in public.

In the past, members have found themselves in breach of the rules as a result of their own actions or through no intended fault of their own. The delineation between those members—of all parties—has been between those who have had the good grace to accept responsibility for their breach, apologise to the Parliament and accept any sanction that has been imposed, whether the breach happened as a result of their actions or the actions of others, and those who have not had the good grace to do so.

In the case that lies before the Parliament, which weighed heavily on the committee before the recess, there can be little doubt that the member at the heart of the report has still not accepted responsibility for her actions or those that were taken in her name, and that she still seeks to avoid any sanction. I would be pleased to be proven wrong if the member tells members that she is willing to accept responsibility for, and any consequences of, the events that have been reported.

In considering the commissioner's report, I found enlightening the clerk's note at appendix 6, about a chat with the member. In my dealings with the clerks about the registration of my interests, there has always been a rider at the bottom of

communications from them to the effect that their advice is their best interpretation of the rules but that it is the member's responsibility to ensure that they comply with the law and any other rules. In that context, the clerk's advice to the member that

"any donation could be considered as a gift and therefore it would be required to be registered if it exceeded £520 and met the prejudice test"

was clear, but the responsibility still lay with the member and not the clerk.

The standards commissioner's report makes it abundantly clear that the rules had been breached on several occasions before the member approached the clerks for advice. I refer to the note to paragraph 16 of the commissioner's summary of his interview with the member. That note also indicates that the dates that were submitted to the Electoral Commission as the dates on which donations were received were not the true dates on which the donations were received, which indicates at the very least a laxity in record keeping.

The findings of fact in the commissioner's report are not in dispute. In the member's letter of 13 June 2008 to the committee clerk, she accepted the factual findings, with the exception of a slight quibble over the observation that a fair-minded person would consider that the gifts may influence her actions. For the record, I agree with Wendy Alexander that that is a judgment rather than a statement of fact, but I agree with the commissioner's judgment that the prejudice test was met.

The recommended sanction of a one-day suspension can in no way be said to be onerous. Considering the importance of the probity of members of the Parliament and therefore of the Parliament itself, I have no hesitation in recommending that Parliament endorse the committee's findings and recommendations.

09:11

Jackie Baillie (Dumbarton) (Lab): The Parliament has waited the entirety of the summer before debating the report from the Standards, Procedures and Public Appointments Committee. I welcome the opportunity for the Parliament to have its say and to determine the matter. In considering the complaint about Wendy Alexander by a Scottish National Party researcher, I will focus on two issues. First, I will examine the robustness of the report and the consequences for our procedures and, secondly, I will consider the implications for all members of the Scottish Parliament.

The central question is whether the donations should be considered as a gift and should therefore have been registered. The committee

accepted three key points: first, the member was right to seek advice from the clerks; secondly, the clerks gave clear and unambiguous advice to the member; and, thirdly, the committee accepted that the uncertainty surrounding the interpretation of paragraph 6(1) of the schedule to the Interests of Members of the Scottish Parliament Act 2006 was not a matter for which the member could be held responsible. The committee rightly concluded that, because of the ambiguity in relation to registration, there was no breach. Christina McKelvie was a member of that committee and cannot distance herself from that key conclusion today.

It being the case that there was no breach, there can be no sanction and, to be frank, the committee misdirected itself on the issue of timing. I want to be absolutely clear about that. If the committee did not find that there was a breach on registration, it could not find that there was a breach on timing, because timing is irrelevant. If one pays close attention to the 2006 act, one will find that section 5(2) states:

"Within 30 days after the date on which the member acquired that interest, that member shall register that interest"

with the clerks. However, the member understood that the interest was not registrable. The clerks and the Parliament's lawyers advised that it was not registrable and the committee accepted that the situation was ambiguous and did not find against the member on that point. If the Parliament's lawyers were asked today, they would tell us exactly the same thing—the interest was not registrable. Therefore, timing has absolutely nothing to do with the matter.

There are lessons to be learned. I trust that, as a consequence of the report, the Parliament's procedures will be reviewed. I invite you, Presiding Officer, and the Scottish Parliamentary Corporate Body to consider those procedures, because the report has profound and far-reaching consequences for all MSPs. Indeed, Presiding Officer, we have exchanged letters on that point. On 22 August, in a letter that you placed in the Scottish Parliament information centre, you advised that members should continue to have confidence in the advice of the clerks. I do have confidence in them, but it is clear that the majority of the committee members do not and instead prefer the opinion of a Queen's counsel. In the same letter, you note that members should consult private legal advisers. We could end up with at least three separate pieces of legal opinion, which would be a bit like pick and mix at Woolworths. Whose opinion will the committee prefer—my private lawyer's, the clerks' or a QC's?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Jackie Baillie: Not at this stage.

The committee is not a court and it should not determine points of law. The interpretation of law is properly a matter for the courts. I am astonished that, on the one hand, legal opinion for the standards commissioner was published in full, yet nothing at all has been published from the Parliament's lawyers. Despite the attempt at an explanation by the committee convener, I find that to be an unacceptable and glaring omission.

We need clarification on several matters. We need to know about the status of advice received from the clerks and the provision of private legal advice for members. We need guidance for members who are involved in party elections and clarification of whether the procedures are compatible with the European convention on human rights. There is a considered view from leading civil law firms in Scotland that the process that was followed may be in breach of article 6 of the ECHR, as the committee may not be considered to be a fair and impartial tribunal in determining a member's civil obligations. That has profound implications that the Parliament must consider carefully. I urge you, Presiding Officer, to ensure that that happens.

Wendy Alexander has paid a high price for a report that some commentators have described as partisan. Some members may regard what they have done as a political victory, but wiser heads will reflect on the consequences for the Parliament and for democracy. Let the wiser heads in the Parliament dismiss the report, which is unfair, unjust and, frankly, plain wrong.

09:17

Jamie McGrigor (Highlands and Islands) (Con): It is surely the Parliament's duty to judge its members by the Parliament's rules and not by those of any other body. With the greatest respect to the members of the Standards, Procedures and Public Appointments Committee, of which I am one, the committee's decision in the case was wrong and a member of the Parliament has suffered an injustice and therefore an unfair slur on her parliamentary record. That is unfortunate, not only for the member concerned—Ms Wendy Alexander—but for every member of the Parliament.

The standards committee must surely demonstrate a stature that is higher than that of any other committee because of what it does or may be called on to do, which is to sit in judgment on the conduct of other members. It must be self-evident from the committee's conduct that it has attained the highest levels of fairness, natural justice and professional objectivity. It must be seen to be free from partisan whipping and

members must make up their minds according to the evidence, rather than be told what line they should take.

The committee members should do as they would be done by, which is most likely to be achieved if the committee reflects substantial parliamentary experience. However, it has been pointed out by the press and others that all those who voted in favour of sanctions, including the convener, were new members who were elected in May last year. I mean no disrespect to them, but how many members would feel comfortable to be judged by a committee that is so lacking in parliamentary experience? Party leaders and managers should bear that in mind when appointments to the committee are made in future. I know that I shall make myself unpopular by saying this, but there was a distinct scent of partisan alignment on the committee, which should not have been there. I am proud of the fact that I based my judgment purely on the evidence that was before me, without anyone from my party telling me what I should or should not do. That is how the process should be carried out but, regrettably, it was not. I am sure that most members believe that the Standards, Procedures and Public Appointments Committee must be above blemish.

It was wrong to recommend imposing sanctions on the member, and the time taken to produce a result, because of incessant filibustering in private committee sessions, did not allow the Parliament to vote on the matter before the recess. The sword of Damocles was therefore left hanging above the member's head for an unnecessary two months. I suspect that that was a major factor in the resignation of Ms Alexander from the leadership of her party. It disturbs me that in a country allegedly famous for justice and fair play, an event of this kind has been allowed to happen in our Parliament. Lessons must be learned.

From day one, I was convinced that there was no case to answer and that although a breach might have been committed, it was as a result of the member falling foul of a flawed system rather than her personal conduct. The member made every effort to register the donations. She took the advice of the Parliament's lawyers and the Standards, Procedures and Public Appointments Committee clerks who advised that there was no need to register the donations. Admittedly she was a week late in doing so, but that was as a result of her belief that there was no precedent for registration in a leadership campaign. I questioned the lawyers and the clerks who all told me that they would have given her the same advice whenever she had asked that question.

It is a sorry state of affairs if any member of this Parliament cannot have confidence in the advice

given by the Parliament's lawyers and the Standards, Procedures and Public Appointments Committee clerks. Who else is a member meant to ask? Should he or she employ a Queen's counsel at vast expense? I do not think so. I do not think that many of us would feel obliged to do that or, for that matter, could afford to do that. I do not believe that justice has been done and that is why, during the committee sessions, I argued and voted against any sanctions on Ms Alexander. For the same reasons, I will vote against the motion set before us today.

09:21

Robert Brown (Glasgow) (LD): Today's short debate has a lot of political mileage behind it, to say the least. In speaking for the Liberal Democrats, I say that this ought to be a parliamentary debate informed and motivated by judgment, a sense of proportion and individual consideration. I agree very much with many of the comments in that regard by Jamie McGrigor. However, my personal view is that there is a presumption of support for the committee report, provided that the reasoning is sound, and a presumption that the member is acting properly unless the reasoning to the contrary is sound.

Liberal Democrats have a free vote today, which is proper.

Marlyn Glen (North East Scotland) (Lab): Will the member give way?

Robert Brown: I am very sorry; not in a four-minute speech. We have a genuinely free vote, which is not the kind that leads miraculously to everyone in one party freely voting one way and everyone in the rival party freely voting the other.

I will say a brief word about my thoughts on the report. Much of it raises no contention, as has been said. It is agreed that Wendy Alexander received donations to her leadership campaign from several people and it is accepted that those donations were not registered in the register of interests in the time allowed. One of the defences is that they were not gifts because they were raised and received by the campaign team. The commissioner and the committee were entirely right to reject that argument, but I struggle to understand the committee's conclusion that the uncertainty that they say surrounded the interpretation of paragraph 6(1) of the schedule to the 2006 act is not something for which the member could be held responsible. If that is so, what is the offence?

The report then says that the circumstances gave the appearance of prejudice to a fair-minded and impartial observer. I am unhappy about that conclusion. The committee rightly held that the commissioner had made a judgment and not a

finding of fact and I have struggled to find any evidence of the commissioner's basis for reaching that conclusion. The committee rightly considered and formed its own view, but apparently only on the basis of the size of the donations. I would have thought it necessary to consider all the background circumstances, which include the vital fact that all the donations came from known Labour Party supporters and donors. Would anyone really be surprised that the Labour Party's Advocate General for Scotland, or the appointee to general secretary of the Labour Party, or Mr Willie Haughey or GMB Scotland were among the donors? Would the non-registration of such donations really lead an informed member of the public to think that Wendy Alexander was prejudiced in her ability to take part in a disinterested manner in parliamentary proceedings? I am not entirely sure, but I tend to the view at present that the committee's reasoning is inadequate and flawed on that point in relation to most, if not all, the donors.

I do not accept the excuse about legal advice. We all know that the clerks can only advise and that the ultimate responsibility lies with us to satisfy ourselves. If in doubt, register. I do not accept, however, that that means that we should take separate legal advice. There is no doubt in my mind that Wendy Alexander would have been extremely wise to register the interests and avoid the problem.

Assuming that the chamber is satisfied—there are some question marks about that—that there was a breach of the rules, the registration issue carries a sense of being an afterthought. It is certainly a side product of the separate furore about the Electoral Commission and I suspect that it was also an afterthought by Wendy Alexander. The whole affair has contributed to her resignation as leader of the Labour Party. Some members take the view that pressing the matter to a conclusion has an aura of vindictiveness. On the other hand, Parliament and the public are entitled to expect full transparency in financial matters, but there is a case for drawing a line under this matter, which has produced so much grief for Wendy Alexander.

I offer my thoughts as impartially as I can manage and I intend to listen to the rest of the debate before deciding on my vote. I return to the point with which I began—it would be meet for members of the Parliament to rise to the occasion, to listen to the debate objectively and to try to form our own conclusions. If members have not even read the report, they should consider whether they ought to vote on the motion this evening.

09:26

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): As a member of the Standards, Procedures and Public Appointments Committee, I would like Parliament to know that I regret the way in which the matter has been handled. To allow a complaint to drag on for almost 10 months is unacceptable to the member involved, to the complainant and to the Parliament as a whole. The committee should not have needed to seek Parliament's approval to meet during chamber sitting times and the matter should have been concluded before Parliament rose for the summer recess.

I understand that this is the first time that a parliamentary committee's report on a complaint about a member has been published showing division. I regret that we find ourselves in that position; it does not reflect well on the standing of the committee. I was honoured to be asked by my group to serve on the Standards, Procedures and Public Appointments Committee. In previous parliamentary sessions, members of the Standards Committee served us and, through us, the people of Scotland well. Previous committees also had difficult and detailed complaints to deal with, but they were able to show fairness and impartiality while always taking a non-partisan approach. I am not confident that the current committee has achieved that same high standard in all aspects of the report.

I will spend my remaining speaking time discussing a few facts of the case. It is a fact that in the past Wendy Alexander registered personal donations or gifts made directly to her in the register of members' interests. In relation to the donations made to the Wendy Alexander election campaign, it is a fact that the member did not register donations made to that campaign fund on the parliamentary register prior to February 2008. It is a fact that she did not register the donations because she did not receive the money personally and had no access to the bank account therefore could not spend the money. In her opinion, the donations were not gifts to her.

The committee had evidence to show that Ms Alexander had diligently registered gifts in the past. That showed me that she was well apprised of parliamentary rules on the matter. It is a fact that when questions were raised she took advice from the parliamentary clerks, who in turn took advice from parliamentary lawyers. The advice—another fact that is not disputed—confirmed that Wendy Alexander did not require to register the donations as gifts or election expenses. That was very clear legal guidance that concurred with the opinion and advice on which members are entitled to rely.

A complaint was lodged asking the standards commissioner to investigate a failure to declare

and as soon as he said that in his view the donations were registrable, the member took action to register the donations in the appropriate register. We know that the standards commissioner reported the matter to the procurator fiscal at the appropriate time. The procurator fiscal, acting in the public interest, looked at the case, but took no legal action against the member because there was uncertainty and because the member had sought advice from our parliamentary clerks.

In his report, the standards commissioner advised that he could not take mitigating circumstances into account—the clerks' conclusion could not affect his conclusion about a breach according to his independent judgment. However, we as a committee could take those factors into account and members accepted that the clerks' advice was unambiguous. In paragraph 90 of the committee report, the committee also accepted that the member could not be held responsible for the uncertainty surrounding the interpretation. The whole committee accepted those facts, but some members still felt that sanctions should be imposed on the member.

During questioning at the committee stage, parliamentary lawyers confirmed to the committee, in response to a question by Jamie McGrigor, that they would give the same advice again. In light of that, I can conclude only that some members of the committee were not open-minded in this case and were not prepared to consider all the facts. Therefore, I could not support the imposition of sanctions. I ask that members consider all the facts when voting tonight, err on the side of fairness and justice and reject the committee recommendations and report.

09:30

Dave Thompson (Highlands and Islands) (SNP): This was a difficult and complicated complaint to deal with, but I believe that the Standards, Procedures and Public Appointments Committee handled it fairly and quickly.

Cathie Craigie rose—

Dave Thompson: It came to its decision at the end of June; it did not take the committee 10 months to deal with the case. Cathie Craigie well knows that the clerks received the report from the standards commissioner only on 9 June. It was placed before the committee on 19 June and the committee concluded its deliberations just seven days later on 26 June. The commissioner may have taken longer, but the committee certainly did not.

The committee, in fact, completed its final report one week after that, on 4 July, which was just over three weeks after the complaint was received.

Therefore, accusations that the Standards, Procedures and Public Appointments Committee dragged the matter out are nonsense. Jamie McGrigor's accusations of filibustering are a scandal. The only ones who delayed things were the Labour members, who refused to accept reality and the facts before them.

Tricia Marwick (Central Fife) (SNP): On Jamie McGrigor's comments, will Dave Thompson confirm what is in paragraph 62 of the report, which is that Jamie McGrigor agreed in committee with the commissioner and the majority of the committee that Wendy Alexander was in breach of the 2006 act, and that where he disagreed was on the sanctions? There is no doubt, according to paragraph 62, that he agreed that Wendy Alexander was in breach.

Dave Thompson: Jamie McGrigor certainly voted with the four other members of the committee that a breach had occurred. His tone has changed; he has been got at. He has allowed partisan party politics to get in the way of the truth. *[Interruption.]*

Jamie McGrigor *rose—*

Karen Gillon *rose—*

The Presiding Officer: Order, order.

Dave Thompson: I can honestly say that I approached this complaint in exactly the same way as I have approached all other complaints: in confidence, with an open mind and a willingness to make a judgment on the facts. The committee's deliberations were not helped, by the way, by speculation in the media, which could have come only from someone in the know. I was angry and upset that the finger of accusation was pointed at the committee, including me, because of the actions of probably one individual. I do not know who they were.

George Foulkes (Lothians) (Lab): On a point of order, Presiding Officer. I distinctly heard Mr Thompson say that Jamie McGrigor had been "got at". In other places—I know that some people do not like me quoting other places—that would be considered unparliamentary and an unwarranted slur on the character of Jamie McGrigor. I ask you in all seriousness, Presiding Officer, to ask Mr Thompson to do a very small thing: to withdraw that slur against the character of Jamie McGrigor.

The Presiding Officer: I take that seriously, Mr Foulkes. Thank you for it. I am not happy with the terminology, but I am also clear that Mr Thompson has not broken any of the parliamentary rules in using that particular terminology. However, I think that he wants to think very carefully before he continues along that line.

Dave Thompson: What I think all members need to remember when considering this report is

that the facts are not in dispute. The committee's report was based on a report by the independent standards commissioner, which was backed up by a QC's opinion. I will not go into the detail of our deliberations, but I will say that we looked long and hard at the issues, and came to—

The Presiding Officer: Thirty seconds, Mr Thompson.

Dave Thompson: Thirty seconds—oh, goodness. That is what happens when you take too many interventions, is it not?

When it came to the sanctions, I believed that there were mitigating circumstances, including the fact that the member had asked the Standards, Procedures and Public Appointments Committee clerks for advice, albeit well after the deadline for registration of the gifts. The member stated in her letter to the committee that she had registered much smaller voluntary donations in the past, which begged the question why she did not register these donations.

If the Parliament does not support the committee's recommendation, it will give out a clear message that failure to disclose thousands of pounds of donations warrants nothing more than a slap on the wrist. It will encourage avoidance of the rules and show that this Parliament supports one law for the desperate drug addicts and another for the privileged politician.

09:35

Patrick Harvie (Glasgow) (Green): I want to make two things clear before I start. First, neither this case nor its handling has done Parliament much credit—there should be no place in this debate for personal accusations or for self-satisfied expressions on anyone's face. Secondly, like other members, I am not speaking on behalf of my party. There is a range of views in my party, so these will be personal comments.

We have in the past accepted internal disciplinary processes. We have unanimously appointed members to run those internal processes and have given them our trust to do that fairly. We have also in the past unanimously supported disciplinary recommendations that were far more severe than what is being proposed today. For that system to have any legitimacy, we must recognise that we are a Parliament—a political institution. We need to be realistic about that.

We also need to be clear about whether we have confidence and trust in the people whom we appoint to do the job. I am not aware that any member has proposed that there be a motion to remove members from the Standards, Procedures and Public Appointments Committee, so I infer

from that that we have continued trust in the members who currently serve us in that way.

I am not aware of any new substantive argument that was not available to the committee when it made its decision or debated the issue. Given that, I do not at the moment see any clear reason that is sufficient to overturn the recommendation. I take no pleasure in saying that, any more than I did when we imposed more serious sanctions in the past.

Marlyn Glen: Does Patrick Harvie take into account that the committee's decision was not consensual but was a divided decision, which is extremely rare? In fact, it has never happened before.

Patrick Harvie: I acknowledge that. Nevertheless, the recommendation has been made by the committee and we must debate it in those terms, as we do with any other recommendation from the political committees when there is a dissenting view.

I want to address a wider issue before I finish. In the regulation of political life, we have created many layers of process and machinery, and of legislation and rules, not just in Scotland but throughout the United Kingdom. We have the Representation of the People Act 2000, the Political Parties, Elections and Referendums Act 2000, the Ethical Standards in Public Life etc (Scotland) Act 2000 and the Freedom of Information Act 2000. We also have the Electoral Commission, the Committee on Standards in Public Life, the Scottish Parliament Standards, Procedures and Public Appointments Committee, the parliamentary standards commissioner, the "Register of Interests of Members of the Scottish Parliament", the standing orders and the "Code of Conduct for Members of the Scottish Parliament". In addition, we have the rulings of our Presiding Officer. Through all those, we have robust and rigorous layers of media and public scrutiny.

Why have we got all those? It is because we, or our predecessors, put them all in place, largely with a view to restoring or building public trust in the system. It is blindingly obvious that that has failed—we have ended up with a system that is so complex that it must be hard for anybody to spend more than a few years in this job without making an error and having it exposed in the media, which often misrepresents the matter.

We sometimes say of industries that they need not more but better regulation. What we have done with ourselves is just pile ever more regulation into the system and make it unmanageably complex. There must be a longer-term look at that. That said, I believe that for the Parliament to overturn the committee's recommendation today would do further damage

to public trust in the system that we have in place. For that reason, and that reason alone, I will support the committee's recommendation.

09:39

Ken Macintosh (Eastwood) (Lab): This debate is unwelcome, unnecessary and unfortunate. Once more, the standards system that the Parliament introduced to protect the public, preserve trust in the institution and help to maintain MSPs' integrity has been used to undermine those goals. A nasty and politically motivated campaign has culminated in a split committee and a partisan report.

The Standards, Procedures and Public Appointments Committee split four to three on whether to uphold the complaint and impose sanctions. That is the first time we have ever had anything other than a unanimous recommendation from the committee or its predecessors on how to deal with a complaint against an individual member. In case anyone was in any doubt, I checked the files and went through every report: they have all been unanimous until now.

I was on the Standards Committee and the Standards and Public Appointments Committee for several years, so I know the determination with which members from all parties tried to reach agreement on such cases, which are the most difficult of matters. Our first duty is to protect the public and the reputation of the Scottish Parliament itself, but it is also important that the standards system is not politically abused. We are all damaged when any member's integrity is called into question, and any supposed short-term political advantage that is to be had from trying to bring a member down is hugely outweighed by the long-term damage that is inflicted on all elected politicians in the corrosively cynical world in which we live.

I have read the committee's report. I must admit that I had to reread it to understand what Wendy Alexander was found to have done wrong and why the committee made what I regard to be a severe recommendation on sanctions. I do not accept the fundamental argument that she should have made a declaration on the parliamentary register, because we all have to separate our parliamentary and political work.

The Political Parties, Elections and Referendums Act 2000 exists to regulate the conduct of political parties and elections. From my time on the Standards and Public Appointments Committee, I remember discussions that led to the Interests of Members of the Scottish Parliament Act 2006, which established the register of interests. The committee wanted to keep the two systems as distinct as possible and recognised

that having two systems with different disclosure thresholds could lead to confusion and may hinder transparency. Any actual or possible need for overlap was flagged up clearly. One such example is the requirement to disclose any individual donor who contributes more than 25 per cent of an MSP's election expenses.

However, neither I nor even Ms Alexander was alone in regarding the disclosure rules in that light: no previous leadership election had used the parliamentary system to register donations, so it is clear that most members felt similarly. More important is the fact that the clerks to the committee did not believe that the donation should be registered. They, in turn, took advice from the Parliament's lawyers, who confirmed that there should be no registration and, therefore, that there was no breach of any code.

Christine Grahame (South of Scotland) (SNP): Will Ken Macintosh give way?

Ken Macintosh: I am sorry, but there is not enough time in the debate.

Given the media speculation over the matter, Wendy Alexander sensibly took further legal advice, which again confirmed the widely held view that no declaration was needed. Even the standards commissioner was not sure either way when he first looked at the case. He took advice—for the first time, as we all now know—and was offered a different opinion but, even after that, when the matter was referred to the Crown, the procurator fiscal said that it was a matter of some ambiguity.

I do not accept that the leadership donation should have been declared but, if one does, it should at least be regarded as a late declaration. Some members of the committee seem to believe that the breaking of the 30-day rule deserves suspension; some of us are more aware of human frailty and the oversights that we can make. I had a cursory look at two of the 10 or so volumes of the register of members' interests and found half a dozen late registrations that broke the 30-day rule by Andrew Welsh, Michael Matheson, Fergus Ewing, Linda Fabiani and Bruce Crawford. For clarity, I say that I hold those members in the highest regard and believe them to be members of integrity. However, I also believe that we should regard late registration simply as a mistake and not as something to be punished by sanction.

Politics can get personal, but members of the Standards, Procedures and Public Appointments Committee need to exercise their judgment. Most members will be able to do what some members of the committee seem to find difficult, which is to put their party allegiance to one side and see the allegations for what they are: they are at best political mischief-making and, at worst, a

despicable attack on someone who is trying to represent her constituents and party in public office.

I ask the Parliament to reject the divided and discredited report.

09:44

Margo MacDonald (Lothians) (Ind): The Parliament is not sovereign and, therefore, must expedite its procedures according to the law of Scotland, its customs and practice. That means that, when Parliament sits in judgment on one of its members it must act and, most important—as Jamie McGrigor pointed out—it must be perceived to act as an impartial and unbiased tribunal. From the start, that principle was tainted in that the perception is that the complaint against Wendy Alexander originated from an SNP researcher who shared a common interest with, and a direct line of communication to, Wendy Alexander's political opponents on the committee.

In its report, the committee admits that there is ambiguity as to whether Ms Alexander contravened the Parliament's rules on the declaration of interests. Scots law dictates that the committee must, therefore, give the benefit of the doubt to the accused person and should dismiss the complaint against her. That much is crystal clear, so the committee should be thanked for its work and no further action should be taken on the complaint against Ms Alexander. We should be guided in the matter by the procurator fiscal.

However, the experience has shown us some unsatisfactory and disturbing aspects of our procedures. Those must be addressed. At the very least, an examination must be made of the standing of the legal advice that is given to members directly or via committee clerks. I feel sure that the Parliament can rely on you, Presiding Officer, to set that in train in the interests of clarity, fairness and, above all, public trust in the procedures and probity of the Scottish Parliament.

09:46

Karen Gillon (Clydesdale) (Lab): That thoughtful speech from Margo MacDonald should weigh heavily on many of our minds.

I have read the report. Like other members, I have also previously been found to have breached the code of conduct for members, but the Parliament placed no sanction on me. The members whom Ken Macintosh mentioned were found guilty of the same breach of the code of conduct and the 2006 act as Wendy Alexander, but no sanction was placed on them by the Parliament, the committee or any previous committee. If we now say that a member who is late with a registration by one week will be

suspended from the Parliament, we are setting ourselves a very high standard and bar. Members need to reflect on that. That concerns timing. If we look closely at the 2006 act, we find that, for timing to come into play, there must first be a breach of the act.

There are three key paragraphs in the committee's report that deal with breach. A breach would have occurred if paragraph 6(1) of the schedule to the act required the member to register the donation. Paragraph 23 of the report states:

"The Committee agrees that paragraph 91 reflects the member's and the Commissioner's judgement as to whether the prejudice test is met, rather than being a statement of fact"—

a point that Robert Brown dealt with clearly in his speech.

At paragraph 16 of its report, the committee sets out why the Crown Office told the standards commissioner that a prosecution would not follow: there was a degree of ambiguity on whether paragraph 6(1) of the schedule had been breached.

Paragraph 90 of the report states:

"The Committee therefore accepted that the uncertainty surrounding the interpretation of paragraph 6(1) of the schedule ... was not a matter for which the member could be held responsible."

If the committee accepts the finding in paragraph 90 that Wendy Alexander could not be held responsible for the ambiguity that surrounds paragraph 6(1) of the schedule, it follows that she could not be guilty of a breach of the code and timing does not come into play. Timing can come into play only when the code has been breached. Therefore, if the committee has accepted clearly in its report that the ambiguity around paragraph 6(1) of the schedule

"was not a matter for which the member could be held responsible",

it cannot say that she should still have registered the donation when she was not guilty of breaching the code in the first place. Committee members have condemned themselves by their own words and their partisan politics.

I was a member of the Standards Committee in session 1 and had to make difficult decisions. I hope that I laid my politics at the door. If we were to ask the former First Minister, Jack McConnell, whether Labour members of the Standards Committee in 1999 and 2000 dealt with him as well as any other members, I think that he would say that they did. As members of the Parliament, we have a responsibility to act above party politics.

If members thought that the campaign was not partisan and politically motivated, Christina

McKelvie's speech this morning will have set that in context, as will the outrageous slur on the character of Jamie McGrigor, for whom I have the highest regard. I disagree with him politically, but to say that he has been got at outside the committee or the chamber is a disgrace, and the member who said that should be prepared to stand up in the chamber and say, "Sorry. I made a mistake in the heat of a debate and I take it back because the member came to the chamber and made his points in good faith."

I hope, Presiding Officer, that members will take the matter seriously, and that you will take seriously the points that have been made. The Parliament is bigger than any of us who sit in the chamber right now. The principles that we employ and put in train now are far more important than we who will be here until 2011: we are putting in place procedures and practices for the Parliament that should be beyond party politics. Unfortunately, what we are debating today and the manner in which it has been conducted are not beyond party politics. It draws this place down, does nothing for its reputation with the public, and does nothing to enhance the status of politicians or this place. We should reject the recommendation for all the reasons that members have outlined. I hope that Parliament will do exactly that at 5 o'clock.

09:51

Brian Adam (Aberdeen North) (SNP): It is with no pleasure at all that I stand up to speak today.

I must say first that the Scottish National Party members will absolutely have a free vote on this issue at 5 o'clock. There is no question whatsoever of there being any direction or recommendation, and I say that as the party's chief whip.

Christine Grahame: I thank Brian Adam for making that clear. I have sat through the entire debate and have not done so merely to pass the time. I have listened to the debate closely—it has been pretty unedifying. I am not prepared to vote against a committee report or to impugn people in the heat of the chamber. However, I make it clear that I am not content that the motion is not in two parts. Wendy Alexander has suffered enough personally and politically, so I make it plain to Parliament that I will abstain.

Brian Adam: I thank Christine Grahame for making her personal position clear.

This is my personal position. I have listened carefully to the debate and I have looked at the report. At the start of her speech, Jackie Baillie quite properly suggested that we ought to deal with the matter robustly. However, we should also deal with it very carefully along the lines that Patrick Harvie described. We should not lightly

dismiss the findings of our independent standards commissioner, although that is not to say that the standards commissioner will get it right on every occasion.

Margo MacDonald: Will the member give way?

Brian Adam: With respect to Miss MacDonald, I have already given way once.

The standards commissioner is not going to get it right on every occasion, so it is the Standards, Procedures and Public Appointments Committee's duty to challenge and explore all possibilities. As well as the standards commissioner not always getting it right, it is also true that the Standards, Procedures and Public Appointments Committee might not get it right, but we should not overturn lightly the recommendations of an independent standards commissioner and, indeed, the Standards, Procedures and Public Appointments Committee. On that, I agree with Patrick Harvie.

Advice was sought and given, but we have heard only part of the total content of that advice. It is extremely unusual to have any written advice. I have never come across it in the time I have been in the Parliament, and I served on the Standards Committee and the Standards and Public Appointments Committee for almost a whole session. I never came across written advice from the clerks, so I do not understand why it was given. However, on every occasion on which I was involved with the Standards Committee clerks, there was a rider that the member has a duty to make their own decisions.

Jackie Baillie called for a review of procedures. A couple of points were also made about timing and whether late registration ought to be considered to be sufficiently serious that it requires sanction. Ken Macintosh obviously has some personal experience of that—I fully sympathise. I served with him on the Standards Committee, to which he made a significant contribution. For an error in judgment that was not in any way prejudicial, he paid a particularly high price.

However, the distinction between this case and others of a similar nature that have been heard by the committee is that, in this case, there was no admission that a breach took place, however inadvertent it might have been. Now, we have the standards commissioner saying that there was a breach, and the committee saying so by a vote of five to two. Irrespective of the manner in which Jamie McGrigor put his case today, he voted in favour of there having been a breach.

We have a duty to consider the matter extremely carefully at 5 o'clock. It might well be that the 30-day rule—I think that I am using Ken Macintosh's words—trips members up, rather than it being the case that members make conscious and deliberate decisions to flout the law. That issue

does not lie in our hands, as Margo MacDonald rightly pointed out. It is not a sovereign matter, but is under the control of the Scotland Act 1998. If that act is to be opened up, I suggest that members who have some influence might want to consider having the 30-day rule reviewed.

I believe that the Standards, Procedures and Public Appointments Committee and the standards commissioner considered the matter objectively. I resent the implications that any committee member dealt with it in a partisan way, and I certainly will support the standards commissioner and the Standards, Procedures and Public Appointments Committee in their recommendations at 5 o'clock.

09:57

Hugh O'Donnell (Central Scotland) (LD): Presiding Officer, as you and other members know, this speech will be my final one as a member of the Standards, Procedures and Public Appointments Committee. It would almost certainly have been so even prior to the portfolio reshuffle by my new leader, Tavish Scott, although having my fox shot quite so dramatically was a bit of a surprise. I guess that is the nature of new brooms.

I thank my committee colleagues across all parties for their support. I particularly thank the officials who have helped to guide me through some of the technicalities and sometimes difficult decisions that we have dealt with during the past 14 months or so.

On the issue at hand, it is almost inevitable that, given the profile of the member in question, such an emotive subject would become a party-political football. It is even more understandable because of the original source of the complaint and the motivation behind it, as well as those who are allegedly behind some subsequent complaints. Those people should reflect on that if, indeed, they have any kind of moral conscience beyond party-political advantage.

We who are privileged to be elected here serve our country and the Parliament ill if we encourage the use of our standards process for low political ends—we merely confirm the perception that we are venal and self-serving. Equally, if we seek to circumvent the legitimate process of accountability and transparency simply to protect the identities of donors, we are equally guilty of cheap political sleight of hand that deserves to be exposed and, if it is against the rules of the law, we deserve to be penalised appropriately. I know that the committee will revisit some of the issues that have been raised by other members; indeed, it had already agreed to do so.

For me, there is no doubt that Wendy Alexander, like any one of us in similar circumstances, is

culpable and responsible for the breach. Notwithstanding the somewhat unworthy—

Karen Gillon: Will the member take an intervention?

Hugh O'Donnell: No, I will not; I am sorry.

Jackie Baillie: Explain paragraph 90.

Hugh O'Donnell: Notwithstanding some fairly unworthy attempts to blame officials or to play semantic games with the meanings of words such as “gift” and “benefit”, I would like to hear anyone argue successfully against a speeding ticket on the ground that a policeman they spoke to suggested that it might be okay.

Jackie Baillie: Explain paragraph 90.

The Presiding Officer: Order.

Hugh O'Donnell: The only situation in which that would be an acceptable argument would be if it were used as a plea in mitigation.

Karen Gillon: Will the member take an intervention?

Hugh O'Donnell: I have already said no.

The committee took full account of mitigation in the judgment that it made.

Cathie Craigie: On a point of order, Presiding Officer. Will you be good enough to confirm whether the member is winding up on behalf of the committee and dealing with points that have been made in the debate, or whether he is introducing new items that members will not have an opportunity to discuss?

The Presiding Officer: Mr O'Donnell is winding up on behalf of the committee but, in doing so, he is quite entitled to refer to points that have been made during the debate.

Mr O'Donnell, you now have less than two minutes left.

Hugh O'Donnell: I suggest that every member should read the full report; I very much doubt that everyone has. It was through reading the full report, following the chronology of events and listening to the evidence that I came to my conclusions.

That said, blame—although not responsibility—for the entire situation goes much wider than the member in question. Those who came up with the cunning plan—which even Baldrick would have been embarrassed to propose—to keep Wendy away from the money should perhaps look at their own behaviour and consider to what extent they are at fault for the situation that emerged. Of course, all those considerations relate to how we fund political parties across the UK.

In conclusion, for my part, I base my views of the case on the evidence as I saw it, rightly or wrongly. If they have not already done so, members will draw their own conclusions about the whole sorry saga and some may even get the chance to vote accordingly. I support the committee's report and its recommendations, and I ask other members to vote accordingly.

Children's Services

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-2480, in the name of Fiona Hyslop, on getting it right for every child. [*Interruption.*] I ask members who are leaving the chamber to be quiet, please.

10:02

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): We now move from a debate on standards in the Parliament to one on the standards that we expect to be met when support is provided to meet the needs of vulnerable young children.

I am delighted to open the debate on the getting it right for every child programme. I hope that there will be a measure of consensus and that we all share the same fundamental aim, but it is right that we discuss, scrutinise and challenge how we achieve that aim.

Of course, getting it right for every child builds on previous work. I acknowledge the previous Administration's development of the programme, which we are pleased to take forward. Naturally, there are changes of emphasis to reflect the new Scottish Government's strategic approach. We are focusing strongly on practical development, implementation and testing. In line with the concordat, we emphasise working collaboratively with local government and other organisations. We want to encourage local determination of how outcomes are achieved. I hope that we can all agree on the direction of travel.

I regret the amendment in the name of Rhona Brankin, which I do not intend to accept. Although it has the implied merit of agreeing with the motion, it seeks to undermine it. Labour might not like it, but at the start of this school year thousands of children are in smaller classes than they would have been under the previous Administration. There is no evidence nationally of reductions in the number of teachers of children who require additional support for learning. If there is such evidence at local level, any constituency MSP is quite entitled to raise that with ministers in the normal way.

Rhona Brankin (Midlothian) (Lab) *rose—*

Fiona Hyslop: There is no evidence nationally of cuts in the number of health visitors, either. A pilot—which I understand was initiated by the previous Administration—is being conducted as part of the review of nursing in the community. Government ministers are open-minded about the results of that review and about any decision that they will take in the future. In addition, this

Government is the first under devolution to take action to support kinship carers.

Rhona Brankin: Will the minister take an intervention?

Fiona Hyslop: I want to move on to the substance of the debate.

Scotland faces big challenges.

Rhona Brankin: Will the minister take an intervention?

Fiona Hyslop: No, I will not at this stage.

More than 14,000 children are looked after by local authorities. We know that, all too often, the support that is offered to looked-after children is not reflected in improved outcomes. We need to translate our aspirations into practical reality. That will require the senior management of all relevant public bodies to be committed to the common approach. Awareness and training of all staff who are involved with children and of adults who work with parents and carers—for example, in situations in which parents' misuse of drugs or alcohol impacts on children—will also be necessary. A common language will have to be used across services to underpin a shared assessment of children's needs and risks, and to ensure a common understanding when more than one agency is involved. In addition, of course, the child must always be at the centre, and children and their families must be involved in the process as fully as possible. That is the essence of our approach.

To achieve that shared approach, the Scottish Government is working in partnership with local authorities and other service providers at local level. A range of services are being brought together to work through how to achieve positive change. The early years and early intervention framework that we are working on collaboratively with the Convention of Scottish Local Authorities and other partners will be a key aspect of our approach.

Early intervention means responding to need when signs emerge rather than waiting until that need reaches a threshold at which action is thought to be justified. The pathfinders emphasise how we can work more efficiently and get better-quality information that can be shared securely so that the best decision can be taken in the interests of the child. I am pleased that we have been joined in the visitors gallery by several representatives from the pathfinder projects and from other bodies that are testing out the new approach. The voluntary sector will be a key player in the policy.

It is not just in the pathfinder projects and among learning partners that the getting it right approach is being adopted on the ground. Over the summer,

I met 11 local authorities, often with their community planning partners, and in every case we spent time discussing the getting it right for every child framework. Developments are taking place across the country. They include work on integrated assessment from Dumfries to Shetland; a system in Dundee for supporting children who have particularly complex needs; and the work by Children 1st to link the family group conference service that it provides for half of Scotland's local authorities with getting it right principles.

What does all that mean in practice? I will give a few more detailed examples from the pathfinders. First, work has been carried out in the Highland area on referrals from the police to the reporter. Careful screening of referrals has led to a fall of around 70 per cent in the number of cases that go to the reporter. That does not mean that children are not being supported; it just means that their support needs are being met much more quickly as a result of direct referral to the relevant agency.

A second example is from a domestic abuse pathfinder site. A woman was threatened by her former partner, who was immediately arrested. The next day, the police passed the information to the pathfinder's multi-agency group, which collected more information on the family. It identified that the school was concerned about one of the children, who had previously been performing well but who had been absent for some time. The school was unaware of the family situation. The multi-agency group was able to make appropriate contacts in the school aware of the position, discreetly and securely, and with the consent of the mother and the child. The process took a week. The child has now returned to school and has been provided with additional support from school staff and the local Women's Aid children's worker to ensure that the transition back to school works.

Rapid and responsive support to vulnerable children in need is what our policy can and will deliver in practice. As that last example suggests, for practitioners the policy is about ensuring that a timely and integrated approach to meeting the needs of the whole child is adopted across all relevant agencies, and that there is appropriate involvement of children and families in decisions that affect them.

The pathfinders are showing the way and testing what is needed. That process has involved business process mapping to streamline procedures; agreement on a common way of recording concerns and on protocols for exchanging information; the provision of clear leadership commitment and the governance structures that are necessary to support the change at the top level of government; the building

of awareness and training to promote the new approach; and management of the transition.

We are on a long journey together. We all need to understand how our actions contribute to the outcomes for individual children and how, collectively, we can make a difference for children. To help that process to work, the Scottish Government is building a learning community to help practitioners to exchange lessons and experiences.

Today we have published on the web a guide that sets out the practice model that is being tested in the pathfinders. The guide describes the emerging practice model that supports getting it right for every child, which will help practitioners to examine children's needs in the round and to identify how outcomes can be improved by the whole community working together to provide additional support. It is wholly child centred—it is not the preserve of any particular service. It can operate in a single-agency setting to plan for children's needs. It will support interagency or multi-agency activity to ensure a common approach to needs and risk assessment. It will help to structure the way in which information about a child's needs is captured, recorded and shared, which will feed into the development work that is being done under the eCare framework for secure information sharing across Scotland.

I know that members such as Richard Simpson have concerns about data sharing. In that regard, the commitment on the part of all the partners involved in funding and supporting data sharing is absolutely critical. Harriet Dempster, the director of social work in Highland Council said:

"Each agency is modernising its own system and developing better means to share information when this is necessary to protect vulnerable children. While new technology will always present challenges, effective communication is down to people working well, and we are all very committed to that here in the Highland partnership. The initial funding from Government to establish the partnership has been very helpful, but it is important that it becomes our normal business. Accordingly, all agencies have recently agreed to continue to support the partnership."

That is evidence of the commitment that I have seen. As I said, I have spoken to chief executives across Scotland about their commitment to this agenda. The issue is about ensuring that the information about a child's needs is captured, recorded and shared in a better way.

The web publication of the guide builds on the development work and helps shift the getting it right for every child programme into the implementation phase. We encourage all agencies that work with children to consider how the guide and model might be incorporated into interagency work with children, to ensure a common approach to needs and risk assessment. The model is

generic, but does not exclude more specialist assessments where necessary, for particular needs and risks. It expects information obtained from those specialist assessments to be viewed alongside other analysis, so that all relevant issues are taken into account and action is tailored to address the individual child's needs.

Separate, but closely linked guidance on corporate parenting, which has been developed with key partners, has also been placed on the website today. The publication is called "These Are Our Bairns: A guide for community planning partnerships on being a good corporate parent", and it will be fully launched next Tuesday. It focuses on getting it right for a particular group of children for whom Scotland has seldom got it right in the past. It demonstrates how everyone can work together to provide children with the help that they need when they need it, in a way that is centred around children's needs, not the needs of services, in order to make a real difference to children's lives and improve their future chances in life.

The Government has a national responsibility for those children who are in need. We know that, in the past, Scotland has not served those children as well as it could have. Collectively, we can shape up and ensure that this country is in a fit position to support children's needs in the future. There is a shared commitment across the chamber and across the country to doing that.

That is the key to the getting it right for every child approach. It is concerned with the needs of every child, including looked-after children and any and every child who needs that extra support. Getting it right for every child is about getting on and doing the right thing for all Scotland's children and helping them all to fulfil their potential.

I move,

That the Parliament welcomes the continuing support for the Getting It Right For Every Child programme, initiated by the previous administration; acknowledges the significant progress in pathfinder activity, both in Highland and for children and young people experiencing domestic abuse, exploring how best agencies can work together to record and share information as necessary to inform effective decision making around children's needs and to redesign services to reduce overlap and bureaucracy; welcomes progress in developing the eCare Framework to support positive practice change across all services and the plans to develop a safe and secure environment for exchanging information where necessary and for a particular purpose, respecting both data protection legislation and the privacy of individuals, and supports continuing activity to develop understanding and awareness of implementation of Getting It Right For Every Child and how services can best work to improve outcomes for children and delivery of the national outcomes.

10:12

Rhona Brankin (Midlothian) (Lab): I am pleased to have the opportunity to debate the getting it right for every child programme. As someone who, before becoming a politician, worked for many years with vulnerable children and their families, I am absolutely passionate about the need for us to get it right for every child in Scotland.

I also welcome those people in the gallery who have been involved in the pathfinder programmes, and thank them for their hard work and commitment.

I am proud to have been part of the previous Government, which initiated this work. Many of us who have been involved in joint agency approaches over the years have experience of bringing together various agencies at a range of integrated planning meetings. We did so in a well-meaning way, but, in some cases, we realised to our horror that we had created an environment that could be incredibly intimidating for children and families and contained unintentional barriers.

The child and the family must be at the heart of the programme. Getting it right for every child is a big challenge for the agencies involved. It requires them to examine their practices openly and to break down professional boundaries that have existed for years. It also requires practitioners and organisations to ensure that children, young people and families know that they are not just passive recipients of decisions that are taken by the so-called experts. I include myself in the system that has, in the past, not always worked for the benefit of children and families.

The focus on improving outcomes for children, young people and their families, based on a shared understanding of wellbeing, is critical.

I would like to focus on some of the other core components of the programme, beginning with ways of maximising the skilled workforce.

From my experience, including my involvement in delivering the then Scottish Office-funded inclusion modules, I know that we have been attempting to break down barriers to joint working between young people, parents, health, education, social work, the police and the voluntary sector for many years. Therefore, I ask the minister whether she believes that pre-service education for the various practitioners, including the police force, reflects the getting it right for every child approach. I have some issues with that, and would be interested to hear whether she thinks that meaningful work is now going on in that area.

My other concern in this area is how we develop common approaches at the pre-service level if the delivery of getting it right for every child varies

across local authority boundaries. We know that one of the challenges around the additional support for learning legislation, and its precursor in the recording system, is the wide variation in implementation across different local authorities.

I believe that, in a country as small as Scotland, there is a real danger that the discrepancies between local authorities in how children, young people and families are supported can be barriers to getting it right.

With 32 councils of widely varying sizes, it is almost inevitable that decisions will be driven by the resources that are available. I know that smaller councils face huge challenges in supporting children with complex additional support needs, with parents feeling that they have no option but to take their case to the additional support needs tribunal.

I know that the Government has been considering the issue of additional support needs tribunals, and yesterday signalled its intention to legislate, but I think that we are still some way off finding a solution to the resource challenges.

Fiona Hyslop: The member makes an important point. There is a big issue about how local authorities support children, particularly those with residential needs. When I have been speaking to the local authorities across the country, I have said that that is one of the areas in which we can work co-operatively to ensure that the children who need support in their own council area can get it. We need to work collectively to ensure that we have a proper system that meets the needs of the child but which is not exponentially expensive for local authorities.

Rhona Brankin: I look forward to hearing what the minister's solutions are. My party is examining the issue closely.

The concept of the lead professional is absolutely essential for the implementation of the getting it right for every child approach. I welcome the approach that has been taken by the Highland pathfinder, which involves ensuring that there is a named person for every child, from the community midwife and health visitor, through the primary head or depute, to the pupil support teacher in the child's secondary school.

That brings me to our amendment. When we were in government, we set the getting it right for every child programme in train. I could not argue with the sentiments that are expressed in the motion, although I am disappointed that the Government has chosen not to legislate at this stage. I have looked at all of the policy and practice documents, and I have seen the good work that is being developed by the pathfinders. However, when I look at what is happening on the ground in education and children and family

services in many areas across Scotland, I see that the number of key professionals in the programme, such as pupil support teachers, is being reduced in many local authorities, including Scottish National Party-led Aberdeen City Council.

We believe that health visitors play a vital role for children and families in the early years and are concerned that there are threats to their numbers. That worry is shared by many of the agencies that work with vulnerable children.

We know that good parenting gives every child the best start in life. However, in SNP-led Edinburgh, there have been cuts to the sure start programme and the council has recently decided to cut some of social work's most experienced managers.

Ruth Stark, of the British Association of Social Workers, said:

"Lord Laming, in his report on the fate of Victoria Climbié, highlighted the importance of the support and guidance needed by frontline child protection staff from senior managers and practitioners ... Their skill and expertise is vital in keeping our children safe. Given the similar findings of the Caleb Ness Inquiry in Edinburgh, it is extremely short-sighted of the Councillors in the City of Edinburgh to be discarding this high level skill and expertise in child protection work and leaving their frontline staff in a very exposed situation."

We do not think that that is acceptable.

We also know that, despite the Government's promises to reduce class sizes, they are going up in many council areas, including SNP-led Renfrewshire. The Government has refused to fund nursery places for vulnerable two-year-olds, despite successful pilots. I am delighted that Mary Mulligan will propose a member's bill to do just that. I know that it will be warmly welcomed.

We are all aware of the terrifying statistics that show that more than 60,000 children are living in drug or alcohol-abusing families. We also know that many grandparents step in as carers to support their families. They deserve our support. Last year, the First Minister promised financial support for kinship carers. Where is it? Many grandparents across Scotland are still waiting for that kinship care support.

What has happened to the £34 million that was Scotland's share of the money from Gordon Brown, for which the families of disabled children campaigned so hard? Ministers have repeatedly said that the £34 million has been included for the families of disabled children in the local government settlement. The minister should try telling that to the many families who have not seen a single extra penny of that money.

I am proud of the work on getting it right for every child that we started in government, and I welcome the fact that it is continuing under this

Government. However, actions speak louder than words. That is why we have proposed an amendment to the Government motion. Like many parents and professionals, we think that the Government is in danger of getting it right for every child on paper but not delivering change on the ground. With cutbacks and instability in jobs and service delivery, the Government has failed to prioritise spending on education, children and families. The minister talks a good line but she is in danger of failing to get it right for every child in Scotland.

I move amendment S3M-2480.1, to insert at end:

“and therefore voices its concern at the impact on vulnerable children of rising class sizes, cuts in the number of health visitors and cuts in the number of teachers of children with additional support needs, and calls on the Scottish Government to honour its pledge to pay kinship carers allowance to grandparents.”

10:22

Elizabeth Smith (Mid Scotland and Fife) (Con): Let me make it clear at the outset that the Conservatives fully support the need to improve services for vulnerable children in Scotland and the need for a united approach throughout the chamber.

Although the focus of this debate must necessarily be the scrutiny of the accompanying documents that set out the Government's proposals to improve services—two documents, one of them substantial, which incidentally did not appear on our desks until 4.30 yesterday afternoon, half an hour after the time for lodging amendments—some other issues need to be identified to have an overall perspective of improving the opportunities for our children. I will address those later.

In my speech yesterday, I was critical of the Government's education policy in other areas, but I want to make it clear that getting it right for every child is crucial because of the following key principles, three of which are successfully embedded in the pathfinder schemes: the local development of policies, dependent on the needs of the particular local community; improved communication between the different agencies involved in caring for vulnerable children; much greater consistency in the team that looks after each child; a reduction in the bureaucracy that accompanies the whole process; and an end to the wide regional variations in the quality of care that is offered.

The most frequent complaint that we hear—I am sure that this is true for many MSPs—is that a child is passed over to too many different individuals in the process of their care. That factor can create confusion and sometimes raise

questions of trust for the child and for the parents or guardians. That is why it is so crucial that a lead professional is identified when several different individuals or groups are involved. It is good to see that that principle is at the heart of the Government's proposals.

We warmly welcome the Government's consultation process to look at reform in the children's hearings system—a system that has not been short of its critics in recent times, despite the fact that it has traditionally brought many benefits to our Scottish justice system. It is undoubtedly in need of reform, principally to ensure that its workings are much more efficient, but I hope that the Government will also accept that the reform process, as well as the developments set out by Fiona Hyslop this morning, can be strengthened if we adopt other measures too.

Before the recess, Annabel Goldie made clear our commitment to having the courage of our convictions to examine other issues on the parenting front—suggestions that are not always very popular. She made it clear that we need to show both compassion and determination when confronting the fact that a large number of parents in society today genuinely find it difficult to pass on parenting skills to their children because they themselves were the children of parents who did not possess those skills.

In 2003, the number of children referred to the children's reporter on the ground of lack of parental care was more than 16,000, and by 2006 that figure had increased to 19,500. When we consider, as Rhona Brankin mentioned, that many of those children suffer neglect because of drug or alcohol abuse, we cannot shy away from confronting the problem head on. A national debate is needed on the subject.

I want to stress our commitment in the Conservative party to policies at United Kingdom level that will encourage families to stay together and allow parents real choices when it comes to deciding what is best for their children. Family breakdown now costs the UK £20 billion a year, and if we do not have that underlying support through the UK tax and benefit system, the policies over which this Parliament has control will probably be much less effective. We believe that the foundation of the family unit is based on the institution of marriage, and it is vital that we end the perverse financial disincentive against couples who to choose to marry. The working tax credit received by couples should reflect that, and there should also be a transferable tax allowance for married couples.

In the previous session, the Education Committee and the Parliament both held important debates on the two issues of kinship care and child protection. As the minister will acknowledge,

they are difficult areas of legislation but nonetheless important when it comes to proper care for our most vulnerable children. We are very supportive of the Government's ambition to improve support for kinship and foster carers, despite some of the complexities that such legislation involves. Such carers are hugely important, given that both kinship and foster care can often—though not always—provide a more stable environment than when children are placed in residential establishments. We will also do everything that we can to support the Government on the difficult issue of child protection.

I have no doubt that there will be much scope for controversy in other areas of policy debate, but I hope that we can reach a consensus on the basic principles. We would be letting down our children if that was not the case.

I have one serious word of caution. The services are both expensive and time consuming, given the specialist nature of professional care that is required. In a time of economic downturn—in all probability, recession—there will be even stronger temptations for local councils, which are largely responsible for the services, to make cutbacks. Councils are already facing severe difficulties because of other policies. The figures are plain to see, and it would be all too easy for exactly the same to happen with child care services, too. That is a very stark message if we really are to get it right for every child.

10:28

Hugh O'Donnell (Central Scotland) (LD): I am happy to contribute to this important debate. I am particularly keen to ensure that the support mechanisms for our most vulnerable young people and their families are robust, effective, well resourced, valued and—probably most important—understood by everyone involved.

As Rhona Brankin mentioned, the work of the previous Administration—including, I seem to remember, my colleague Robert Brown—in taking this work forward and tackling the issues was the genesis for much of the work that this Government is now taking forward. That is to be welcomed. The changes that enshrined co-ordinated support plans and various bits about additional support needs and support for learning in new legislation, and indeed the consultation responses to the draft Children's Services (Scotland) Bill before the election, indicated broad support for the direction of travel.

Sadly, as we heard from both Rhona Brankin and Elizabeth Smith and have heard anecdotally from across the country, there are clear indications that the Government's good intentions are not necessarily supported by the financial

wherewithal. I have received a couple of calls from constituents in various areas in the region. I have heard that children with cerebral palsy are suddenly finding support services cut and that a council has allegedly suspended the recruitment of special needs teachers and other ASL staff. However, there is little point in my saying much more about that issue when it has already been more than adequately addressed by previous speakers.

Instead, I will concentrate on specific issues that are more relevant to the motion and to the Labour amendment.

As other members have said, GIRFEC is about the children and about ensuring that all those involved are charged with rolling out and participating in the joined-up approach that has long been needed if the whole process is to be a success for the most important participant—namely, the child.

Three areas in particular need to be clarified in more detail, so I hope that the cabinet secretary will address these in her closing remarks. Certainly, the Highland pathfinder pilot looks positive and encouraging, but more detail needs to be provided if the pilot is to be replicated or, indeed, trusted widely. Therefore, I look forward to the detailed national guidelines that will be issued by the Government. However, it is more than a little unfair to ask members to engage with the issue in a knowledgeable way when we receive the literature so late in the day. Quite frankly, that is just not helpful.

First, there is a need for a change of culture within all the agencies that are responsible for delivery. That presents some interesting challenges, many of which Rhona Brankin alluded to. The various agencies need to recognise the valuable contributions, knowledge, understanding and expertise that all the other professions bring to joint working and information sharing. Everyone comes to the issue from a different perspective. In my view, for such a culture change to be effective, we need to go beyond simply holding training days, seminars, in-service days and others sorts of continuing professional development for those who are already in the professions. We need to begin with how and what people are taught within the higher education and further education institutions that are responsible for turning out such professionals. There will be little value—and probably little success—in the new approach to working with children if those entering the professions do not understand or value the work of the other contributors. Such a culture change could be substantially achieved as part of the initial training process. That could minimise the areas of potential conflict that might be due to people's differing professional backgrounds.

Those who have any knowledge of systems—computer or otherwise—know how difficult it is to get something that is fit for purpose for all users, but eCare and the pilot project in Highland seem to offer a way forward. Agencies are rightly and legally protective of the information that they hold and disseminate about our children. Like many, I have concerns about centralising that amount of information in one place, given that we know how good Government is at not holding on to information. There must also be no room for an arbitrary “information is (my) power” attitude to disseminating information. We need to be careful to ensure that that is clear. However, from the briefings that I have had, GIRFEC looks very positive.

Thirdly, there needs to be a willingness to share good practice across and among agencies including, as Rhona Brankin mentioned, the 32 local authorities. There is no need to reinvent the wheel, although the size of the wheel might need to be changed depending on the local authority. That needs to come across very clearly.

In conclusion, the principles underlining GIRFEC are right, but I urge the Government to ensure that the challenges that it sets for all the professions are met and supported. It will simply not be good enough for such a progressive step to be damaged by the Government, which has already shown, in other areas of activity, its willingness to pass the buck, but not necessarily the bucks, to local authorities.

The Deputy Presiding Officer (Trish Godman): Before we move to open debate, I advise that two members have not yet pressed their request-to-speak buttons, so I am not sure whether they want to speak.

10:35

Christina McKelvie (Central Scotland) (SNP): I am pleased to take part in today's debate as an SNP back bencher. Like others, I congratulate members of the previous Administration—Labour and Lib Dem alike—on introducing the getting it right initiative. Working across agencies and sewing them together to ensure that they address the needs of children was a move for which we waited too long. I am pleased that the initiative came to fruition and that the current Government has signalled its intent to keep up the momentum. Previous and current ministers should be lauded for their actions.

Of course, the cross-cutting work that the initiative encourages has its mirror—and, in part, its operational effectiveness—in the concordat between the Scottish Government and Scotland's local authorities. Therefore, we should also ensure that the councils get the credit that they deserve

for helping to deliver the vision of a safe and supportive childhood for all. All young people should have access to the tools that they need to lead a successful and fulfilling life. I believe that the strategy helps towards that.

Children's services have been taken down a new track with the pathfinder projects, which we are likely to hear more about over the next wee while. The Highland model, which involves the reshaping of service provision across the spectrum, is likely to refresh thinking on service provision across the country. However, it is to be hoped that service provision, reaching from new born through to school transition, does not create a bureaucratic box-ticking culture. I hope that the minister will ensure that the national guidance takes that into account.

Interestingly, the database that could be built from that operation could offer social researchers an invaluable asset if the data can be suitably anonymised and protected. I urge ministers to consider whether that might be possible, especially given that some of the lessons that could be learned could be used to improve the life chances and educational possibilities of future generations.

As well as the pathfinder in Highland, four other pathfinders were set up to address the needs of children who are caught in domestic abuse situations. One pathfinder was in Falkirk, where the council has worked in partnership with Central Scotland Police, NHS Forth Valley, the Scottish Children's Reporter Administration and Falkirk and District Women's Aid to find the right path and the correct tools for intervention to enable the child who has lived with domestic abuse to set out on the road to recovery. Having fully engaged with the ethos and forward-planning aspects of getting it right, Falkirk Council will help to set out the future plans and guidance for rolling out the scheme across the country.

I do not mean to miss out the other councils that are also delivering on the new agenda, but I know a little bit about how Falkirk Council is going about things. With Central Scotland Police in the lead and council efforts coming from a range of departments, including education services and housing and social work services, the pathfinder project in Falkirk is ensuring that the principles that underpin getting it right are being enhanced. Under a programme that started at the end of 2006, Falkirk Council is integrating the new ways with enhanced services, including a new integrated children's services plan, an assessment framework for children and young people, and the development of a locality model for the delivery of children's services. Such progress, along with the advances that are being made by other councils, will feed into progress in helping children who

have suffered as a result of being exposed to domestic abuse.

While the other four pathfinder projects improve how we deal with the domestic abuse aspect, the Highland model should improve all-round care. We should remember that getting it right for every child is about ensuring that we do what it says on the tin and cater for every child. That is why yesterday's announcement on corporate parenting guidance was so welcome—although such guidance on its own is not enough—as was the Minister for Public Health's announcement of record levels of funding to help to give children the best start in life by encouraging them to start eating healthily at an early age.

The announcement in yesterday's legislative programme that the children's hearings system is to be reviewed and updated as appropriate will also be welcomed, not least by some of my former colleagues. Over the years since Kilbrandon's first report, much has changed. Our system of justice and protection for young people has been lauded and copied, but we must ensure that it is as good as it can be. The price of that is not quite eternal vigilance but regular review. The review will be a start, but getting it right means that we must keep going, keep learning and keep developing the ground around the subject.

No child is an island, but all children are individuals. That was recognised by the previous Administration and has been built on and encouraged by the current Administration. We must keep moving forward.

I am pleased to be able to support the motion in the name of Fiona Hyslop.

10:39

Marlyn Glen (North East Scotland) (Lab): One of the unintended challenges of having wide-ranging debates of this nature when there has been no advance statement on the documentation that underpins the debate is that important things might be missed out. I will concentrate on getting it right for every deaf child, and on children and young people who are affected by domestic abuse, to ensure that those two areas are not missed out.

Getting it right for every child means delivering what every child needs when they need it. That is a worthy aim, but a massive task. There is a long list of attributes for children to attain, to which I add "happy". A child may unfortunately be unhealthy, but they can still be helped to attain happiness. We all want to give children the best possible start, but some children have great challenges in their lives.

Towards the end of the previous session I, along with many other MSPs, signed up to Mary

Mulligan's motion on getting it right for every deaf child, which endorsed the call of the National Deaf Children's Society for national best practice guidance for multi-agency professionals who work with deaf children in their early years. We need to learn from best practice. The NDCS knows that in England and Wales there is guidance on how to provide an effective support network, which focuses on developing the deaf child's access to language and communication and on breaking down any barriers before he or she reaches school age.

In Scotland, there is currently no such national guidance. I urge the minister to consider that, given the universal newborn hearing screening that was introduced in the national health service in Scotland in 2005, we are missing an opportunity to provide deaf babies and toddlers and their parents with access to the best possible support. Getting it right for every deaf child means ensuring the best possible outcomes for every deaf child in Scotland from the moment of diagnosis.

Getting it right for every child means addressing their individual needs, whatever those might be, with the same due care and attention. I mentioned the huge challenges that some children face. Those challenges sometimes arise from birth and sometimes are due to particular circumstances, but children's needs must be met however they arise.

It has at last been acknowledged that there are huge implications for children in families in which there is domestic abuse. Perhaps that one piece of the jigsaw will mean that everyone will now recognise the essential nature of tackling domestic abuse and putting a halt to violence against women. Gender-based abuse can sometimes seem endemic in our society. Yesterday, I spoke to a woman from Zimbabwe who works with the organisation FRAE Fife. She said that she was shocked at the widespread abuse of women in Scotland. She had expected better, but, sadly, we know the truth. I welcome the continued commitment to and funding for work to tackle abuse, which has been a priority for the Parliament right from its inception.

It is essential that we break the vicious cycle for children who grow up in abusive families. Scotland must continue to examine closely how women are treated, and the Government must produce effective proposals to reduce men's violence against women. If that does not happen, our children will continue to need the protection, provision and prevention that the national domestic abuse delivery plan outlines. We can learn from the outcome of the pathfinder pilots. I welcome the fact that the findings of the domestic abuse pathfinder projects have been incorporated in the plan. Progress is being made, but we need

to ensure that work with victims and their families and—very importantly—with perpetrators remains high on the agenda.

An example of good practice is the work of Dundee Women's Aid, which employs three children and young people's workers and a co-ordinator, who all deliver specialised support in the form of refuge, follow-on, outreach and preventive work. They have developed excellent services in line with the getting it right for every child criteria, with the aim of giving immediate help to identified children. However, they acknowledge that many children are still missing out and that many voices remain unheard.

There are still gaps between local authority services and voluntary services. The co-ordination and commitment of joint working with local authority children's services needs to be driven by senior management. Funding issues are often a concern, as they often create challenges and barriers. One main issue is how local authorities can incorporate those specialist services within their core service without adequate funding and legislation. If the vision that has been set out here today is to be a core part of service delivery, legislation is necessary to ensure that it remains a priority even under tight economic circumstances.

I welcome the proposed improvements in information sharing, but it has to be done in an extremely sensitive and careful way. We have to make progress cautiously, whether in introducing electronic communication—eCare—or the human papilloma virus vaccination programme, which is welcome. It was promised that the number of school nurses would be doubled, but so far only their workload has increased. The HPV vaccination scheme involves much more than just giving another jab, therefore school nurses need to be trained to deal with young people and to answer their questions.

Dr Richard Simpson (Mid Scotland and Fife (Lab)): That was a manifesto promise by the SNP. The numbers, which were given in a parliamentary answer to me, went down between 2005 and 2007, from 300 to 220. [*Interruption.*] Not only were the figures not going in the right direction in 2007, when the current Government took power, but they are currently going in the wrong direction—they are not doubling.

Marlyn Glen: That concern is shared—and should be shared—on all sides of the chamber.

All those measures must be introduced extremely carefully with joint management, and they need to be properly funded. I welcome the progress that has been made, but I urge caution. I support the amendment.

10:46

Robert Brown (Glasgow) (LD): Elizabeth Smith got the context right in speaking about the challenge that we face with regard to the numbers of children and young people who need care and protection, and who come into contact with services because of that. It is perhaps a tribute to the work that is already carried out by social work and other services throughout Scotland that that situation has not so far fed into what many of us thought might be a time bomb, in terms of the sheer number of people who are accused of criminal offences and go through the criminal justice system. I do not agree with Elizabeth Smith's remedies for that. The debate is for another day, but the idea that families can be encouraged to stay together by the sort of tax concessions that the Conservative party suggests is fanciful in the extreme.

I read the motion and the accompanying documents—which, as other members have mentioned, appeared fairly late—with considerable interest, but also with some practical concerns. As Hugh O'Donnell mentioned, I had some responsibility for the area when I was a minister, although as a minion to my colleague Peter Peacock, who was personally committed to the area and whose contribution should be recognised by the Parliament as moving in the direction of travel that we are discussing today.

The entire radical programme that the Liberal Democrats and Labour initiated when they were in government included school and education renewal, child-focused services, the social work review of GIRFEC initiatives, and additional support for learning. That seems, particularly in retrospect, to have been timely, comprehensive, forward looking and capable—I use the word advisedly—of causing a step change in the outcomes for many disadvantaged children. Leaving aside the contentious issues of teacher numbers, the scandalous number of teachers who cannot get a job and the stalling of the school building programme, it is fair to say that the current Government has continued to support much of that work, not least in the GIRFEC area. I am pleased that it is doing so, and I am happy to acknowledge the personal contribution of the Cabinet Secretary for Education and Lifelong Learning and the Minister for Children and Early Years in that process.

I pay tribute to the work of the pathfinder projects and the other good work to which the cabinet secretary referred. It is important that rapid and responsive action takes place when issues emerge with regard to young people. The principles were all agreed on—I do not think that there has been any dissent in the chamber about the principles underlying the GIRFEC process—

but we will have to tease out the practice a little bit. My concern is that the documents that have been submitted for the debate are extremely densely worded, to such an extent that I found their purpose as a focus of meaningful action and change to be rather obscured.

The Minister for Children and Early Years (Adam Ingram): The documents are meant to be not substantive policy documents but illustrations to assist members. The subject matter is complex and difficult, so we are bringing forward the publication of the website documents, such as the guide for professionals on getting it right for every child. We are advancing the publication of a document that we are launching next week on corporate parenting. I apologise if members took umbrage at the late delivery of the documents, but we were trying to be helpful.

Robert Brown: I am grateful to the minister for that explanation, which puts the matter in context. However, it raises a further matter, which is the context of today's debate, the background to it and what the Government is telling us about the progress with GIRFEC and the five pilots that the former Scottish Executive initiated. What valuable lessons have been learned from the process and how can they be extended throughout Scotland? It is important that we know the Government's intentions for funding the process and how it will support the work that is developed throughout Scotland. I ask the minister, when he sums up, to give us some insight into how success in the area, which is difficult to achieve, can be measured and monitored effectively so that there is a check on whether the process is achieving the results that we want.

I have three concerns about the process. First, the worthy objective of multi-agency working should not obscure the need for the individual professional who is most in contact with the child to take personal responsibility for making things happen. Secondly, the objective of focusing on the child should not be undermined by a plethora of agencies engaging with the child but not affecting his or her situation as they should. Elizabeth Smith rightly spoke about a problem of which we are all aware—the number of people who engage with young people in such situations. Thirdly, there is a worrying sense of process, recording and the writing of action plans, which can absorb resources that should be focused on real change for the child. I hope that the minister will assure me that the formal process is not excessive and will not obstruct a step change for children who need it.

I confess that previously, as a layperson, I took the view that the Scottish Children's Reporter Administration stood at the centre of the web, taking an overview and directing the traffic, as it

were. When referrals to the reporter were increasing in a seemingly inexorable fashion, I was presented, as a minister, with requests for more funding. I discovered that 80 per cent of reports to the reporter did not lead to referrals to the children's hearings system but were, in effect, referred back to services. I became convinced that part of the secret of success was to release unnecessary and costly process from the system, and we set in motion steps to achieve that.

The Deputy Presiding Officer (Alasdair Morgan): You have one minute.

Robert Brown: I am glad that the upward trend appears to have been reversed. I hope that, as a consequence, the reporter can concentrate resources on the serious and complex cases that require compulsory input while other children are swiftly and directly referred to the support that they need.

I am sorry, Presiding Officer. Do I have a minute left or did you say that my time was up?

The Deputy Presiding Officer: You have 45 seconds.

Robert Brown: Thank you.

Looked-after children are at the heart of what we as a society need to do for the most disadvantaged young people, so I welcome the elaboration of the concept of the corporate parent in the paper to which the Cabinet Secretary for Education and Lifelong Learning referred. I well remember being struck by the words of the social work inspectorate that there is nothing inevitable about poor educational outcomes for looked-after children.

In closing, I will touch on a couple of points. First, we should not be bureaucratic about the cut-off point being 18, which is mentioned in the documentation. Many young people need support way beyond then. I know that the cabinet secretary is aware of that. Secondly, it remains necessary to listen to those people who have left care and to have in the process ways in which we can respond to them and ensure that their voices are heard. We must ensure that our work is centred on children's needs and the needs of services. We are agreed on that objective, but let us not lose track of the practical implications of doing that on the ground throughout Scotland.

10:53

Bob Doris (Glasgow) (SNP): I have thoroughly enjoyed this morning's debate, which has been constructive for the most part. I particularly thank Elizabeth Smith and Robert Brown for their fascinating speeches, which added something to the debate.

I will focus on kinship care, which is mentioned in the Labour amendment. I have spoken on the topic before, and I have fully endorsed the Scottish Government and Scottish local authorities' joint commitment to introduce payments to kinship carers of looked-after children on a par with the payments to foster carers. I acknowledge that "looked after" has a legal definition and that other kinship carers will not qualify. I am glad that the Government and the Convention of Scottish Local Authorities acknowledge that and are considering a variety of other ways to provide the support that such carers need.

There has been a giant stride forward for the 2,000 or so kinship carers of looked-after children, 500 to 600 of whom are in Glasgow, the area that I represent. I must say, however, that many of them will not fully believe that there has been such a stride forward until they see hard cash in their bank accounts. I will return to that point later. It is certainly true of the kinship carers in Glasgow, including the kinship care group in north Glasgow, which I have met several times, and the national kinship care network that was established recently. However, we are building up trust with kinship carers.

Given the years of inaction and delay from politicians, it is little wonder that expectations are high and that impatience exists. I hope that those expectations will be met before too long. It is only right that support is provided because, in the role of corporate parent, local authorities would otherwise have to place many children with foster parents or in residential care. It is widely acknowledged that, where kinship care is possible, it is far more beneficial for the child, the wider family and society as a whole.

I realise that, when we reach the point at which a kinship care arrangement is necessary, something might already have gone wrong. GIRFEC is about identifying problems and providing support way before kinship care arrangements are necessary. I take that fully on board, but, as I have been involved with kinship care, I wish to develop that point.

Dr Simpson: Does the member agree that, pending the results of the free school meals pilots, the Government should absolve kinship carers from being tested for the provision of free school meals, which still happens in some areas?

Bob Doris: The Scottish Government is actively reviewing ways in which to increase school meal provision and entitlement. I look forward to the successful pilots being implemented fully throughout Scotland as soon as possible.

In discussing the implementation of kinship care payments, I will comment on the Glasgow experience. Initially, I found the situation

disappointing. The local authority was not ready to deliver. It was unprepared and there was a dispute about funding the kinship care payments commitment. As many members know, the Scottish Government gave £4 million to provide a range of services for kinship carers, including money for training and a national information and advice service for kinship and foster carers through Citizens Advice Scotland. I am sure that we all welcome that. However, the figure was seized upon not just by the administration of Glasgow City Council but by some Labour politicians in the Parliament, who wrongly claimed that the commitment to kinship care payments was not being delivered. That is not the case. The £4 million figure was wrongly used as a headline figure for paying for delivery of the commitment. To clarify, in a joint statement, the Scottish Government and COSLA said:

"The Scottish Government and COSLA have agreed that sufficient resources have been included within the total financial settlement for local authorities to meet the commitment."

The money exists and it should be used for the intended purpose.

Rather than use kinship care as a political football, I asked for a meeting with Steven Purcell to discuss the matter. At the meeting, I and Councillor Phil Greene—the SNP council group spokesperson on kinship care—had constructive talks with Steven Purcell about delivery. The result was that a sub-group was convened to prepare for delivery. I hope that kinship carers will benefit soon.

Glasgow City Council could have moved much more quickly to deliver for kinship carers in the city. Payments could and should have started by now. However, rather than stand on the sidelines and grumble about it, which would not have achieved anything, I tried to be constructive and proactive in my approach. I ask all members who have an interest in kinship care to do likewise. They should contact their local authorities and have constructive discussions with them about achieving delivery.

There are wider issues in relation to supporting kinship carers. Scottish ministers are trying to discuss with United Kingdom ministers the fact that the complexity of the UK benefits system has an impact on kinship carers. The issues of child benefit and income maximisation for kinship carers need to be worked through. I hope that UK ministers will appreciate the approach that Scotland is taking on kinship care and work constructively with us. Again, that is something that all politicians in the Parliament can try to support.

The kinship carers whom I have met provide a vital service for the children they care for, their

families, the wider community and society in general. They deserve gratitude, respect and dignity, and we are moving in the right direction in that regard.

Earlier, I described developments in kinship care as a giant stride forward. I expect some local authorities to deliver very soon. As I have said, I believe that local authorities have received funding to do so.

I do not know whether members have seen the film "Jerry Maguire"; if not, my next reference will be lost on them. However, I think that many kinship carers now find themselves in the position of the character Rod Tidwell, as played by Cuba Gooding Jr, who said, "Show me the money." Kinship carers are saying the same thing to local authorities.

11:00

Duncan McNeil (Greenock and Inverclyde) (Lab): Our joint ambition to deal with what is a massive problem in Scotland is obvious, and many of us have sometimes taken the opportunity provided by debates on this subject to express our frustration at a lack of speed, focus or clarity in dealing with the issues. I did that with my own ministers in the previous Administration and, indeed, I will do it again this morning.

I welcome the proposal in the programme for government that was outlined yesterday to review and update the children's hearings system, and I want to take this opportunity to congratulate the 2,800 volunteers who serve on children's panels. The panels' capacity is certainly significant, and those people do what they can to deal with the many, many children who come before them. Indeed, having spoken to the people who serve on the panels in Inverclyde, I am well aware of what they get out of their involvement.

I also welcome the minister's support for those volunteers in a press release that was issued some weeks ago on a consultation covering the recruitment of more people for panels. After all, those ordinary people can bring their own experience to bear in helping children who are in real difficulties.

According to the same press release, in 2006-07, 56,000 children were referred to the reporter. That figure, of course, has to be seen alongside the 60,000 young people who have to live with drug abuse and the resulting break-up of families. There is no doubt that the problem is massive, and no Government or Administration will be able to deal with it without addressing the thorny issue of providing resources at a local level or recognising the role that foster and kinship carers can play. Without those people, we would be in an even bigger mess.

I do not underestimate the task ahead; in fact, it bears down on resources and the ability to address the problem. Many on the front line are struggling to deal with those who have already presented at the children's panel and are in dire circumstances. Indeed, because resources do not seem to be available, local government, police, the health service and others are being prevented from carrying out their own duties and providing risk assessments of children who have not yet become statistics and are still living with parents who are abusing alcohol and drugs. The needs of those children are not being met and the risks are not being evaluated. All that we can do is wait until they appear before a panel or until they—tragically—become the subject of a fatal accident inquiry.

Fiona Hyslop: Duncan McNeil cuts to the heart of the issue. We cannot use crisis management to support children's needs. The fact is that all children need support. However, some have not yet hit our radar screen, and this process is meant to anticipate where support might be needed to ensure that all children's needs are recognised. The challenge, as the member makes clear, is huge, but that is what our focus must be.

Duncan McNeil: I agree with the minister that the getting it right for every child programme is a massive job that requires resources at a local level. However, I am not confident that those resources are readily available to allow those who are in the front line to identify the children in question and to deliver the necessary services. Those people are already burdened with the scale of the problem elsewhere.

That brings me on to kinship carers who, as Bob Doris has made clear, do a good job. Last December, we welcomed the fostering and kinship care strategy as a worthy ambition, although I remember at the time asking where the funding would come from and who would get it. The fact is that my local council in Inverclyde cannot identify any new moneys in its budget to deal with kinship care. Of course, I will take Mr Doris's tip and speak to the council again on the matter.

Grandparents and members of the wider family are doing the job now. In fact, they are trading off their benefits to do so. The benefits stay with the addict and then go to the drug dealer. By intervening at an earlier stage, when social work should be intervening, other family members sacrifice their own benefits and exclude themselves from the support and benefits that we want them to have. Again, the problem is massive, but I understand that some of the issues are being dealt with.

In addition, as we made clear in last December's fostering and kinship care debate, the benefits system works against those who are deemed to

be carers. We all recognise the role that is played and the commitment that is shown by kinship carers, and we acknowledge what they do for society by looking after children, but surely we cannot offer them money for providing such care on the one hand if it means that, on the other, we reduce their overall household income.

Politicians in local government, in the Scottish Parliament and in the UK Parliament face a massive task in getting it right for children in Scotland. However, those children need the help, focus and support that we owe them.

11:07

Margaret Smith (Edinburgh West) (LD): Getting it right for every child lies at the heart of our country's future economic and social wellbeing. We must deliver the best possible life chances for all our children, from the most gifted to the most challenged, and have systems in place to deal with not only the most troubled young people and families, but children who might temporarily find themselves in difficulty. For example, a young person might suffer from the consequences of having to care for a parent who is suddenly taken ill. I echo Robert Brown's comments and acknowledge his contribution to this work.

The publication of "Getting it Right for Every Child" was one of the most commendable achievements of the previous Scottish Executive, which recognised that the project would be challenging and long term. The SNP Government is therefore to be congratulated on taking forward the agenda. There are certainly signs of progress on effective joint working and information sharing in children's services, which have involved a great deal of hard work across a range of professions. Training is crucial, and I echo Hugh O'Donnell's points about the need for such matters to be embedded in initial professional training.

The key objective of the getting it right for every child programme is to ensure that children get the help that they need when they need it; as a result, our focus must be on the individual child's experience—in other words, the child's life and the services and support that they require. Although getting it right is aspirational, the programme has to be delivered on the ground, which is why the pilot projects across Scotland are so important and why the work on delivering the information technology and administration back-up is necessary as we move towards implementation. Another critical aspect is proper deployment and planning of the workforces that will help to deliver this worthy aspiration.

However, as we have seen time and again at our surgeries and in our postbags and e-mail accounts, the reality is very different for kids and

young people with special needs who need additional support for learning or respite care. Parents still feel that they are up against the system, because, often, even if a need is acknowledged and accepted, it is still quite likely that there will be budget problems or that professionals will not be available to provide the necessary services and support. That is the reality. We do not want to be harbingers of doom and gloom, but we need to take a reality check of the difficulties on the ground that we face as we take forward our aspiration to get it right for every child.

We accept that it is not all about funding; we can do things better. That is central to the pilot schemes that we are taking forward. We can spend to save with more informal and earlier interventions, so that we do not have to get to the crisis point, which we know is how things are often handled at the moment.

When we hear proposals that health visitors will not be able to make routine checks on babies and children in Glasgow because of the pressures of caring for the most at-risk children, we are concerned. When we know that here in Edinburgh and throughout the country we cannot find the thousands of extra foster carers who we need to care for children in need, we voice our concerns. When we know that 15,000 pupils who do not have English as a first language are being let down because there is a shortage of specialist teachers, we have to speak out. That does not mean that we underestimate in any way the challenge that the Government faces or that we do not see ourselves as party to finding the solutions to those problems.

Fiona Hyslop: The member raises an important point about health visitors. I reiterate the Government's view that the health visitor service is a universal service. "Health for all Children 4" and the current review were initiated under the previous Administration. I share the view that we should have universal access to health visitors to help our early years framework and the getting it right for every child model.

Margaret Smith: I welcome the minister's comment, which might well help allay the fears of general practitioners and parents in Glasgow and throughout Scotland, given that many professionals are concerned about the review that is under way.

Many members, including Elizabeth Smith and Robert Brown, have spoken eloquently about Scotland's most disadvantaged children—those who are born into poverty, disability, danger and neglect and into homes in which the next fix is more important than the next meal. It is essential that children who are born into particularly difficult circumstances be given the same chances as

those who are more fortunate. There should be early intervention, so that the safety and protection of the child is put above all other considerations. As the cabinet secretary said, the early years and early intervention agendas are crucial to getting this right.

We should be particularly supportive of the dedicated people who give their time to care for these children. Many members have spoken about kinship carers, who, as Bob Doris said, need to see hard cash in the bank. We need to try to find a way through the morass that Duncan McNeil talked about, so that we can make this happen.

I join the Government in welcoming the progress that has been made in developing the eCare framework of partnerships for electronic information sharing. It is crucial that information can be shared where necessary. That is the absolute bedrock in ensuring that we have the correct care plans and the best possible support for children in place.

We must find constructive ways to deal with young offenders. The children's hearings system in Scotland is unique. It recognises that children who offend and those who require care and protection are equally deserving of being considered children in need. That is crucial. We welcome the news that there will be legislation to modernise the system.

Christine Grahame (South of Scotland) (SNP): Will the member take an intervention?

Margaret Smith: No, I cannot.

We have a number of questions about the implications of having a centralised single national body instead of the 32 advisory committees. Part of the strength of the existing system is the involvement and input from local people who know the local circumstances. I seek assurances about how we will retain that strength. Will the new structure be backed by the greater financial and administrative support for hearings to tackle the needs that Duncan McNeil set out eloquently? Will there be a new focus on family issues and family conferencing and an expansion of the disposals and options that are open to hearings?

The Scottish Liberal Democrats remain supportive of the getting it right for every child programme, the progress that has been made to date through pathfinder activity and pilot projects and the continuing work to develop more effective joined-up services that support each and every one of our children. I hope that the Government will ensure that the key partners involved have the resources that they need to get this right for every child.

11:14

Murdo Fraser (Mid Scotland and Fife) (Con):

This has been a good debate. We have had fine and well-informed contributions from throughout the chamber. I particularly appreciated the well-informed speeches from Robert Brown and Duncan McNeil, who both spoke with great authority about the issue.

The debate has been generally consensual. However, there were two points of division with which I should deal at the outset. First, I reiterate the point that Elizabeth Smith made, which a number of other members backed up: when we have a debate such as this, it really is not helpful to have publications that would inform the debate arrive at our desks so late in the day. I appreciate the explanation that Mr Ingram gave, but I hope that ministers will reflect on the matter for future debates. If we are to have a properly informed debate, Opposition spokesmen and back-bench members throughout the chamber need time to consider documents properly. I hope that ministers will take that on board for the future.

The second point of division was the Labour amendment. I have a lot of sympathy with the amendment and with many of the points that Rhona Brankin made in her speech. The cabinet secretary might think that everything in the garden is rosy, but that is patently not the case. There are problems throughout Scotland. Rhona Brankin pointed out a number of examples of cuts in provision locally.

Rhona Brankin made a good point about the huge cost burden on councils in providing for children with complex special needs and severe learning difficulties. I can certainly think of a number of constituency cases that I have pursued. I am sure that that is the case for all members in the chamber. Margaret Smith made that point in her speech. I can think of a number of cases in which parents have come to me to seek help when they are involved in an energy and morale-sapping fight with local authorities to try to get adequate services and support for their children.

In some ways, we can sympathise with the local authority officials and directors of social work who have a budget within which they have to try to operate. There is no extra cash available, so the director of social work has to try to manage his resources. We often end up in the unfortunate situation in which the appearance is given that the council simply does not care about the needs of the children concerned. Parents in such a situation can get extremely depressed and frustrated and, of course, it is the youngsters who end up losing out. There is no easy answer to that. It is all a question of resources.

Fiona Hyslop: I hope that the member appreciates the efforts that we have made to help support parents in particular. Adam Ingram announced support for parents' advocacy and further support for parents in cases that they might want to take forward with councils. Situations should not have to be resolved in the courts, but we have made efforts to ensure that parents are supported in those circumstances. An announcement on that was made in recent weeks.

Murdo Fraser: I thank the cabinet secretary for that intervention and welcome her reassurance. Of course, the worst thing that can happen in the situations to which I referred is that the parents have to resort to court action, which becomes an added pressure and an added drain on resources. Anything that can be done to avoid their having to go to court is extremely welcome.

The question of resources is fundamental and it cannot be ignored. It will be expensive to get it right for every child—there is no point in pretending otherwise. That is a real challenge when money is tight. The cabinet secretary's colleague Mr Swinney is always telling us that he operates within a tight financial settlement. We understand that. The situation is not likely to improve, given the current economic circumstances. Tax receipts coming into the Treasury, such as from corporation tax and stamp duty, have already fallen dramatically. It is likely that in the next five years there will not be substantial uplifts in the amount of cash coming to the Scottish Government. Therefore, the current situation is not likely to improve. The minister has to be careful not to overpromise in relation to what the Government can deliver in this area.

I turn to a couple of points of consensus. A number of members mentioned the Highland pathfinder scheme, which is all about sharing information at an early stage. I do not think that there is any doubt that that has been a great success. Of the 250 children who came to the attention of the police in the past nine weeks, only 53 required to be referred to the reporter. That saves resources in the long run and it makes perfect sense. Practitioners report that they have saved a significant amount of time; they have freed up time that was previously spent writing reports. If we manage things properly, we can save resources and ensure that they are targeted more effectively.

Elizabeth Smith raised a point about parenting skills. We all know that there are parents who are not well equipped to bring up children. Having become a parent not that long ago, I am probably not best equipped to talk about such issues. In some cases, there are second or third generation children who simply do not have parents with the skills to be able to parent properly. We need

Government action in that area. However, we do not need the Government to come in with big boots on and create a whole set of new programmes. Excellent work is already being done by the voluntary sector. Off the top of my head, I can think of two organisations—Care for the Family and Barnardo's—that run excellent parenting classes. We should consider supporting the voluntary sector in providing information, recognising that the lack of parenting skills lies at the root of many of the problems that young people face.

I commend to the cabinet secretary the nurture group project at Hill primary school in Blairgowrie, which I visited recently. The nurture group was established for youngsters with difficulty at home—not youngsters with educational difficulties, but those with social difficulties due to their home environment. Some of them might be from homes where their parents are suffering from addiction to alcohol or drugs, where there is worklessness, or possibly where there has been family breakdown. The nurture group seeks to replicate in the school a caring home environment, whereby meals are provided, homework support is given and out-of-school activities are offered. It is about providing youngsters with social skills and building their confidence if they are not getting the necessary support at home. The intention is to take children into the unit for a short time—a maximum of one or two years—so that they can then go back into the school main stream. So far, the nurture group is showing tremendous success. When I visited the school, I was extremely impressed with the commitment of the staff who were involved in the project. I am sure that they would welcome a ministerial visit, if the cabinet secretary or her colleagues have time. It is an excellent example of making a real difference, which is exactly what the debate is about.

11:21

Mary Mulligan (Linlithgow) (Lab): I truly welcome the opportunity to debate this subject. The way in which the debate has been conducted so far shows how important many of the issues are to members throughout the chamber. As other members have said, the debate has been consensual, and I wish to allay any fears that the cabinet secretary might have that I will spoil that. I will, however, return to a couple of issues that must be raised.

The reports that we are debating were a little late in coming to us. I appreciate what Mr Ingram said about that—the reports were brought forward—but perhaps we should have moved back the debate a little to allow ourselves time to get a good grasp of the reports. From the little that

I have been able to grasp of them so far, I think that they are useful.

My main concern about the consensual nature of the debate is that we have been here before, having previously agreed on what our priorities should be. There are still major challenges, which we need to address.

Like other members, I will refer to the continuing consultation on the children's hearings system, which should bring about an amalgamation of support services. I welcome that—of course I do, given that it was my colleague Peter Peacock who set the consultation in motion, as Robert Brown mentioned. I was puzzled when I heard it being announced at the beginning of the summer, because I thought that it had in fact been announced back in January—however, I will gloss over that.

My understanding was that the consultation was important to ensure a sufficient number of people to serve on local children's panels. My colleague Duncan McNeil has paid tribute to those people. One aim was to ensure that panels are not hampered by operating in fairly small local authority areas. Another was to streamline training and other support arrangements for travel expenses and so on. If that is the current thrust of the review, I welcome it.

I hope that we can ensure that there is still local input into the children's hearings system, so that we do not lose its benefits. Margaret Smith referred to that. I support what the cabinet secretary proposes, but we must continue to monitor how the system is operating. Hearings operate under fairly pressured circumstances, and not just because of the increase in referrals. We need to be sensitive to how we manage the situation.

In the previous session, much was made of the dropping of a section of the Protection of Vulnerable Groups (Scotland) Bill that related to information sharing. The cabinet secretary is very much aware of that, having been a member of the Education Committee when the bill was being considered. That was probably the right thing to do at the time, but we are all aware that each time there has been a failure in child protection, information sharing has been at the top of the list of contributory factors. No one doubts that the issue is difficult to tackle, and I am sure that none of us wishes to ignore the rights of the child or young person to have their privacy respected, but I and other members know—the cabinet secretary faced this issue as a member of the Education Committee—that we can get round the matter only by legislating. I was therefore a little disappointed yesterday that there was nothing in the programme for government on legislating on the issue.

Fiona Hyslop: The responses to the "Draft Children's Services (Scotland) Bill Consultation" from the professionals, including COSLA, the Association of Directors of Social Work and Glasgow City Council, strongly recommended that we should not rush to legislation on the matter, and that we ought to use the available information and learn the lessons from the pathfinder project. We are listening to the professionals in not legislating.

Mary Mulligan: I think that other professionals would recommend that we need to legislate. The cabinet secretary's motion mentions

"respecting both data protection legislation and the privacy of individuals".

That wording suggests to me that there is a way out—a way for practitioners to explain why they might not share the necessary information. The only way to get round that is by submitting the proposals to the scrutiny that they would have to undergo if they were to become legislation, making their provisions clear to people so that they are protected. We will continue to debate that matter.

Yesterday, I asked the First Minister about a number of policy issues affecting children and young people. We know that the best way to protect our children is to ensure that contact is maintained with them; children are at most risk of harm when they are hidden away or unprotected by the community and services. Two of the services that I mentioned yesterday are particularly important. There has been some discussion today about the health visitor service, and I appreciate what the Cabinet Secretary for Education and Lifelong Learning has now said on the matter. I am concerned, however, that the Cabinet Secretary for Health and Wellbeing told us that it was up to health boards to decide on that service. I would hope to have a national service. I appreciate that pilot projects are going on; I hope that the outcome of those pilots will recognise that the health visitor service should be standardised throughout Scotland, and that different health boards should not be making proposals to withdraw health visitor services—particularly at this stage, before the pilots have even reported.

The other issue that I raised with the First Minister yesterday—unsuccessfully—was nursery provision for vulnerable two-year-olds. I have just spoken about the need for contact. Contact with vulnerable children can be maintained and their welfare monitored in a non-stigmatising way through nurseries. Judging from the examples that I have seen of that approach working, the nursery place and the care that is provided there for the child allow for support to be given to the mother and, in some cases, the father, too. The biggest influence on a child's life comes from their parents.

As Elizabeth Smith and others have said, we need to provide the right services to parents to help them raise and nurture their children.

Perhaps this is a debate for another day, but the provision of nursery places for vulnerable two-year-olds has allowed for support to be given to parents, too. I and many other members were disappointed that the Scottish Government abandoned the programme for nursery places for vulnerable two-year-olds before the pilots had even been evaluated.

Adam Ingram: That is not correct.

Mary Mulligan: You say, from a sedentary position, that that is not true, but Glasgow City Council seems to be the only authority that is now able to run with that programme. Perhaps the minister will be able to answer that point.

Adam Ingram *rose*—

Mary Mulligan: I cannot let you intervene at the moment, minister. Perhaps you could address the point in your winding-up speech.

The Deputy Presiding Officer: The member should not use the second person.

Mary Mulligan: Sorry.

The Deputy Presiding Officer: You are now in your last minute.

Mary Mulligan: Thank you, Presiding Officer. I hope that the Minister for Children and Early Years will be able to say that he is reconsidering the matter.

This has been a useful debate, in which other issues have been raised. The cabinet secretary's comments on looked-after children were welcome, as were my colleague Marlyn Glen's remarks about provision for deaf children—not just because she talked about the motion that I lodged. Many members, in particular my colleague Duncan McNeil and Bob Doris, mentioned kinship care.

There is much agreement on some issues, which is why there is frustration that the results that we want are not necessarily being delivered in practice. We have touched on a number of issues that are worthy of a debate in their own right. I see that the cabinet secretary is nodding and I hope that we will have an opportunity to debate such issues. The cabinet secretary and other members are right when they say that if we get it right for our children we will make a big contribution to Scotland.

11:30

The Minister for Children and Early Years (Adam Ingram): The subject of the debate is not the easiest one to grapple with, and I congratulate

all members who made constructive speeches. Like Robert Brown, I pay tribute to the work of Peter Peacock—I also pay tribute to Robert Brown's work—in getting the ball rolling on the getting it right for every child programme under the previous Administration.

I will try to respond to issues that were raised. Rhona Brankin's point about pre-service education was valid. It is obvious that multi-agency training is key. Work is going on to identify the core competences for pre-service training and we are discussing with the universities and colleges how to incorporate the issue into workforce development.

I thank Elizabeth Smith for her supportive comments and I agree with her that parenting skills—and the lack thereof—are a central issue. Indeed, the issue is central to the development of our early years framework, in which we will tackle, for example, pre-school provision and early years provision for vulnerable one and two-year-olds. That work is being actively developed with COSLA and other partners and we will be in a position to bring our proposals to the Parliament later this year. I hope that we will all have a chance fully to debate issues to do with parenting, family support and so on.

I reassure Hugh O'Donnell that the approach in Scotland is not to create a central database. Information will be held and controlled by agencies and data will be brought together only when required. We are not going down the road that has been taken in England. There will have to be justification for access to information, and databases will not be open to being searched without there being a clear reason for doing so.

I hope that the cabinet secretary answered the points that were made about legislation. It would be a big mistake to legislate too early—we have made some mistakes in the Parliament in previous legislation. It is important that we work through the pathfinders and learn all the lessons that we need to learn. I am not ruling out legislation. However, we are not in a position to introduce a bill and we have not identified areas in which legislation would be appropriate at this stage.

I agree entirely with Duncan McNeil's analysis and with what he said about what requires to be done. I welcome all members' assistance in that regard and I hope that we can build a consensus in the Scottish Parliament on the way forward, in particular on difficult issues to do with the benefits system, in relation to which we could work jointly on our approach to UK ministers.

Rhona Brankin: As usual, the minister is only too keen to have a pop at Westminster. Does he acknowledge that many kinship carers in Scotland

are still waiting for money from the Scottish Government?

Adam Ingram: I was not having a pop at Westminster; I was trying to suggest that we need to work out how the benefits system dovetails with our plans. We need to negotiate constructively with Westminster. I think that Bob Doris answered the relevant questions about kinship care. If Rhona Brankin had listened to Duncan McNeil's speech, she would have found that it was much more constructive than her own speech was.

I say to Marlyn Glen that we need to address broader issues to do with male violence against women, to improve outcomes for children who are affected by domestic abuse. The national domestic abuse delivery plan for children and young people is just one of the measures that we are taking forward. We have allocated more than £40 million to take forward the wider agenda during the next three years. Of course, we are learning from the pathfinders in that context.

The getting it right for every child programme is the foundation for work with all children and families. It builds from universal health and education services, to change the way in which adults think and act to help all children and young people to grow, develop and reach their full potential. It is the means by which we can shift the emphasis in the provision of children's services from crisis intervention to prevention and early intervention—a number of members pushed for such an approach in their speeches.

In simple terms, the getting it right for every child approach is how practitioners and professionals across all children's and adult services will work together to meet children's needs. It overcomes interdisciplinary barriers and eliminates wasteful duplication and bureaucracy, thereby releasing resources, to ensure the outcomes that we want for all our children. It is building a common approach throughout Scotland, although local needs and circumstances will shape approaches locally. The getting it right for every child approach is the methodology that delivers—and the thread that stitches together—all our various substantive policies: the early years framework, the curriculum for excellence, the youth framework, health for all, and the better health, better care action plan.

However, as members are aware, there is no simple, quick fix. Transformational change does not come easily but requires a raising of awareness, a redesign of how practitioners go about their business, multi-agency training that is based on common language and processes, and the fostering of trust and understanding across services and with children and families.

The pathfinder experience has involved lengthy discussions, testing, refining and the reappraisal of

how wholesale change can be managed. That has always been challenging and at times it has been frustrating, as progress has been slow and planned activity has had to be rescheduled or scrapped. However, as time has gone on, results have become increasingly encouraging and positive. It is exciting when children and families report that they understand better what is happening and why. It is exciting when individual agencies experience the benefits of different ways of working, which mean that help gets to a child earlier. It is exciting when a health visitor can identify a need for social work support and can commission the resource directly, without being required to refer to line managers or another department. It is encouraging when a police officer at a domestic abuse incident can capture information that better informs the school, social work services, or whoever is best placed to give support, so that the children are helped more quickly and effectively. It is exciting when agencies can work together to decide how they can best help a child and then go ahead and take action, minimising bureaucracy and—more to the point—getting the child the right help much earlier, within a day or so of the decision.

Much remains to be done. The formal evaluation of the pathfinder process and the impact on individual children's outcomes will not be available until next year. However, the early signs are promising. What we have achieved so far is the development and testing of a practice model that can be applied by any practitioner, whatever the child's circumstances. We have developed a common approach to recording information and assessing risks and needs.

We have begun, with the University of Edinburgh, to map out how we can systematically measure improved outcomes for individual children, not just in relation to their needs but in relation to how services are working together and what the experiences of the child and family have been. Much more needs to be worked through and developed into an evaluation model that can inform performance, but we are on the way.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

National Conversation

1. Joe FitzPatrick (Dundee West) (SNP): To ask the Scottish Government what action was taken during the summer recess to advance the national conversation. (S3O-4015)

The Minister for Parliamentary Business (Bruce Crawford): The national conversation continued to build momentum over the summer. The First Minister and the cabinet secretaries took part in public events that were attended by hundreds of people in Dumfries, Inverness, Pitlochry and Skye. Public enthusiasm for those events confirms that Scotland's constitutional future cannot be separated from the issues that people and communities face each day. The issue of how Scotland should be governed in the future is now firmly established at the heart of public and political debate.

Joe FitzPatrick: During the recess, the Scottish National Party directly connected with people to seek their views on Scotland's constitutional future. I was very encouraged by the responses that I received in my constituency of Dundee West and in John Mason's Westminster constituency of Glasgow East.

What other national conversation events have been held in 2008? What does the Government intend to do in the near future?

Bruce Crawford: I am glad that Joe FitzPatrick was encouraged during the summer by the responses that he received.

A goodly number of national conversation events—around 17 already—have taken place this year. Those events have involved young people, the churches, voluntary organisations and many more organisations. I am glad that Labour members have turned up to take part in at least two of the events. Obviously, we encourage such participation by members across the chamber.

In the near future, there will be events in Cumbernauld, Inverness, Uist and Perth. Indeed, Fiona Hyslop and the First Minister will hold an event shortly to hear the views of young people. I assure members across the chamber that Government ministers are fully engaged in the national conversation and will continue to be so right up until the referendum in 2010.

Hugh Henry (Paisley South) (Lab): Can the minister provide statistics on how many contributors from the floor there were at the events and on how many such contributors mentioned independence? If he cannot do so now, will he revert to us in writing?

Bruce Crawford: The issues that people raised at most of the events, particularly the Cabinet events, showed the stark reality of our ability under the current devolution settlement to tackle the problems that they face with rising energy and food prices and fuel costs and with the downturn in the housing market. All those issues relate to the powers that have been established for the Parliament.

On 12 March, Cathy Jamieson—I do not think that she is in the chamber—took part in a discussion with Stewart Maxwell that was attended by around 50 people. In May, I was involved in an event with Malcolm Chisholm—a discussion with the churches at Ingliston that was attended by some 200 people. It is not only Government ministers who are involved in the discussion; Labour members, too, are involved.

Hugh Henry: Just answer the question, Bruce.

Bruce Crawford: I answered it.

Scottish Arts

2. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what funding support is available for traditional community-based Scottish arts to ensure that our culture survives into the future. (S3O-4038)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): The Scottish Arts Council is, of course, the main national funding source for the arts. Its current funding system was launched in 2006.

Sarah Boyack: The Scottish Arts Council has refused funding applications for some groups and is carrying out a review of the sector, and traditional community-based arts groups are worried that they may simply disappear. Does the minister acknowledge that what makes community-based Scottish arts groups significant is people's aspiration to participate in our traditional culture and not simply be spectators?

Linda Fabiani: Absolutely. I disagree with nothing that Sarah Boyack said. Later today, I will meet representatives of the Traditional Music and Song Association of Scotland, the Scots Music Group and the Scottish Traditions of Dance Trust. We have talked about the issues before. Since the Parliament was reconvened in 1999, members of various parties have expressed concern that there is no guarantee of funding for Scotland's unique indigenous arts and traditional culture. It is

essential that we discuss how we can guarantee that uniqueness in our communities in future. The Government, with the care that it has for the traditional arts, will have that discussion.

Rob Gibson (Highlands and Islands) (SNP): In light of that answer, does the minister agree that monetary support for the traditional arts from the Scottish Arts Council ought to be provided on the basis of their ability to promote the vitality of our living traditions? Given the omission of the traditional arts from the previous Administration's national companies programme, is it time to investigate whether a national company or agency should be set up to progress those arts?

Linda Fabiani: The Scottish Arts Council is having discussions with those who were not successful in that flexible two-year funding round. The Government wants to promote the very best of Scotland and the uniqueness of its traditional culture. I am not convinced that the national company model that we have for other forms of art in Scotland would be appropriate or would celebrate the diversity and the wonderful traditions of our culture. However, it is the Government's responsibility to protect our traditional cultures and we are very willing to have that discussion.

Cathy Peattie (Falkirk East) (Lab): Does the minister accept that decisions must be made now? Does she understand the concerns of those who are involved in the Scots language and the traditional arts regarding funding? I am glad that she is meeting people today, but will she come outside with me this afternoon to meet folk who are involved in the traditional arts and listen to them?

Linda Fabiani: It is bizarre that it is only now, nine years after the Scottish Parliament was reconvened, that we have for the first time a Government that is listening and recognising the problems and willing to do something about them.

Lanarkshire (Sport)

3. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government what support it is giving to sport in Lanarkshire. (S3O-4025)

The Minister for Communities and Sport (Stewart Maxwell): The local authorities are the main providers of sporting opportunities in Lanarkshire. The Scottish Government is committed to working with them and others to ensure that we achieve the twin ambitions of the national strategy for sport: increasing participation and improving performance.

Christina McKelvie: Will the minister join me in congratulating New Lanarkshire Ltd, North Lanarkshire Council and South Lanarkshire Council on securing the international children's

games in 2011? Can he assure me that the Scottish Government will support the games?

Stewart Maxwell: I am delighted to congratulate everybody who was involved in the successful bid. It is marvellous that the international children's games are coming to Lanarkshire and Scotland. I met John Scott, the chief executive of New Lanarkshire Ltd, and Karen Shaw of New Lanarkshire Ltd in August 2007. I met John Scott again in March this year, along with Richard Smith, the secretary general of the international children's games. The First Minister and I provided messages of support for the bid and the First Minister recorded a message of support as part of the bid process.

We are investing substantial sums in Lanarkshire in support of sport across the region and to ensure that the area is ready for the international children's games in 2011. Members will be pleased to hear that, through sportscotland, we are investing about £7 million in the Ravenscraig regional sports centre, which is due for completion in 2010 and which will be central to the success of the games.

Housing (Investment)

4. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what discussions it has had with the Convention of Scottish Local Authorities and local authorities regarding the First Minister's announcement of 19 August 2008 on housing investment. (S3O-4056)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government had a number of discussions at political and official level with COSLA and representatives of local authorities in advance of the First Minister's announcement on 19 August. Further discussion is continuing.

Johann Lamont: Following pressure, the First Minister announced on 19 August that £100 million would be provided to tackle the housing challenges. That was welcomed, but there are issues with the detail. The announcement was made ahead of £40 million of the money being confirmed. I do not know whether that concerns you, but will you confirm where we are in relation to that £40 million—if it is there—and how much of the £100 million will be available this year? Will you detail the process by which local authorities throughout Scotland can access the portion that is available this year to ensure fair distribution throughout Scotland?

The Presiding Officer (Alex Fergusson): All members should have received a memo from me this morning asking them not to refer to one another other than by their proper names or titles.

John Swinney: I confirm to Johann Lamont the words that the First Minister used in the speech that he delivered at the Donald Dewar memorial lecture on 19 August. He said that a package of up to £100 million would be available, £60 million of which was already identified and absolutely confirmed within the central Government budget. We made the point in that announcement that £40 million of the development was subject to discussions with local government under the arrangements in the concordat. We could not have been clearer in our explanation of the nature of that resource.

Funding support in the form of accelerated spending will be made available during 2008-09 and 2009-10 to meet the challenges faced by the housing market and to support affordable housing. That is the right thing for the Government to do. We will, of course, co-operate with local authorities in the development of how the resource will be spent and allocated to ensure that we make a constructive contribution to tackling the economic difficulties that are faced by the housing sector in Scotland.

Duncan McNeil (Greenock and Inverclyde) (Lab): In the interests of clarity, will the cabinet secretary confirm that all local authorities will receive their fair share of that allocation?

John Swinney: The resources are aimed primarily at supporting the development of social housing, which will be developed through registered social landlords. We aim to make the maximum impact with the available resources, and the allocations will be discussed with our local authority partners. I assure Mr McNeil that those discussions will fully involve local authorities as part of our open approach to discussions and debate on all such questions involving our local authority partners.

Public-private Partnerships

5. Dave Thompson (Highlands and Islands) (SNP): To ask the Scottish Government what progress has been made on the replacement of public-private partnership funding schemes. (S30-4030)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Work on developing the Scottish futures trust is progressing well. Subject to the agreement of the Parliamentary Bureau, I expect to update Parliament on progress next week. We expect that the Scottish futures trust will be established formally as a company shortly and I will keep Parliament properly informed of the details.

Dave Thompson: Is the minister aware that actual inflation rates, as opposed to the optimistic 2.5 per cent rate on which Highland Council

predicated its PPP school building programme at the outset, have already meant that the annual cost of the scheme has virtually doubled, with £15.8 million paid out in 2006 rather than the £8.6 million annual charge that was estimated in 2001? Is he aware that the programme is mortgaging the council to the hilt for 30 years and jeopardising the development of education services in the area?

John Swinney: It is clear that there are a number of concerns about the efficiency and value for money of private finance initiative contracts. The example that Mr Thompson cites is alarming because it illustrates the degree of pressure that such changes to the inflation rate will have on the finances of local authorities, which have long-term financial commitments to meet in relation to PFI schemes. That is why the Government is motivated to secure greater value for money from the capital investment programme, which is one of our principal motivations for establishing the Scottish futures trust, which has at its heart our determination to deliver more effective value for money from our investment programme.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I cannot hear the letters PPP without thinking about the deplorable state of Wick high school in my constituency. Will the minister agree to meet concerned parents and teachers from that school within the context of what he has said to see how resources could be targeted to a particularly needy problem such as Wick high school?

John Swinney: I am sure that my colleagues in the education portfolio are in regular touch with local authorities and other groups about school refurbishment and new school construction. Those aspirations lie at the heart of the Government's proposal for the Scottish futures trust. If Mr Stone will forgive me, I will leave it to my education colleagues to consider his request for a meeting, but the Government is determined to ensure that we have a vigorous programme of investment in the school estate, which is what we are currently delivering.

Her Majesty's Inspectorate of Education (Training)

6. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Government what additional training has been offered to Her Majesty's Inspectorate of Education inspectors following the death of headteacher Irene Hogg in the Scottish Borders. (S30-4018)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): HMIE invests in a thorough programme of continuing professional development for all HM inspectors to ensure that inspections are conducted professionally and constructively and that they

lead to improvement for children and other learners. The member will be aware that the majority of inspections include a current practitioner as part of the inspection team, and important aspects of HMIE's programme of development extend to those team members.

Christine Grahame: I thank the cabinet secretary for her answer. Is she aware of the additional training that is being undertaken by HMIE inspectors, reportedly at a spa in Pitlochry, which is designed to train them to reduce stress on teachers, following the tragic death of the headteacher in the Borders? Does she agree that that is bound to add weight to the calls for a fatal accident inquiry into the headteacher's death, which followed widespread concerns about the methods that are used by HMIE inspectors, which have been relayed to me by teachers across Scotland subsequently?

Fiona Hyslop: The issue of a fatal accident inquiry is a matter for the legal authorities. I understand that a report is currently with the procurator fiscal.

HMIE has been developing a new approach to school and pre-school inspections since September 2007. The new models were piloted in April this year and, following intensive staff development for inspectors, associate assessors and lay members, they have been fully implemented from the start of the current term. The inspections are shorter and more proportionate, and they reduce the burden and bureaucracy on schools. In addition, much more emphasis is being placed on a school's self-assessment. The new approach increases professional engagement between inspectors and staff, and further supports effective partnership working to bring about improvement.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the cabinet secretary agree that perhaps a long-term response to the tragedy that occurred in my constituency would be to take forward what Parliament has already voted for this year, which is a revised set of conditions and support for our school leaders in primary and secondary schools, who do outstanding work under huge local pressure, especially when inspections are about to be carried out?

Fiona Hyslop: I agree with the member that effective leadership in our schools is of paramount importance, and I pay tribute to the many headteachers who deliver that in our schools today. I reiterate the importance of acknowledging that there is a new inspection regime, which has been piloted since April and which is now in place from the current term. It has been welcomed so far by headteachers and professionals across the education system.

Autistic Spectrum Disorder

7. Christopher Harvie (Mid Scotland and Fife) (SNP): To ask the Scottish Executive whether numbers are available for people suffering from autistic spectrum disorder, based on recent case studies of specific areas, that would allow for a detailed breakdown of the numbers and severity of cases. (S3O-4019)

The Minister for Public Health (Shona Robison): Information on the number of people with autistic spectrum disorders and the levels of needs are primarily of importance to local agencies with a responsibility for planning and designing services to meet the needs of the local population.

The Scottish Government issued policy and practice guidance on commissioning services for people on the autism spectrum in April. It emphasised the need for local areas to have good-quality shared information about current and future demand for the services and supports that people with autism may require. It included positive evaluations of successful models of services to address the range of needs.

Christopher Harvie: Has consideration ever been given to setting up one or more pilot projects—or to commissioning university resources to do so—to ascertain details such as numbers, age and severity, as it has been estimated that such problems might affect around 1 per cent of our population and might even be regarded as an epidemic?

Shona Robison: Research projects are, of course, going on. For example, the Medical Research Council has funded such projects and has committed more than £3 million to new research, but it is not particularly focused on the issue of prevalence. I would certainly be happy to reflect on that further and write to the member with further details.

First Minister's Question Time

11:59

The Presiding Officer (Alex Fergusson): First Minister's questions will be taken today by the Deputy First Minister, Nicola Sturgeon.

Engagements

1. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I have to ask the question that is in the *Business Bulletin*, but I am sure that the Deputy First Minister will be capable of answering it.

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-953)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): As colleagues may be aware, the First Minister is attending a private funeral today. Later today, I and my fellow ministers will have meetings to take forward the Government's programme for Scotland.

Colleagues may also be interested to know that the First Minister will host a reception tomorrow night in Edinburgh castle for all Scotland's Olympians. On that note, I know that the chamber will want to send its very best wishes to our Paralympians for the start of the Paralympics on Saturday.

Cathy Jamieson: I am sure that the whole Parliament sends its best wishes to all those who are involved.

Alex Salmond's tax plans have been roundly rejected by nearly every organisation that responded to the consultation on them. As he is ignoring the result, why did he bother consulting?

Nicola Sturgeon: In case Cathy Jamieson has forgotten, I remind her that surveys of public opinion show that 88 per cent of the Scottish public want to see the back of the unfair council tax and its replacement with a fair tax that is based on ability to pay. The debate in Scotland is simple: it is between those who continue to defend a council tax that is deeply unfair and deeply regressive and which hits the poorest hardest, and those of us who are proud to propose an alternative that is fair, progressive and based on ability to pay. The local income tax would lift 85,000 people in Scotland out of poverty, including 15,000 children. It beggars belief that the party that alleges to be the party of social justice would oppose such a plan and, instead, defend the unfair council tax.

Cathy Jamieson: Surely, if consultation meant anything at all, the Scottish National Party would

dump the local income tax proposals. I remind the Parliament who Alex Salmond has decided to ignore: the Scottish Trades Union Congress, the Confederation of British Industry, the Institute of Directors, Unison, the Federation of Small Businesses, the National Union of Students and the Institute of Chartered Accountants of Scotland—the list goes on. The tax plan has been rubbished by an array of respected organisations that have Scotland's best interests at heart. Surely they cannot all be wrong. Why does Alex Salmond not admit that he has it wrong and dump the plan now?

Nicola Sturgeon: We will continue to discuss our plans with all those organisations and more as we progress the bill, but I remind Cathy Jamieson that there was a pretty big consultation in Scotland last May. It was called the Scottish election. In that election, the Scottish people voted for the SNP and our plans to get rid of the council tax and replace it with a fair system. [*Interruption.*]

The Presiding Officer: Order.

Nicola Sturgeon: The party that presided over 60 per cent increases in the council tax was roundly booted out of office. That is the kind of consultation that I like.

Cathy Jamieson: Many people who voted in that election thought that they would get lower class sizes and £2,000 house-buyer grants and that student debt would be abolished. Of course, none of that has come to pass.

The SNP's local income tax would simultaneously make Scotland the highest-taxed part of the United Kingdom, damage the economy and force councils to slash services. We know that Alex Salmond is a devotee of Margaret Thatcher's economic policies, but now we see that he is also a devotee of her tax tactics. She introduced the Abolition of Domestic Rates etc (Scotland) Bill, paving the way for the poll tax—a damaging and divisive personal tax that caused chaos in Scotland. It is some irony that the SNP is now introducing an abolition of council tax bill and paving the way for another damaging personal tax that, just like the poll tax, will make hard-working families pay more while the wealthiest pay less.

It is difficult to imagine anything worse until we involve the Liberal Democrats. They want 32 different tax rates: one for each council. Will Nicola Sturgeon give an absolute guarantee that that will not happen now or in future?

Nicola Sturgeon: Cathy Jamieson mentioned Margaret Thatcher. I will say something about her.

Members: Hail, Margaret!

The Presiding Officer: That will do, thank you. Order.

Nicola Sturgeon: Margaret Thatcher saw the need for change. I admire her. She is a conviction politician. I am a conviction politician, just like her. That is what Gordon Brown, the Prime Minister, said on 5 September just last year.

There is a question for Cathy Jamieson and her Labour Party colleagues. Labour has defended the unfair council tax for eight long years in the Parliament. It has presided over 60 per cent increases in the council tax. Of course, over the summer, we heard all three candidates for the Labour leadership say that the council tax is wrong, unfair and past its sell-by date. Unfortunately, not one of those leadership candidates has any alternative to the council tax. The SNP Government has an alternative—the local income tax, which is fair, progressive and based on the ability to pay. I challenge anyone who believes in social justice to vote for the proposal.

Cathy Jamieson: I notice that the Deputy First Minister was not able to answer my straightforward question. If she cannot answer that one, I have to ask her whether she is then leaving the door open for the SNP to do a back-room deal with the Liberal Democrats that could mean that a small business that employs three people—*[Interruption.]* This is a very serious point.

The Presiding Officer: Order. I would like to hear the question, even if no one else would.

Cathy Jamieson: Such a deal could mean that a small business employing three people would have to deal with the red tape of three different tax rates, and a larger corporation would have to deal with up to 33 different rates. Is Nicola Sturgeon's message to Scottish taxpayers that they should prepare for the highest tax rates in the UK, and is her message to Scottish businesses that they should pack up and go elsewhere?

Nicola Sturgeon: I point out to Cathy Jamieson that, until John Swinney was able to freeze them, the people of Scotland were paying sky-high council tax rates because of the increases brought in by the previous Labour Government.

The SNP Government looks forward to having constructive discussions with our friends in the Liberal Democrats under the new broom of Tavish Scott—I hope that I do not have to change that assessment of him in a few minutes. The SNP believes in building consensus in the interests of the Scottish people.

Let there be no doubt that there is a clear divide in Parliament between the Labour Party, which wants to continue the unfair council tax, and members on these benches, who believe in social justice and in lifting people out of poverty and who want a fair and progressive tax that is based on the ability to pay.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): I do not know what I am reeling from more: the prospect of Nicola Sturgeon as First Minister, or of her having constructive discussions with the Liberal Democrats.

To ask the Deputy First Minister when the First Minister will next meet the Prime Minister. (S3F-954)

I assume that it will not be in Glenrothes.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We might have to wait and see about that, but I can safely say that the First Minister would be delighted to meet the Prime Minister in Glenrothes, if the Prime Minister can find the courage.

The First Minister has no plans to meet the Prime Minister in the near future.

Annabel Goldie: Yesterday, the First Minister proclaimed with unabated bravado that he has found £281 million to subsidise his unfair, unworkable and totally discredited Scottish national income tax. By how much could we cut everyone's bills if that subsidy was used to cut council tax? Only when we have the answer to that question can Scotland have a true choice, a real debate and a proper comparison.

Nicola Sturgeon: As we move hopefully forward to have constructive discussions with our friends in the Liberal Democrats, we will leave it to the unholy Labour-Tory alliance to defend the unfair council tax. The Government has already taken firm and decisive action to reduce and alleviate the burden of council tax, which is why we took the decision in partnership with our local authority friends to freeze the council tax.

The problem with the Tory plan for the council tax is that although it might involve a one-off cut, after that there is no guarantee about what will happen to a tax that remains deeply unfair. People will be very suspicious of that when they cast their minds back and remember that, under the last Conservative Government, council tax increased by 41 per cent. Granted, that is not as bad as the 62 per cent that the council tax increased by under Labour, but it is still pretty awful.

If it is all the same to Annabel Goldie, we will continue to progress our plans for a fair, progressive tax that is based on ability to pay. On this issue—happily, not on all issues—we will leave her to continue to shore up the discredited Labour Party.

Annabel Goldie: It is disappointing that among such verbiage there was not an answer to the question that I asked. Most people understand that

the problem with the council tax is the amount that they have to pay. That is the problem with many taxes—people are concerned less about structure and more about bills.

The SNP's totally spurious claim is that 80 per cent of Scots households would be no worse off under its plans but, under the plans of the Scottish Conservatives, 100 per cent of council tax payers would be better off; our older citizens would be very much better off.

Let us get real. The Green party will not support the Scottish national income tax. The Lib Dems have had three positions in 12 hours—no change there. Jeremy Purvis said no, Tavish Scott said maybe—perhaps that is definitive for him—and their MP Ed Davey is unconvinced. That is total flip-flop and fluster.

The SNP's proposal is brazen opportunism—it is a con. A local income tax is just not going to happen. Does the Deputy First Minister now accept that the £281 million that she says that she can find would be much better used to cut the council tax bills of every household in Scotland? In these hard-pressed times, we do not need a new tax on work; we need a tax cut for all.

Nicola Sturgeon: I remind Annabel Goldie that the vast majority of people in Scotland would be better off under a local income tax than they are under the council tax. The replacement of the council tax with a local income tax would lift 85,000 people in Scotland out of poverty; 15,000 children would be lifted out of poverty. She will not find much favour in opposing that.

In the spirit of consensus, I agree with Annabel Goldie's stunning observation that the problem with all taxes is that people do not like how much they have to pay. That is indeed true. People do not like paying taxes, but they want to know that when they have to pay them, they are fair, progressive and based on ability to pay. That is the hallmark of the local income tax.

Annabel Goldie seems to be labouring under the same illusion that Labour has laboured under for far too long—that somehow it is possible to reform the council tax to make it fairer. It is not. Peter Burt said that expressly in his review of the council tax. I repeat that I know which side of the debate we are on: we want a fair tax that is based on ability to pay. The Conservatives are perfectly welcome to continue to support Labour in defending the indefensible. Frankly, that is a matter for Annabel Goldie.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the Deputy First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-955)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I welcome Tavish Scott to his first First Minister's questions. The next meeting of the Cabinet will discuss issues of importance to the people of Scotland.

Tavish Scott: On Monday in Campbeltown, I met people who had real worries about the closure of the Vestas wind turbine factory. What is the Deputy First Minister's Government doing to keep the factory open and to save those jobs?

Nicola Sturgeon: As Tavish Scott knows, the Government has given extensive support to the plant, which Jim Mather has visited. Constructive discussions are being, and will continue to be, held with the management, and Parliament will be kept updated as appropriate.

Tavish Scott: The worldwide head of Vestas said from the start that he would not come to Scotland and would meet only in Denmark. If such a threat to 100 jobs had occurred under any previous Government, the SNP would have been first to demand that ministers took the lead and got over to Denmark to engage with the most senior people in the company. Given that the SNP is in government, why have ministers not done that?

Jim Mather told the *Campbeltown Courier*:

"For Kintyre to lose 100 private sector jobs would be the equivalent of the Royal Bank of Scotland closing in Edinburgh".

I agree, so why have ministers spent the summer travelling around Scotland promoting independence, when they should have been going round Europe protecting Scottish jobs? When will ministers get across to Denmark and make the high-level case face to face? There is a flight to Copenhagen from Edinburgh at 4.15 this afternoon. Will there be a minister on it?

Nicola Sturgeon: I say to Tavish Scott that this is a serious matter—perhaps too serious for glib soundbites. [*Interruption.*]

The Presiding Officer: Order.

Nicola Sturgeon: The Government has given extensive support to the company, and we will continue to do so. Jim Mather is seeking discussions with the management and will continue to work extremely hard to seek a resolution. I am perfectly happy to give an undertaking to ensure that Tavish Scott and all other members of the Parliament will be kept updated on that as appropriate.

This Government has a proud record on renewables. Tavish Scott talked about ministers' activities over the summer, so I will talk about the approval of the Clyde wind farm, which is the single largest wind farm project in Scotland, a new

biomass plant at Markinch in Fife, an extension to Crystal Rigg wind farm and the opening, earlier this week, of Scottish and Southern Energy's Glendoe scheme.

Tavish Scott has raised a serious issue, and it will be dealt with in a serious way by this Government.

Scottish Economy

4. Nigel Don (North East Scotland) (SNP): To ask the First Minister what measures the Scottish Government is taking to bolster the Scottish economy in the current economic climate. (S3F-981)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Government has taken early and decisive action to help the Scottish economy in difficult times. In the First Minister's Donald Dewar lecture on 19 August, he announced a package of initiatives to respond to the immediate challenges that are faced by the Scottish economy. That included: bringing forward up to £100 million of affordable housing investment to be spent this year and next, rather than in 2010-11, as originally planned; bringing forward up to £385 million of Scotland's remaining European structural funds allocation; introducing new steps to ensure that Scottish tourism reaps the full benefit of homecoming 2009; and looking at innovative ways of reducing public sector energy costs through bulk purchasing of electricity.

That package of measures builds on the support that this Government has already provided for Scotland's economy since last May, such as the council tax freeze, the reduction in business rates for 150,000 small enterprises in Scotland, the phased abolition of prescription charges and the abolition of the graduate endowment. All those policies are helping to put money back in people's pockets and get Scotland's economy moving.

Nigel Don: I thank the Deputy First Minister for that extensive reply.

Yesterday, the chief economist at the Bank of Scotland, Martin Ellis, said:

"despite facing substantial economic headwinds, the Scottish economy is expected to expand through 2008 into early 2009".

Does the Deputy First Minister agree?

Nicola Sturgeon: I substantially agree with that statement. However, I should say that there is absolutely no room for complacency. Scotland's economy is proving to be relatively resilient, but we know from our constituencies that people are feeling the pressure. Family budgets are under severe strain across the country, which is why the

Government has taken so much action over the past months to try to relieve that pressure.

We should take heart from the fact that growth in Scotland has matched or surpassed that of the United Kingdom in each of the three past quarters. Our labour market continues to outperform that of the UK and retail sales continue to grow at a much faster rate in Scotland. Those are all encouraging signs, but there is no room for complacency.

I must say, finally, that the efforts to keep the Scottish economy out of recession and ensure that it remains resilient are not helped at all by the depressive, dire comments that were made by the Chancellor of the Exchequer at the weekend. I would have thought that his job was to help, not to hinder, as he seems intent on doing.

Duncan McNeil (Greenock and Inverclyde) (Lab): In your answer to Nigel Don, you referred—

The Presiding Officer: I remind you—

Duncan McNeil: I apologise, Presiding Officer.

The cabinet secretary referred to an announcement that was made by the First Minister about £100 million that was to be allocated to deal with some of the housing problems. Can she confirm that that £100 million will be available this year? Can she also confirm that every local authority in Scotland will benefit from that money?

Nicola Sturgeon: Duncan McNeil asks that question as if he has stumbled across something that nobody knew. However, when the First Minister made that announcement last month, he was quite clear about the fact that we want to bring forward up to £100 million investment to this year and next year. We made it very clear in the press release and the accompanying document that £60 million of that had already been secured from the Scottish Government's own budgets and that we were in constructive discussions with local authorities about securing the other £40 million. As members have come to expect from the good relationship that this Government has with local government, those discussions are continuing and they are constructive, and I am confident that they will reach a positive conclusion. That is in marked contrast to the negative relationship that previous ministers used to have with local authorities—which was astounding, given that most of the councillors were in the same party as them.

Gavin Brown (Lothians) (Con): One thing that the Scottish Government can do is have business impact assessments—a series of nine questions suggested by the regulatory review group—for all legislation. Given the current economic climate, how many of the 15 bills announced yesterday have undergone a business impact assessment?

Nicola Sturgeon: That issue is under active consideration by the Cabinet Secretary for

Finance and Sustainable Growth, and I am sure that he will respond to the member about it in more detail.

There is little that is more important to this Government, in trying to protect and boost the Scottish economy, than helping business. That is why we have taken the action that we have taken with the small business bonus scheme to reduce or completely abolish business rates for 150,000 small businesses in Scotland. I was glad to have the support of the Conservative party on that policy.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): In the past nine months, decisions taken by the Government within its own powers have nearly halved the operational budget of Scottish Enterprise, with 260 redundancies; abolished local enterprise companies, with no locally set budgets; and removed support for small businesses from our economic development agency. On 14 April, the chief executive of Scottish Enterprise told Parliament:

“we will no longer proactively support businesses that primarily service local markets.”

How will that help the Scottish economy?

Nicola Sturgeon: That is a complete and utter misrepresentation of what has happened. In the past few months under this Government, Scottish Enterprise has been allowed to focus much more on what most people would consider to be its core responsibility: supporting business in Scotland. That is what Scottish Enterprise is fundamentally there to do. Responsibility for training and skills now lies elsewhere, and the business gateway is being rolled out across Scotland.

There are some very positive things to say about the support that this Government is giving to business. We will continue to look at what more we can do to support business in the wider economy in what are challenging times. I conclude by saying simply that I wish that the UK Government would do likewise, given that it holds the vast majority of powers in the area.

Probationer Teachers

5. Rhona Brankin (Midlothian) (Lab): To ask the First Minister how the Scottish Executive plans to respond to reports that fewer than one in four of last year's probationer teachers have found permanent teaching jobs. (S3F-964)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The teacher employment survey that Rhona Brankin refers to was partial and already out of date when it was published. We would not expect every new teacher to be in permanent employment in August. Vacancies occur throughout the year. Indeed, we know that 6,000

teachers are expected to leave the profession this year and that retirements at such levels will continue for the foreseeable future. Since the date of the survey, more than 300 teacher vacancies have been advertised in Scotland. It is also important to be clear that we inherited a situation from the previous Administration in which more teachers were seeking employment than had been forecast. That is why we took early action last June to provide an additional £9 million for 300 teaching jobs. In November, in supporting the concordat, we made provision in the local government settlement to maintain teacher numbers at around 53,000.

Rhona Brankin: There can be no greater indictment of the Scottish Government's education policy than teachers being on the dole while class sizes are rising. The Scottish National Party is responsible for bringing about the biggest crisis in education since Michael Forsyth was in charge—*[Interruption.]*

The Presiding Officer: Order.

Rhona Brankin: Will the Deputy First Minister take the opportunity to apologise to every new teacher in Scotland who has had their dreams dashed because they cannot get a job?

Nicola Sturgeon: Let me point out that by the end of the year last year 93 per cent of teachers gained employment. As colleagues know, I usually like to be polite and diplomatic in my exchanges in the chamber, but I have rarely heard anything as downright stupid as what I have just heard from Rhona Brankin. Let me reverse the question: if every single new teacher had gained employment by this point, how on earth would we fill the 6,000 vacancies that we know are going to arise during the year? It has always been the case that new teachers gain employment as vacancies arise during the year. That was the case under Labour; it will continue to be the case under this Administration. We also know that, last year, a higher proportion of teachers ended up in employment than was ever the case under the previous Administration.

John Scott (Ayr) (Con): As the Deputy First Minister knows, teaching students are given a guaranteed placement at the end of their training period and councils are signed up to provide such places each year. However, as probationer teachers are not allocated to councils on a fully funded basis, councils are required to identify vacant posts into which probationer teachers can be placed in order that the annual targets for placing probationers are met. Given the often unsatisfactory impact of that on both probationer teachers and qualified teachers who are seeking posts, does the Scottish Government—*notwithstanding the cabinet secretary's previous reply*—have any plans to review the current approach to funding probationer teacher posts?

Nicola Sturgeon: I will not repeat the answer that I gave to Rhona Brankin but supplement it by saying that, as I assume the member is aware, the Cabinet Secretary for Education and Lifelong Learning has established a working group to look at the issues around the employment of probationer teachers and to ensure that anything that we can do to ease that process is done. That group is due to report shortly.

Karen Gillon (Clydesdale) (Lab): Teachers in my constituency who have now been unemployed for a year following their probationary year have highlighted their difficulty in obtaining supply teaching posts because teachers who have taken early retirement are often the preferred option for many local authorities. What action is being taken to review that position to ensure that, in the year after their probationary year, new teachers are given real opportunities to get into the job market ahead of those who have taken early retirement—for which they may have received a fairly large lump sum from the Government—who need to be employed at enhanced rates compared with those of new teachers?

Nicola Sturgeon: Karen Gillon raises a fair point. As I said to Rhona Brankin, last year's statistics showed that 93 per cent of probationer teachers accessed employment, but Karen Gillon raises a valid point about local authorities' preferences in relation to supply teachers. I am sure that the Cabinet Secretary for Education and Lifelong Learning will ensure that that point is fully considered by the working group that I spoke of.

Schools (Sport)

6. John Lamont (Roxburgh and Berwickshire) (Con): To ask the First Minister how the Scottish Government intends to support sport in schools ahead of the 2012 Olympic games in London and the 2014 Commonwealth games in Glasgow. (S3F-956)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): There is no doubt that hosting two of the world's most prestigious sporting events in two great cities within a two-year period presents all of Scotland with great opportunities to make material improvements to people's lives. That is why we are investing £238 million to deliver a successful Commonwealth games in Glasgow in 2014 and why we have consulted widely to establish where and how we can best use the games to Scotland's benefit so that they leave a lasting legacy to all areas of Scotland. However, Scotland's legacy ambitions will inevitably be constrained by the diversion of £150 million of lottery funds from Scottish distributors to pay for the London 2012 games. I hope that all members will join us in seeking the return of that money so that it is used for the benefit of Scotland and Scottish sport.

John Lamont: I draw the Government's attention to the recent comments of the Olympic champion Chris Hoy on the importance of training facilities. I also draw attention to the written answers that my colleague Liz Smith has received that reveal that, in a number of critical areas, the Minister for Communities and Sport has no information on grass-roots sporting facilities and on sports in schools. Does the Deputy First Minister agree that, ahead of the next Olympic games and Commonwealth games, it is vital that the Scottish Government looks at detailed provision of grass-roots sporting facilities to identify where we need to improve facilities?

Nicola Sturgeon: Yes, I agree with that. I was very privileged to meet Chris Hoy last week, when we hosted the successful Olympic athletes in Edinburgh castle. I was delighted to get his agreement during that meeting to work with us as we seek to improve sporting facilities in the run-up to both 2012 and 2014. I contend that the Government has already shown its commitment to sport—following on, I concede, from that of the previous Government—in making a substantial financial commitment to the Commonwealth games in Glasgow in 2014. Across the period of the spending review, we are increasing by some 44 per cent the funding that is made available to sportscotland. In addition to that, through the cashback for communities scheme we are investing millions of pounds in good-quality grass-roots sports facilities.

All in all, the Government has shown its commitment, but we will continue to work with—I hope—all members in the chamber as well as those who are on the front line of Scottish sport in order to ensure that we are doing everything possible to give them the best facilities and the best possible chance of medal success.

Sandra White (Glasgow) (SNP): The Deputy First Minister mentioned lottery funding. I am sure that she is aware of the cross-party support in Parliament for that funding. Is she considering sending a deputation of members from all parties in the Parliament to Westminster to ensure that we get that lottery funding back?

Nicola Sturgeon: As I have already said, the Government is determined to pursue that issue. I am delighted with the support that it has attracted, and we look forward to speaking to all members who have an interest about how we take the issue forward over the coming weeks and months.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Rural Affairs and the Environment

New Entrants Scheme

1. David McLetchie (Edinburgh Pentlands) (Con): To ask the Scottish Executive what progress is being made in relation to the new entrants scheme for farmers. (S3O-3980)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): As I am sure we all agree, Scotland needs a positive farming future, which in turn needs new entrants. Interest rate relief of up to £27,395 is available to participants under the new Scotland rural development programme. However, let no one pretend that there is a simple or easy answer to removing the barriers to new entrants.

David McLetchie: Will the cabinet secretary clarify a detail? The Scottish National Party's election manifesto—a dodgy dossier with which he and his colleagues appear to be increasingly unfamiliar—said clearly on page 68 that the SNP's proposed new entrants scheme would receive

“annual funding of £10 million.”

However, the cabinet secretary's answer of 5 August to a parliamentary question that my colleague Nanette Milne lodged says that £10 million will be spent on new entrants over the entire six years of the rural development programme. By my calculations, that amounts to annual funding of less than £1.7 million, rather than £10 million. Will he explain the discrepancy?

Richard Lochhead: Given the importance of attracting new blood to the agricultural sector, we have committed an initial £10 million to the Scotland rural development programme. Of course, it remains open to us to reprofile the expenditure under the SRDP in line with demand for that scheme.

I contrast the £10 million that the SNP Government committed to and delivered to help attract new entrants with the £5 million that the Conservatives promised in their manifesto. The SNP Government's commitment is in black and white. The issue is complex and challenging, but we will do all that we can to help attract life-blood into many of our rural and remote communities to work in the agricultural sector in the years ahead.

Alasdair Allan (Western Isles) (SNP): A dh'fhaighneachd do Riaghaltas na h-Alba dè thathar a' dèanamh gus daoine ùra a tharraing a-steach gu croitearachd.

To ask the Scottish Government what it is doing to encourage new entrants into crofting.

Richard Lochhead: As Alasdair Allan knows, we take the issue seriously. The theme of attracting young people and new entrants into crofting is central to the Shucksmith report, which was issued recently. It was debated in the Parliament and received a generally warm welcome. The report contains many suggestions for encouraging new entrants into crofting, which we are taking seriously.

The Highlands and Islands croft entrant scheme, which assists new entrants and encourages inactive crofters to release crofts to young people through financial incentives, is successful. As we consider our response to the Shucksmith report, which will be published in the coming weeks, we will continue to progress the debate.

Jim Hume (South of Scotland) (LD): David McLetchie is correct to say that the £10 million seems to be for six years rather than one year.

Tenant farming has long been known as the best scheme for new entrants into farming. The tenant farming union recommended that the best way to help new entrants was to give them access to the single farm payment scheme. Has the cabinet secretary pursued that or is he ignoring a most important sector of the industry?

Richard Lochhead: I thank the member for making an important point. Tenant farming is extremely important to the viability of many agricultural and remote communities. I asked the tenant farming forum, on which the Scottish Tenant Farmers Association is represented, to give me its input on how we can break down the barriers to new entrants to agriculture. As the forum's report—which I am sure the member has read from cover to cover—shows, the subject is complex and difficult. The forum continues to do good work on issues that it identified in its report “Barriers to New Entrants to Scottish Farming”.

If a simple solution to access to the single farm payment scheme existed, I am sure that the previous Administration would have found it, as the scheme was adopted a few years ago. We continue to investigate how we can make the scheme more appropriate to today's circumstances. That is part of the debate about the health check of the common agricultural policy. Our consultation document asks questions about that point and I look forward to Jim Hume's response.

Carbon Footprints

2. George Foulkes (Lothians) (Lab): To ask the Scottish Executive what lead ministers are giving the public on reducing their individual carbon footprints. (S3O-4046)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish ministers, like everyone in Scotland, need to take decisions on transport, energy use, purchases and waste that contribute to lower carbon lifestyles. Our greener Scotland campaign shows people how simple steps can improve the environment.

George Foulkes: Indeed, but is the cabinet secretary aware that the average person's carbon emission is 5.5 tonnes per year? I have used the National Energy Foundation's carbon calculator to do some calculations on the First Minister's carbon footprint. On travel alone—without taking account of any of his household emissions—his footprint is over six times that amount. Since he became First Minister, Alex Salmond has travelled by train only once and takes regular trips by limousine from Bute house to Holyrood. Should he not also set an example or, as is usual with the First Minister, is it another example of, "Do as I say and not as I do"?

Richard Lochhead: Sometimes I think that the best way to help to tackle global warming would be for the member to reduce the amount of hot air that he produces in the chamber.

Unlike many others who have to travel to the Parliament from far and wide around Scotland in their everyday business as ministers and members of the Scottish Parliament, the member does not have far to travel from his constituency office and home. If we had not inherited such a neglected public transport system from previous Administrations, perhaps the situation would have been different.

Like other members of the Government and members across the chamber, the First Minister is showing leadership by supporting some ambitious environmental legislation to protect the planet and our precious environment here in Scotland. He announced that yesterday as part of his statement on the legislative programme. In particular, we have Scotland's first climate change bill. That is leadership of the best quality. The First Minister is in the lead.

Seagull Task Force

3. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what the composition and remit of the seagull task force are and what resources the Executive has committed to the pilot project in Dumfries. (S3O-4067)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): A task force is being set up by the Scottish Government in conjunction with Dumfries and Galloway Council. The group, which consists of representatives from the local authority, the Scottish Government and experts from Scottish Natural Heritage and Science and Advice for Scottish Agriculture, will assess the urban gull problem in Dumfries. Its remit will be to agree a non-lethal approach to urban gull control to be implemented prior to next spring in an attempt to disrupt gull breeding success in the town. Expertise from the private sector will be sought on specific aspects of gull control as the need arises.

Elaine Murray: In addition to thanking the cabinet secretary for his reply, I thank his colleague Michael Russell for the flock of replies that I received this morning to the written questions that I submitted on 28 July.

Is the cabinet secretary aware that, on the advice of one of Mr Russell's predecessors, Allan Wilson MSP, I wrote to Aberdeen City Council and Aberdeenshire Council in 2002—at which time Mr Russell was a list member for the South of Scotland constituency—seeking information on the councils' good practice on seagull control? Six years ago almost to the day, I provided that information to Dumfries and Galloway Council. Is the cabinet secretary aware that that council's inability to identify a budget for seagull control measures has hampered its efforts ever since? Will he commit to providing funding next year to Dumfries and Galloway Council to implement the task force's recommendations? Furthermore—

The Presiding Officer (Alex Fergusson): Briefly please.

Elaine Murray: Does the cabinet secretary agree that curtailing food supply for gulls is necessary and that existing anti-littering legislation should be enforced to reduce the available food supply?

Richard Lochhead: The issue is a serious one that affects many members' constituents. I am surprised that the member is adopting such a sour note in response to the summit, given that I understand that 65 delegates attended it. The meeting was very successful. All the relevant bodies that were represented want to work closely together to address this social nuisance in Dumfries and elsewhere in Scotland.

I contrast the member's approach to that of Jack Groom, the provost of Dumfries, who was quoted in the *Dumfries Courier* of 22 August as saying:

"I am delighted the task force will be set up, to remove nests and break up the Gull colonies."

The initiative has been warmly welcomed. It is important that we all work together closely to try to find a solution to this social menace.

The Presiding Officer: I call Nanette Milne, but ask her to bear it in mind that the question relates to Dumfries.

Nanette Milne (North East Scotland) (Con): In her supplementary question, the member referred to my home city of Aberdeen. Perhaps you will indulge me if I mention that city, Presiding Officer.

The task force has been set up in Dumfries, but I know that the cabinet secretary is well aware of the gull situation in Aberdeen. Will the task force seek information from other councils such as Aberdeen City Council, which has used various methods over many years to control the gull population—not altogether successfully—to ensure that the outcome of the task force's deliberations reflects best practice that is already in place?

Richard Lochhead: I assure Nanette Milne that I am aware of the seagull problems in Aberdeen and elsewhere in Scotland. I made specific reference to the fact that the task force is the first of its kind in a long while. I hope that it will come up with solutions that can be implemented throughout Scotland to address what we all accept is a major social nuisance.

National Park Review (Loch Lomond and the Trossachs National Park)

4. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive whether the national park review will consider possible improvements to the mechanism by which Loch Lomond and the Trossachs national park discharges its planning function. (S3O-4035)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Yes.

Jackie Baillie: I like brevity, Presiding Officer, as do you. However, the cabinet secretary may not be aware of an interesting article in the *Scottish Planning and Environmental Law Journal* that I am happy to share with him. The article relates to the need for significant improvement in the discharge of the national park planning functions. Some in the chamber would argue that the system is slow and inconsistent and that it lacks accountability. Does the cabinet secretary consider that the planning functions of the national park authorities are properly accountable? Does he believe that only elected members should take planning decisions? What changes does he believe are required to ensure that consistent, robust and accountable planning decisions are taken in national parks?

Richard Lochhead: The member may be surprised to learn that I am not particularly familiar

with the publication to which she refers. However, I will be delighted to read the article in question if she sends it to me. I am not in a position to pre-empt the review of national parks that is taking place at the moment. Hopefully, stage 1 of the review will conclude in a few weeks' time; stage 2 will look at the planning functions of national parks. I do not want to pre-empt that consultation process, to which the member and others will be able to input. I am aware that in its forthcoming draft national park local plan, which is due for publication in November this year, the Loch Lomond and the Trossachs National Park Authority will review some of the issues that the member raises. Hopefully, some of the members' concerns will be addressed in the draft plan.

Kenneth Gibson (Cunninghame North) (SNP): Will the Scottish Government consider upgrading Scotland's three regional parks to national park status? If so, when might the matter be progressed?

Richard Lochhead: The member highlights the fact that there are three regional parks in Scotland, designated by local authorities with the support of Scottish Natural Heritage. They are spectacular places that all of us treasure. The application process for designation of national parks will be addressed in the current national park review. I urge the member to input to that consultation, to ensure that the issue of how regional parks can be upgraded to national park status is addressed properly.

David Stewart (Highlands and Islands) (Lab): Under the national park review, will the minister consider extending the boundaries of the Cairngorms national park to include Dava moor, which, as the minister is aware, is one of the most scenic, environmentally sensitive and iconic areas in the Highlands and Islands?

Richard Lochhead: I am aware of the area to which the member refers, as it borders my constituency of Moray. It is a spectacular area. The work that is under way to extend the boundaries of the Cairngorms national park is not complete. SNH is taking forward the Government's commitment to support the extension of the park to Highland Perthshire, which has already been announced. We must await the outcome of that process. I urge the member to ensure that he inputs his views to it.

Environmental Management

5. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what action it is taking to improve environmental management in the business community. (S3O-3997)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Among

other measures, we are funding the Carbon Trust in Scotland, the energy saving Scotland advice network and Envirowise in Scotland. All provide free or subsidised support.

Mike Pringle: The minister will be aware of the success of a national student competition run by the Business Environment Partnership, the final of which will be held in the Parliament on Friday. Competitors from Edinburgh alone have identified possible environmental savings by the business community of more than 1,300 tonnes of carbon emissions and 1,600 tonnes of waste to landfill. In light of the students' success, will the minister commit himself to examining measures to implement their ideas, thereby making significant environmental savings and raising awareness in the business community of what can be done to reduce its environmental impact?

Richard Lochhead: I am happy to give that commitment and to learn more about the students' initiatives that will be discussed in the Parliament on Friday. We are always open to new ideas for promoting energy efficiency in Scotland. Given the current economic climate, it is in the interests of the business community to seek energy efficiency, not only to protect the environment by lowering our carbon footprint, but to save cash. I am therefore very interested in the subject and look forward to learning more about the students' initiatives.

The Presiding Officer: Question 6 is Helen Eadie's, but she does not appear to be in the chamber.

Locally Produced Food

7. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive what action it is taking to increase the provision of locally produced food in the public sector. (S3O-4004)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Public procurement plays an important role in the development of the national food and drink policy. On 19 June, I announced how the Scottish Government would take forward the development of that policy. I have asked Robin Gourlay, head of facilities management at East Ayrshire Council, to chair a working group—reporting to the food and drink leadership forum—that will produce guidance for Scotland's public sector on becoming an exemplar for sustainable economic growth in Scotland.

Jim Tolson: There is widespread and cross-party consensus that moving to more healthily produced, local produce can have immense benefits for our health and the economy. More than a year ago, in a debate led by the Liberal Democrats, the Minister for Environment agreed that improved public sector procurement was

necessary to encourage the purchase of local, healthy, high-quality food. The Government has announced that in March 2009 it will introduce a new catering contract. Will the new contract include a requirement for the use of fresh food and will it favour locally sourced and produced meals? When will the new contract be rolled out throughout the public sector? When can we look forward to the provision of quality, healthy, local produce in every school and hospital in Scotland?

Richard Lochhead: The member raises an important point. The promotion of local food throughout Scotland's communities attracts cross-party support in the Parliament. The Scottish Government's catering contract will go out to tender and must be in place by March 2009. We are working on the use of that contract as an exemplar to the rest of the public sector in Scotland and we are pushing the boundaries as far as we can within the current procurement rules in Scotland. I hope that we will make substantial progress in doing that.

I support the member's comments about promoting local food in Scotland's schools, in our hospitals, and in the wider national health service. I was delighted to read that Western Isles Council is this week undertaking a two-week pilot, using local produce in school meals in selected schools. Shetland Islands Council and other local authorities throughout Scotland are considering similar initiatives. In the past few months, I have written to the NHS, local authorities throughout Scotland and the Scottish Prison Service to promote the concept of having more local produce on their menus to help support Scotland's primary producers and, at the same time, our health and environment record.

John Scott (Ayr) (Con): Does the minister share the view of organisations such as RSPB Scotland, the Scottish Agricultural Organisation Society and indeed the Conservatives that a renewed emphasis on local food and localised supply chains is an important element in addressing the challenge of food security in Scotland? Will he outline the specific measures that he will take to address food security concerns within the national food policy?

Richard Lochhead: I support the sentiments of the organisations that the member mentions. It is important that we do what we can to link up local food to supply chains. There are some excellent initiatives in Scotland, such as the Skye and Lochalsh food link group, which links up local produce to local hotels and restaurants. That is a fantastic initiative, and I am keen to see how we can spread such initiatives throughout the rest of Scotland.

The working group that was set up under the food and drink policy has been charged with

considering how Scotland can become more food secure. As I am sure the member knows, the debate is not simple. We have to ascertain the extent to which Scotland is self-sufficient at the moment and what more can be done to make it more self-sufficient in the future.

On negotiations over the common agricultural policy and other policies, it is important that we ensure that our farmers are given every support to remain food producers so that, in turn, Scotland remains a food-producing nation. That will support food security.

Pig Support Package

8. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive how much of its pig support package, announced on 7 August 2008, had not previously been announced. (S3O-3999)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The £1 million package of measures to support the pig sector that was announced on 7 August includes £100,000 for research into labelling and work to improve animal health. Around £700,000 will be used to support a range of measures and will be allocated in partnership with the industry. The remaining £200,000 will be used to improve the marketing of pig meat products. As the 7 August announcement made clear, this will be drawn from the £1 million already announced in October 2007 for investments to support the resilience of the red meat sector following the outbreak of foot and mouth last year.

Mike Rumbles: The National Farmers Union Scotland says that the minister has ignored the recommendations of his own task force, which was set up to deal with the crisis in the pig industry. The key recommendation was to deliver financial support directly to our pig producers. Does the minister agree with the NFUS when it says that, with Scotland having the lowest number of breeding sows for 25 years, it is regrettable—to say the least—that the Scottish Government has provided no funding at all to meet that main recommendation?

Richard Lochhead: I reiterate to the member that the £1 million to which I referred is new money for the pig sector in Scotland.

The pig sector faces huge pressures. I fully appreciate and understand that pig producers were disappointed that we were unable to support the two headage payment proposals in the task force report. With our limited resources, it is important that we support the long-term sustainability of Scotland's vital pig industry. To do that, we have to promote productivity, health and marketing.

The task force report was extremely valuable and we are building on it and taking forward some of its recommendations. Since I commissioned the report, there have been fundamental developments in the pig sector in Scotland. First and foremost, there was the takeover by Vion of the Grampian Country Food Group. That was a massive development and I hope that it will be positive for the future of the pig sector. It would be remiss of me not to take that development into account, given that the organisation will slaughter 80 per cent of the pigs in Scotland and will have 25 per cent of pig production. If I were not to have Vion working hand-in-hand with the industry in Scotland, we would not have the best outcome. It is in the industry's interest that we use our limited resources to take forward that positive agenda.

I urge everyone in the chamber to support Quality Meat Scotland's current pork campaign.

Justice and Law Officers

Police and Fire Service Pensions

1. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what discussions it has had with HM Treasury in relation to police and fire service pensions. (S3O-4002)

The Cabinet Secretary for Justice (Kenny MacAskill): The Cabinet Secretary for Finance and Sustainable Growth wrote to HM Treasury on 13 June this year on this matter. He asked for equality of treatment for Scottish police officers and firefighters in relation to meeting the costs of changes to pension commutation factors. He pointed out that Scotland should be provided with funding, as was the Home Office, to meet these costs without having to look for savings elsewhere. The Chief Secretary to the Treasury replied at the end of July refusing the request for equality of funding treatment.

Margaret Smith: The issue is serious and is of interest not only to serving officers but to our communities. If Mr Swinney cannot persuade London to find the extra cash, and cannot find the cash from existing budgets, will the cabinet secretary accept that a number of retiring officers will not be replaced and that there will be an impact on front-line services? Does he accept that the Government's promise to deliver, by May 2011, an increase of 1,000 police officers above the 2007 level, will prove impossible to keep?

Kenny MacAskill: It is regrettable that the Treasury has taken the attitude that it has. It is grossly unfair on our officers and we will continue to fight the case.

The matter is complicated. It involves a variety of organisations and stakeholders, such as the Convention of Scottish Local Authorities, police

board conveners, the Association of Chief Police Officers in Scotland, and representatives from organisations such as the Scottish Police Federation and the Fire Brigades Union. I can assure the member that discussions are going on at the present moment.

This Government is committed to the three Rs—recruitment, retention and redeployment. We have embarked on the recruitment of 1,000 officers, and 150 were delivered before the end of the financial year. That is why we have not simply record recruitment to our police forces, but a record number of police officers. We will continue to support the attempts—especially in Strathclyde, but they are being replicated by chief constables elsewhere—to ensure that officers are appropriately redeployed from back-office facilities. I would be delighted to be advised by the Lord Advocate that our summary justice reforms—so maligned by some members in the chamber—are delivering substantial savings in police time.

It is a complicated matter, but the Government is on the case. We stood up for our police officers over pay last year, and we will again ensure that the numbers of police and firefighters are maintained in our communities.

Association of Commercial Attorneys

2. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive what progress has been made in processing the application from the Association of Commercial Attorneys for third-party right of audience in Scotland's courts under the provisions of sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. (S3O-4076)

The Cabinet Secretary for Justice (Kenny MacAskill): I acknowledge the attention that David Whitton has given to this issue on behalf of those who are involved, including his constituent. He has submitted previous questions and has engaged in correspondence on the matter.

Mr Whitton will know from the inquiries he has already made that the association recently clarified its status by incorporating itself as a limited company and submitted a revised draft scheme in late June. I have now completed my consideration of the association's application and, as the process requires, I have passed my views to the Lord President. I will ensure that Mr Whitton continues to be kept informed as to progress and the outcome.

David Whitton: As the cabinet secretary said, there has been correspondence between us on the matter. When he wrote to me in June, he commented that the provisions had been in place for a year. It is now over a year since the association made its application. However, there

seems to have been a flurry of activity since I lodged my question last week.

Mr MacAskill said to me previously that he would judge the application on its merits, despite his prejudiced published opinion. I now ask him when the decision will be made on the vital matter of third-party representation in Scotland's courts. Can he get in touch with the Lord President's office to persuade it to get a move on as well?

Kenny MacAskill: I cannot give a definite date, as it will depend on hearing back from the Lord President's office. I advise Mr Whitton—as I did in my initial answer—that we have submitted our position to the Lord President, who will have to consider matters. I am sure that he will do so expeditiously. I am advised that he is currently on holiday—doubtless taking a well-earned rest—but I am sure that he will deal with the matter promptly on his return.

Petrol Stations (Alcohol)

3. Ian McKee (Lothians) (SNP): To ask the Scottish Executive how many petrol filling stations are licensed to sell alcohol. (S3O-4024)

The Cabinet Secretary for Justice (Kenny MacAskill): The latest "Scottish Liquor Licensing Statistics" show that, in 2007, garages accounted for 184 licences, which is approximately 4 per cent of off-sales licences.

The current licensing law places no restriction on filling stations applying for licences. However, Parliament's intention in the Licensing (Scotland) Act 2005 was clear: garages should not be allowed to sell alcohol unless they are the principal source of groceries in their areas. We are working hard with licensing boards and others to ensure the successful implementation of the act.

I recognise that there has been some concern about boards' ability to deal with applications from garages as Parliament intended, and I have now made an order that will remove any lingering doubt on the matter. Garages are excluded premises under the Licensing (Scotland) Act 2005, which means that a licensing board can grant a garage a premises licence only if it serves a wider community need. The applicant must be able to demonstrate to the board that they are serving a wider community need by being the principal source of fuel or groceries in their area. It is for the licensing board to consider each case and decide whether to grant a premises licence.

Ian McKee: I am grateful to the cabinet secretary for answering not only my question, but part of my supplementary question. As he knows, "Changing Scotland's relationship with alcohol: a discussion paper on our strategic approach" emphasised the fact that drink driving undermines efforts to make Scottish roads and communities

safer. It is totally scandalous that some filling stations are still openly serving alcohol. Will the cabinet secretary do his best to ensure that, in a short time, it will be impossible to buy alcohol in an ordinary filling station in Scotland?

Kenny MacAskill: Those are matters for individual licensing boards. Parliament's intention was to differentiate between the urban and rural environments. We are aware that, because of changes to post offices, libraries and other amenities, there are areas of Scotland where the garage performs a function that involves more than simply providing fuel. A licensing board may view the purpose of an individual outlet as being principally to serve food, including alcohol.

I have to say, though, that I share the concerns of not only the member but many licensing boards. For example, the city of Edinburgh licensing board has refused applications for licences because there are numerous other such outlets in the area in which a licence was sought. Although we must tackle the scourge of drink driving, we must also ensure that in remote and rural areas of Scotland we provide the facility for licensing boards to use not only their discretion but their common sense.

Bill Aitken (Glasgow) (Con): Is the cabinet secretary aware of the number of instances when someone has been arrested and subsequently convicted for driving under the influence of alcohol when the drink consumed has been purchased at one of those garages?

Kenny MacAskill: I am not aware that those statistics are collated; if Mr Aitken has that information, I will be glad to consider it. In my experience that information is collected neither by the police nor by the procurator fiscal. The Government recognises that we have a problem with alcohol and its abuse in this country and that we have a problem with driving under the influence of alcohol. It is for those reasons that we are taking a variety of measures. We are aware, in our drive to tackle alcohol abuse, that the manner in which alcohol is displayed is important. Difficulties follow if there is irresponsible promotion and irresponsible pricing. There are good reasons why, in some areas, it would be irresponsible to have alcohol displayed where there are vehicles.

Fire Statistics

4. Derek Brownlee (South of Scotland) (Con): To ask the Scottish Executive what statistics exist on the (a) incidence, (b) severity and (c) causes of fires in (i) domestic properties, (ii) hotels and (iii) bed-and-breakfast premises. (S3O-3984)

The Minister for Community Safety (Fergus Ewing): The latest statistics on fires in Scotland are available in the annual publication "Fire Statistics Scotland, 2006", which is available in the

Scottish Parliament information centre—Bib number 45584. The publication includes statistics on the number and causes of fires by property type, along with data on fire casualties.

Property types in the publication include domestic dwellings and commercially run establishments providing sleeping accommodation. Statistics on fires in hotels and bed-and-breakfast premises are not available separately.

Derek Brownlee: The minister will be aware of concern among bed-and-breakfast operators in Dumfries and Galloway about fire safety guidance for the sector. They feel that the imposition of the guidance and the way in which it is being applied has the potential to drive many marginal concerns out of business without providing any meaningful increase in the level of fire safety. Will the Government consider reviewing the guidance to strike a better balance between improving fire safety where it is necessary and appropriate to do so, and ensuring that many marginal businesses in areas where tourist accommodation is limited are not driven out of business? Clearly, the intention is not to do so.

Fergus Ewing: First, bed-and-breakfast providers contribute well to the Scottish economy and we are extremely supportive of their work. Secondly, there are guidelines and in preparation for the question I recently took the opportunity to read them. They point out the blindingly obvious: when people are asleep, whether in a hotel, a B and B or another establishment, they are vulnerable to fire, and whether they are in a B and B, a hotel or another establishment they are entitled to have appropriate protection against fire. I imagine that all members would take that to be self-evident.

The guidance, which I can share with the member if he wishes, often seems to be no more than common sense, if rather lengthy common sense. I believe that it was prepared following the introduction of the Fire (Scotland) Act 2005—I believe with cross-party support—and the subsequent Scottish statutory instrument in 2006; it is intended to ensure that proportionate steps are taken.

The member will probably also be aware that if any B and B provider is dissatisfied with the indication of requirements by the enforcement officer, there is an appeals procedure. Thus far, as I understand it, that procedure has not been triggered. I assure the member and others who have written to me that we take the matter very seriously. A reasonable question is being asked, but I hope that we all recognise the overriding requirement and duty on us all to provide adequate and appropriate protection against fire, which, as we well know, causes a great many deaths in our country.

Alasdair Morgan (South of Scotland) (SNP):

Does the minister agree that many of the small bed-and-breakfast establishments, which operate for only a portion of the year, are basically family homes with perhaps one or two letting bedrooms, and that that is one of their attractions to visitors? Does he accept that we should certainly not seek to impose on them regulations that would require alterations to their home, such as the installation of self-closing fire doors, which effectively turn those family homes into hotels? Will the minister indicate that his mind is still open to the possibility that, if fire brigades recommend, for example, that fire doors be installed in three-bedroom houses, we can amend the guidance so that the common sense of the fire brigade coincides with the common sense of the people who normally live in the house?

Fergus Ewing: In accepting a number of the points that the member makes, I assure him that my mind is rarely padlocked shut. However, I am confident that the guidance was prepared with the benefit of consultation with 15 tourism industry representatives, including the Federation of Small Businesses, the Association of Scotland's Self-Caterers, Scotland's Best B&Bs and Scottish Independent Hostels. The industry was certainly consulted about these matters.

I am sure that the member will agree that, if one dies in a fire, it makes no difference whether that fire was in a bed-and-breakfast establishment with two rooms or a hotel with 250 rooms, and that, therefore, the fundamental principle of the policy is correct. We are, however, extremely aware of the need to ensure that the practical measures that enforcement officers believe are necessary should be proportionate, not disproportionate, and we hope that these matters can be resolved at a local level, by agreement, as appears to be the case in most cases at the present time.

Police (Custody Management)

5. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Executive whether it has had discussions with stakeholders, particularly in Grampian, on the need to act on deficiencies in the facilities and arrangements for police force custody management. (S3O-4005)

The Cabinet Secretary for Justice (Kenny MacAskill): Police force custody management is entirely a matter for the police. I and other ministers meet regularly with police and stakeholders and discuss a range of issues.

Brian Adam: In the minister's regular discussions with police forces, has it been drawn to his attention that there are serious problems in the north-east? It has certainly been drawn to my attention by the Police Federation that, currently, the facilities that are available are inadequate and

that people who are in police custody are being moved around the area at considerable expense and inconvenience, taking considerable amounts of police time. In his discussions with the police forces, will the minister raise that issue with them?

Kenny MacAskill: I will be happy to raise the matter with the chief constable of Grampian Police when I next meet him. However, I reiterate that it is an operational matter for the police. We have a tripartite arrangement in policing, which involves police boards. It seems to me that, on this matter, the police board should be seeking to interact with the chief constable if it is felt that there are particular problems. Obviously, you can rest assured that it is the Government's intention that the amount of police time that is taken up by moving prisoners around should be minimised and that, therefore, we will support anything that can be done to ensure that our police are appropriately and adequately deployed.

Lewis Macdonald (Aberdeen Central) (Lab):

Does the cabinet secretary recognise that he is being given an opportunity to address two important issues at once? Following his decision to close Aberdeen prison, will he now consider the establishment in Aberdeen of a remand unit for prisoners awaiting trial, and will he talk to Grampian Police and the police board about the possibility of combining such a unit with facilities for housing some of those detained in police custody in the city?

Kenny MacAskill: I can only reiterate what I said to Mr Adam: the fact is that those are operational matters for the police. If the member asks for remand facilities to be built, we will ask him what part of the justice budget he wishes to be cut back, given the significant investment that the Government is making as a result of the fact that we inherited a prison estate that was not fit for purpose. We have, thankfully, taken the decision to commit to three new prisons. Having signed off Addiewell, we are now committing ourselves to a new prison in Bishopbriggs, which will, thankfully, be within the public sector—I am grateful for Mr Whitton's appreciation of that fact—and another prison in the north-east.

We worry about police time being wasted in having to ferry people about but, as I said, we are talking principally about operational matters that are best dealt with by the chief constable or challenged by the police board if the situation is felt inappropriate.

The Presiding Officer: We have some time available so I will allow question 6.

Domestic Abuse Courts

6. Alasdair Allan (Western Isles) (SNP): To ask the Scottish Government whether it will extend

the provision of domestic abuse courts to rural areas. (S3O-4006)

The Cabinet Secretary for Justice (Kenny MacAskill): We are committed to mobilising the resources of the justice system to deal with the perpetrators of domestic abuse quickly and to support their victims sensitively.

On 23 June, the same day that we announced the expansion of the Glasgow domestic abuse court, we published a toolkit for local criminal justice boards and others across Scotland who are interested in developing innovative and effective responses to domestic abuse within the criminal justice system. It builds on best practice developed in Glasgow and experience elsewhere to give practitioners practical help on handling cases of domestic abuse. However, it also recognises that one model does not fit all situations and provides options equally applicable to our rural areas and to our cities.

Alasdair Allan: Does the cabinet secretary agree that people reporting domestic abuse in rural communities face particular problems, not least the perceived difficulty in reporting crimes anonymously?

Kenny MacAskill: Absolutely. As a Government, we recognise that domestic abuse is an all-Scotland problem—in not only urban but rural areas. Mr Allan is correct that there are additional issues with peripherality and a lack of population, and it is therefore appropriate to ensure that the identity of witnesses is not disclosed.

We acknowledge that the needs of Glasgow are different from those of Lochmaddy, but I assure the member that we recognise that domestic abuse affects rural Scotland as much as it does urban Scotland. We have been delighted to expand the Glasgow court, and we are seeking to ensure that every area in Scotland is covered in tackling this dreadful problem.

Obesity Action Plan

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-2481, in the name of Shona Robison, on the obesity action plan.

14:57

The Minister for Public Health (Shona Robison): In June, the Government published “Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity (2008-2011)”. We have demonstrated our commitment to delivering the actions that it sets out with an increase in the budget from £16 million to £56 million—£40 million of new money.

An important aspect of the action plan was our desire to build on the solid foundations that have been established through the implementation of the Scottish diet action plan, which was published in 1996, and the national physical activity strategy, which was published in 2003. Those strategy documents on diet and physical activity have been key to the work that has been developed over the past few years, and they will continue to provide the strategic map for much that we do. I am sure that their importance is recognised by members across the chamber.

To kick off today’s debate, I would like to reflect on some of the actions that we are taking and how they will contribute to tackling obesity. I want also to outline how we will fulfil our commitment to developing a longer-term strategy to tackle obesity. Before I do so, I put on record my appreciation of the hard work of members such as Mary Scanlon and Nigel Don in getting the cross-party group on obesity up and running. It held one of the best-attended cross-party group functions that I have been at for some time, which perhaps reflects the cross-party support for action on obesity.

The problem of obesity has been a long time in the making and will take a long time to resolve. However, if we do not tackle obesity, we are in serious danger of losing the health gains that we have already made. The potential costs of the obesity problem are quite startling. The most recent published estimate is that, by 2050, obesity will cost the United Kingdom £50 billion in today’s prices. That would translate to a Scottish figure of some significance. Our action plan identifies how we will spend the £56 million over the next three years to support people to change their behaviours. The additional £40 million will also be supported by work across Government to make our lives healthier.

Today, we have issued advice to health boards on our allocation of £19 million over the next three

years in support of maternal and infant nutrition. That is in fulfilment of our commitment to provide free fruit to mothers and pre-school children, but it goes much further, in line with the best evidence. The importance of ensuring that mothers and their babies are well nourished is widely recognised. A pregnant woman's nutritional status influences the growth and development of her baby and forms the foundations for the child's later health. The mother's health, in both the short and the long term, depends on how well nourished she is before, during and after pregnancy. A child's diet during the early years has an impact on the child's growth and development, is linked to the incidence of many common childhood conditions and influences the risk of developing, later in adult life, conditions such as coronary heart disease, diabetes and obesity.

We are very much aware that women who are deprived do not access services and do not enjoy the same health outcomes, so we have focused the additional £19 million on those most in need. That supports the clear recommendations in "Equally Well: Report of the Ministerial Task Force on Health Inequalities", which was widely welcomed by members of all parties when it was published back in June. The £19 million will support health boards to increase the uptake of healthy start among the estimated 48,000 potential recipients in Scotland. Although uptake is currently high—at around 87 per cent—more than 5,000 of the most vulnerable are still not getting access to benefits that they deserve.

The £19 million will also support health boards to assist with progress towards achieving the breastfeeding health improvement, efficiency, access and treatment—or HEAT—target. It will also support boards in improving training opportunities for health professionals to help them to deliver this important agenda. Of course, I expect health boards to work with local authorities, community health partnerships and other partners in the voluntary sector to support that work. That is just one of the strands that we are working on to help to improve Scotland's diet.

In response to the recommendations of the task force on health inequalities, we have commenced a project that will increase the health care capacity in schools through the development of community-based integrated school health teams, which will be supported from an additional £7 million that is being made available. Over the next two years, we will initially work with three health boards on identified demonstration sites—in NHS Ayrshire and Arran, NHS Forth Valley and NHS Lothian—to strengthen nursing in schools, especially in the most deprived areas. The boards will involve local communities, councils, education staff, the third sector and other independent providers. That model, which we will begin to introduce later this

winter, will be designed not only to harness existing skills but to develop and shape new roles in order that effective care can be offered to school-age children, young people and their families. It should also provide opportunities for teachers and school staff to be proactive in identifying those who are particularly vulnerable or have complex needs.

We will also promote and encourage more people to become active, which is the flip-side of the coin—diet is one side and increased physical activity is the other. We certainly want to build on the enormous success of our Olympic athletes who provide inspiration as to what can be achieved, but we recognise that, although we can encourage as many people as possible to try a new sport, that should not be our only focus. We need to encourage people to be more active in their everyday lives. We need to change people's perceptions of how to become active to reinforce the key message of 30 minutes of physical activity a day. Taking the stairs instead of the lift, getting off the bus a stop or two early, walking briskly to the shops, doing the gardening and playing outside are the sorts of everyday activities that children, young people and adults can be encouraged to undertake.

We will continue to support children to be active at school, through the two hours of physical education and the active schools programme. We are working to encourage adults to be physically active, and we are doubling the support for paths to health, which already has 20,000 people walking every week, supported by nearly 2,000 volunteers. With regard to the Labour amendment, we are happy to come back and inform Parliament of some of the more detailed aspects of the plans for PE and outdoor education.

We can build on the work that is supported by other parts of Government that contributes to our objectives. We are, for example, supporting the seven smarter choices, smarter places sustainable travel demonstration towns—that is a bit of a mouthful, but it is very important—with £1.5 million. We are taking a whole-system approach to get people to use sustainable transport as well as boosting their physical activity levels. It is about joining all those things up.

I will talk a bit more about some of the actions that we are taking to target obesity specifically, although diet and physical activity are key strands of that. We are devoting nearly £15 million to programmes that support people to achieve—and, which is important, maintain—a healthy weight. We previously announced £6 million for health boards to support the introduction of a child healthy weight intervention, which we expect to target up to 20,000 children over the next three years.

We are also continuing to support and expand the very impressive and productive counterweight programme, which the previous Administration initiated. The first two waves of the programme were targeted in those health board areas that hosted the keep well pilot. From August, the health boards that have not been participating in the keep well programme—including the island boards—will introduce the counterweight programme.

One of the more exciting projects that we are developing is a community-based healthy weight intervention. It is based on a French model that is described in the “Healthy Eating, Active Living” plan. The French model is interesting, because a decline in childhood obesity was measured in the communities in which it was active, which tells a compelling story.

Features of the French model such as providing nutritious school meals and encouraging children to walk or cycle to school have already been replicated in Scotland for some years. However, we need to translate those elements of the French model that were unique and which seem to have made a significant difference, such as taking a more joined-up approach at a local level between different initiatives, which focused the work and achieved a bigger impact.

We have to find our own Scottish solution to some elements of the French model, such as the use of a local champion to drive forward the project. We will be writing to local authorities and health boards in the next few weeks to invite them to express an interest in hosting one of the community health weight initiatives over the next three years.

I have picked out just a few of the projects that we are taking forward in order to highlight the work that we are doing, but the rest are laid out comprehensively in the action plan. However, we recognise that those actions alone will not solve the obesity problem that this country faces. We believe that if we are to fulfil our purpose of creating a more successful country with opportunities for all, we need to increase sustainable economic growth, and we need to do things differently.

Obesity is one of the problems that, like climate change, does not have a simple solution and requires a new way of thinking. In “Healthy Eating, Active Living” we announced our commitment to develop a longer-term strategy to tackle obesity. The development of that strategy is timely, as we are developing a national policy on food and drink and are taking stock of the national physical activity strategy to understand how it has influenced the development of policy in all areas of Government. Both of those exercises will report in the next few months and both will have to reflect on our commitment to tackle obesity.

Although we are doing many positive and welcome things that have improved our health, we have, as a society, tilted the balance away from actions that promote good health. We have created an environment and a lifestyle that we all enjoy but which makes it inevitable that obesity will grow as a problem. We need to tackle that as a society, which requires people to change their lifestyles and their habits. The role of Government is to make that as easy as possible, to support the good initiatives and, in particular, to get an early start by supporting our children. We must reposition the balance to ensure that the impact of our actions at least goes in the right direction, and of course we have to monitor that. I am happy also to accept the Liberal Democrat amendment and its recommendation that we measure improvements.

We are committed to change. We are committed to tackling obesity, and work has begun to identify the actions that we must take if we are to do that. We want to engage with our key partners in the next few months to discuss the shifting of the balance. I hope that we will get contributions not just from members who are in the chamber today but from the cross-party group on obesity and beyond.

I move,

That the Parliament welcomes the commitment of the Scottish Government to tackle obesity as highlighted in the recent publication, *Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity*, and further welcomes the £56 million over the next three years, which the Scottish Government has made available to build on the existing good work in support of the Scottish Diet Action Plan and the National Physical Activity Strategy as outlined in the action plan.

15:10

Margaret Curran (Glasgow Baillieston) (Lab):

I thank the minister for accepting our amendment, which I will mention later in my speech. I am terribly conscious that, when we speak in such debates, we are tempted to make sure that we breathe in properly. Perhaps we are all conscious of our own failings in this field. I promise that I will be eating properly next time I am seen in the canteen.

Shona Robison was right to say that tackling obesity is an important national priority and a challenge for us all. In recent years, we have become much more aware of the scale and depth of the challenge that we face in Scotland. I am sure that we were all shocked to learn that Scotland is placed second in the world—we come second to the United States—in the obesity league. It was a revelation to me when I learned the stark reality of the situation. We must pay serious attention to that.

People throughout the western world have also been shocked by the growing realisation that we could be the first generation that lives longer than the generation that follows it. That is a wake-up call for us to think about our priorities and the way in which we live.

Like other members, I received a briefing from the British Medical Association, which contains some startling statistics. One in five primary school children is overweight. Some 8.5 per cent are obese and 4.3 per cent are seriously obese. Those are serious challenges. The familiar pattern is that the highest levels of obesity occur in deprived areas—my colleague Elaine Smith will comment on that in depth in her speech, with her customary dedication to the issue. As the minister said, the consequences of the current and projected levels of obesity in Scotland are severe. Each day, 40 people are diagnosed with type 2 diabetes. The BMA goes on to tell us about the concerning implications for levels of heart disease, osteoarthritis and some cancers, alongside which are the consequences for self-esteem, mental health and depression.

The minister was right to highlight that, on the one hand, we are making great progress with some of the big killers and some of our big traditional health challenges, but that, on the other, we have a growing time bomb. Dean Marshall from the BMA said that we are in danger of raising a generation of children who are burdened with long-term chronic conditions. That will have enormous consequences for the way in which we run and resource our health service. It is indeed a wake-up call.

I put on record Labour's support for the Government's work on the issue, which, it is acknowledged, is a continuation of the previous Executive's work. It is proper that we focus on children and place a particular emphasis on work with them.

Labour lodged its amendment because we want to be clear about the specific commitments that the Government made and ensure that we get progress on them. There is no doubt that there is consensus in the chamber about the scale of the problem and the need to take decisive, comprehensive action in a range of fields. Later in my speech, I will focus on the action that we need to take and the partnership that we need to create to sustain an attack on obesity but, before I do so, I ask the minister to clarify some points when she replies to the debate. I am not sure whether she was telling us that pregnant women in Scotland will get free fruit and that an announcement will be made about that. When will the two hours of PE every week in Scottish schools and the five days of outdoor education be implemented?

Finally, we learned during yesterday's debate on the programme for government that we are soon to receive a report on the free school meals pilot. I wonder whether the minister could give some more details on that. Scotland has properly been recognised as leading the field in nutrition in schools, and we would always want to follow up developments in that agenda.

We need to develop our thinking about how we address issues of obesity, nutrition and exercise in our culture. There is, for example, an interesting debate to be had about the state's role in that respect. I understand that the Conservatives are having an interesting debate—I use that word loosely, of course—about nudge politics, and I would be interested in hearing more about that. I am not necessarily talking about the nanny state or, indeed, the neglectful state, but I believe that there is a role—and some support—for Government action as well as individual responsibility on this issue. The Parliament needs to have that debate if we want to create the policies and strategies that will help us to meet these challenges.

Margo MacDonald (Lothians) (Ind): Will the front-bench spokesperson tell us where Labour stands on the question of this kind of harm being self-inflicted? She listed the possible conditions and diseases that can be caused—at least in part—by obesity. However, in some quarters, it is felt that such conditions are self-inflicted, which might have implications for the delivery of health services.

Margaret Curran: I do not think that we have passed a policy on that subject at our party conference, but I can certainly give the member my reaction to such a view. I am sure that other colleagues will comment on it.

I would not want to subscribe to any national health service policy that put a red line through someone's ability to get treatment simply because of their past or present behaviour. The explanations as to why certain people behave the way they do are simply too complex. I do not think that a policy that seeks to level blame at certain people or, indeed, areas and to withdraw services or resources from them is the proper way forward or helps us to challenge the problem.

Margo MacDonald: Does that apply to Frank McAveety and his pies?

Margaret Curran: I will let Frank McAveety speak for himself on that matter.

Mr Frank McAveety (Glasgow Shettleston) (Lab): I have six minutes to fill.

The Deputy Presiding Officer: Order.

Margaret Curran: I am sure that Mr McAveety will respond to Margo MacDonald's point—and in a most entertaining way.

That said, at the heart of Margo MacDonald's question lies a very serious point, which we are just beginning to debate, about the role of personal responsibility and, indeed, how we might facilitate that. After all, the Government cannot substitute for the individual or the family; it is too much to expect it to be mother. However, we can support people in taking responsibility, and I certainly think that many of us in the chamber would want to have that debate. In any event, we need to create a partnership in Scotland to develop a sustained response to obesity that involves different tiers of government, families and communities and which supports not only individuals but the contribution of the voluntary sector.

I know that, at a UK level, work has been carried out with retailers to help us to come to a much better understanding of the food that we buy and eat and to ensure that we have much better information on which to make informed choices. Such an approach might allow us to shake off some of our past guilt about eating the wrong food or feeding the wrong food to our families. I have to say, though, that, as someone who rarely makes a meal, I cannot claim any responsibility in that respect.

The point is that many families live busy, pressurised lives and need to be empowered to make the right choices. In that respect, I welcome the UK Government's work with the Food Standards Agency, which is examining the three types of food labelling and is making retailers aware of their responsibility to provide clear and accessible nutrition information. There is a growing demand for information to allow us to make decisions on these matters.

There has also been progress on children's advertising. The UK Government has introduced regulations limiting television advertising of food and drink to children, and the effects of that legislation are being monitored. However, I feel that we could go much further. We could, for example, ensure that our young people receive proper information and are not manipulated into eating food that is not healthy for them. We should look to places such as New York, where interesting work is being done on providing information on calories in restaurants and making people aware of what they are eating and on the issue of trans fats in foods. We should be prepared to broaden our horizons.

As members might expect me to say, we should also consider community organisations, which play a vital role in ensuring that people get access to good food, particularly in deprived communities. A

food co-operative in Cranhill in my constituency makes an enormous difference and has provided all sorts of opportunities for people to eat healthily.

I think that the Presiding Officer is going to encourage me to wind up. However, I would like to say just a bit more, if I am allowed—I am looking benevolently at the Presiding Officer. As the minister said, we need to think again about our whole approach to exercise and activity. A lot of good work on these issues is going on and there is a whole community infrastructure for walking clubs and keep-fit classes, but we need to do much more.

We need to ensure that we properly resource the health service to meet this challenge. We need to properly resource community organisations and the voluntary sector, given the vital contribution that they make. However, the Government also has an enormous responsibility to raise awareness and change the culture. There is a shared agenda about that throughout the chamber. We all have to step up and realise the scale of the obesity time bomb. Just behind the United States in the world league table is not a good place for us to be.

I move amendment S3M-2481.2, to insert at end:

“and calls on the Scottish Government to bring forward to the Parliament details on how it intends to meet its commitment to two hours per week PE tuition in schools by specialist teachers and guarantee five days' outdoor education for every school pupil.”

15:21

Ross Finnie (West of Scotland) (LD): It is not clear to me that the minister's message has even percolated the corridors of this very Parliament. I was somewhat taken aback to observe in the canteen at lunch time, on the day we are debating the important subject of obesity, several members—I hasten to add that they did not include Frank McAveety—tucking into Scotch pie and chips. That might just be indicative of the culture change that needs to be effected if we are to overcome the problem of obesity.

It would be churlish of me not to welcome, on behalf of the Liberal Democrats, the publication of “Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity (2008-2011)” and the additional funding that is being directed to the programme. I, like Margaret Curran, am pleased that the minister acknowledged in her opening speech the good work that the previous Administration did in this field.

I wholly agree with Margaret Curran that the background in the BMA report makes for very grim reading indeed—I do not need to rehearse the statistics it contains. The sad thing is that—as

usual—obesity is most prevalent among people from deprived backgrounds; it simply adds to the litany of health inequalities. That was certainly proved by the recent review of the Scottish diet action plan, which

“highlighted that progress was uneven and that the effect of inequalities on achieving population level impact had been”—

significantly—

“underestimated.”

That is a sad additional factor.

There is no argument in the chamber about the need for more healthy living; the debate centres not on the need, but on which interventions are likely to be most effective.

In the time available to me, I will concentrate on the aspects of the plan that are most applicable to young people. I will not deal with young infants; I see sitting at the back of the chamber a Labour member whose real interest in that matter I would not attempt to compete with.

I am pleased to see that we are going to build on the hungry for success school meals programme, which has already increased substantially the nutritional quality of school meals. It is also good to see that health boards will progress the healthy weight intervention programmes. More important is the way in which the Government will try to align food policy, food production and nutritional standards.

One disappointing feature—albeit it is not wholly within the responsibility of the Minister for Public Health—which the BMA highlighted, concerns the importance of good food labelling in informing the consumer about the choices they make. The Food Standards Agency recommends a traffic lights approach. It is disappointing that the two major sets of supermarkets have divided into rival camps and are attempting to justify that in their literature and claiming that their system is better than the other one. It might be better if they considered the interests of the individual consumer rather than believed that competition in their approaches will bring about a healthier result. If the minister is engaged with representatives of the retail trade, in particular the Scottish Retail Consortium, I hope that she might put that point to them forcefully. The excellent work that is being done across the board is being diminished by that type of competition.

We welcome the progressing of the keep well programme, the continuing development of the active schools programme, dance in schools and the provision in the curriculum for excellence of two hours of good-quality physical education.

We have two points to make in relation to schools and school-age children. First, we all

understand the point, which is made by some educationists, that it is difficult to fit the recommended time for physical education into an already crowded curriculum. Liberal Democrats believe that we have now reached a critical point, as Margaret Curran outlined with reference to the statistics. In relation to obesity, we must win round all those who are engaged in education, both primary and secondary, to the view that we simply will not improve educational attainment unless we give priority to tackling obesity. People simply must understand that.

We have hard choices to make. If we are to make space in the curriculum, something has to go. We should not be prescriptive about that, and we must consider the individual circumstances of individual schools, but we must force people to come to a choice; we cannot go on saying that we will make people achieve more if we admit that their lack of physical ability is impairing their ability to absorb what they are taught in the classroom.

We need to draw a distinction between programmes that are designed to ensure that young people take an appropriate amount of exercise and programmes that are designed to introduce young people to sport. For many people today, the programmes might be the same but, in the current circumstances, too many young people recoil from engaging in sport because their basic level of fitness makes it a wholly unappealing prospect. The corollary is that if we separate sport and fitness, we might, at a later stage, attract more young people into sport once they have reached a level of fitness that makes the prospect of engaging in a sport less daunting.

The development of dance in schools is a step in the right direction, but we need more options to make engaging in physical activity attractive to young people. We would be interested if the minister, in winding up, could indicate whether she accepts the distinction that I have just made, and whether, in developing the obesity action plan, she will draw that distinction in a way that makes sense if we are to improve people's level of activity. Subject to that distinction being taken on board, it follows that we will support the Labour amendment, which the minister has already accepted.

I am grateful to the minister for indicating her support for our amendment, the intention of which is to close what I thought was an unfortunate omission in the action plan. The plan sets out logically the statistical basis for its programme, but although it covers “Delivery and Evaluating Success”, I do not believe—with respect—that it sets out how that success can be measured. The Liberal Democrat amendment remedies that deficiency by requiring that annual progress be measured and reported on by reference to the

very measurements that are set out in the report, which provide the basis for suggesting that we have a problem with obesity. If that is a sufficient basis for acknowledging that we have the problem, I am glad that the minister accepts that it is also a good basis on which to gauge whether the obesity action plan makes progress.

I have pleasure in moving amendment S3M-2481.1, to insert at end:

“and believes that progress in tackling obesity should be assessed and reported on a regular basis according to the 10 measurements set out in chapter two of the action plan.”

15:30

Mary Scanlon (Highlands and Islands) (Con):

I welcome this debate on the obesity action plan. My colleague and I sincerely hope that the Liberal Democrats will not make the eating of Scotch pies a criminal offence in future.

Ross Finnie: We are too liberal to do that.

Mary Scanlon: Indeed. I thank the minister for attending the reception on obesity that I hosted in the garden lobby in June, which, as she said, showed that there is not just tremendous good will, commitment and interest throughout Scotland but a willingness to engage with the Parliament on the issue. I put on record Nigel Don's work in setting up the cross-party group on obesity. I understand that he has an excellent adviser in his wife, who is a nutritionist.

We will support the Government's motion and the Labour Party and Liberal Democrat amendments. Although we might disagree on aspects of the implementation of the obesity action plan, we are supportive of the overall approach. As Murdo Fraser said yesterday, Scottish Conservatives will support the Government on issues that we consider are in the best interests of the people of Scotland. There is no doubt that obesity is a huge issue, so action to address it is in the best interests of people in Scotland.

I am delighted that Margaret Curran remains a member of the Scottish Parliament. Although she and I might disagree on political issues, I respect her political abilities. However, I regret the motion that she lodged on the comments that were made by Andrew Lansley, the Conservatives' shadow secretary of state for health—I regret having to say that, because I am bringing in a note that is not in tune with the rest of the debate, but I have a duty to address comments that have been made in condemnation of a member of my party. Conservatives know that health is truly devolved to the party in Scotland. We take no orders from our colleagues in Westminster—I appreciate that such a principle might be difficult for the Labour Party to comprehend. The only reference to Glasgow that

Andrew Lansley made in his speech was when he said:

“If spending on healthcare alone determined health outcomes, Glasgow would be the healthiest place in Britain and Wokingham the least healthy.”

Andrew Lansley's comments are in tune with points that members have made in this debate and the key point in the European Union white paper “A Strategy for Europe on Nutrition, Overweight and Obesity related health issues”, which is:

“the individual is ultimately responsible for his lifestyle, and that of his children”.

We agree with Margaret Curran that the Government has an enormous and crucial role to play, but Government activity can be successful only with the commitment of individuals. I suggest to Labour Party members that they respect devolution in relation to portfolios in Scotland and England and that they fully read speeches before they make ill-founded comments, particularly given that health and wealth inequalities grew during 10 years of Labour government at Westminster and Liberal-Labour coalition in Scotland.

Margaret Curran: I thank Mary Scanlon for her personal comments—I do not take her political points personally. Does she disassociate herself from comments that David Cameron has been making? Does she believe in the nudge politics that increasingly seem to be Conservative philosophy, or are nudge politics an England-only philosophy?

Mary Scanlon: I have taken the time to read speeches by David Cameron and Andrew Lansley, who have said nothing that is not in tune with what we are saying. Individuals need support. Members talked about the removal of cigarettes from visual displays, which might be a nudge policy, if the evidence that such an approach discourages people from smoking cigarettes stacks up. We have to be realistic.

In 1996, the Scottish Conservative health minister, James Douglas-Hamilton, launched the Scottish diet action plan. Had Labour ministers pursued the recommendations in that plan, the BMA figures that other members have highlighted might have been less concerning than they are. That is without mentioning the steadily rising cost to the national health service, which is £171 million a year, and the huge rises, to which others have referred, in the incidence of type 2 diabetes and other related conditions, particularly kidney failure, which increases day by day.

There is a need not just for attitudes to be changed, but for Government support and for equity of access to support and advice for weight management. As Margaret Curran said, Scotland is second only to America on obesity levels and has twice as many obese adults as Ireland. I am

sorry that Tavish Scott is not here; I do not believe the Dr Foster Research finding that Shetland has the highest level of obesity in Scotland. As a member for the Highlands and Islands, my impression is that Shetlanders take full advantage of the excellent health and fitness centres in their communities.

People who seek weight management support find it difficult to know what is available through the NHS, although I appreciate that the Scottish intercollegiate guidelines network guidelines are being updated. Is even a school nurse trained to identify and assist children who will have obesity problems? Does a system exist for a school nurse and a health visitor to work with a family? I have found no such system. I welcome what is happening—I disagree with little—but we need to know the pathways into help and support. When—whether at nursery school or another school—does someone say, “There is a problem here. You are likely to have additional health problems in the future. We would like to help”? There is no point in helping a five-year-old or 10-year-old child unless their family is helped, which is why the health visitor is crucial.

Margo MacDonald: The member asked whether a system exists whereby help can be accessed at community level. At the community health flats that have been established in Edinburgh, people can learn about diet, learn to cook and be helped. Islands of community activity can provide a template.

Mary Scanlon: Margaret Curran mentioned that many voluntary organisations and others throughout Scotland do sterling work.

The action plan is unclear about the independent sector's role in addressing obesity and about slimming on referral from general practitioners, which has proved successful elsewhere.

As Ross Finnie said, we need a single labelling system that is clearly presented and clearly understood. When I go shopping, I find it difficult to comprehend whether so many grams of sugar, salt or fat are good or bad, when the next label describes the percentage of the recommended daily allowance. I have to think whether 6 per cent is 6g and how much of my daily allowance that is. Even if people want to buy nutritious food, that is not easy. I associate myself with Ross Finnie's comments. Clear and standardised labelling on alcoholic drinks is also essential, as most people in Scotland are responsible drinkers.

The Conservatives would like to hear the Government's response to our outdoor education policy, which would entitle every pupil to a week's residential course in outdoor education between primary 7 and secondary 3. We appreciate that

that would not be the answer in itself, but it would at least be an introduction to the great outdoors that it is hoped would encourage more outdoor involvement in adulthood. We hope that a future review will address that.

If someone asked me how to access advice and support for weight management, I would have to say, “Visit your GP. Beyond that, the rest is uncertain.” Even with an action plan and an extra spend of £40 million, what individuals are entitled to through the NHS is not entirely clear. I ask the minister to work more closely with GPs to ensure that all those who face health risks because of obesity are aware of and can access weight management services in their locality.

15:40

Nigel Don (North East Scotland) (SNP): I welcome the report.

It has been interesting to listen to members' speeches, given the wide nature of the debate. We can all talk about different things and still leave cracks between what we are saying. As usual, I will try to pick on areas that have not been discussed thus far.

The cross-party group on obesity has been mentioned. I am grateful to the members who enabled it to be established. Mentioning it gives me an opportunity to plug the next meeting on 17 September at 6 pm, when some professionals will give their responses to the report.

Although we face many problems, the issue is not the numbers, but the trends. We can discuss levels of obesity and what it is to be overweight, but the worrying bit is not those numbers but the fact that every trend is an upward trend. I attended a presentation by a respected figure in the health world who said that there is no earthly reason why all the graphs should not reach 80 or 90 per cent in a couple of generations. If all our grandchildren's generation reach 70-odd, they could all be obese. That is where the trends are going; we are not immune to them.

We all recognise that the problem is one for society. There has been some interesting banter about individual responsibility, which is undeniably a factor, but it is clear that even an individual with the best of intentions can have a problem with weight gain.

One issue that we have to address, which the report does not really highlight, is the commercial world—the suppliers and manufacturers. We are bombarded with adverts to buy foodstuffs, particularly high-density foods that we probably do not need to eat. An Olympic swimmer who swims 50 miles a day or an Olympic cyclist who cycles the equivalent of halfway round the Himalayas

each day can burn off the calories that they consume, but most of us simply do not need a diet that is high in calories.

Today, I walked to the Parliament, as I always do. It takes about a quarter of an hour. During the day, I walk around the building, which—as members know—is not that far at all. I also walked up the stairs to the fifth floor of the MSP block three—perhaps four—times today, which I suspect is considerably more than most members have done. At the end of the day, I hope to walk to the station and I will walk from the railway station in Aberdeen to my home. Overall, I think that that adds up to about three quarters of an hour's exercise.

If time allowed, I would read an article from *Obesity Reviews* in its entirety, but I have time only to quote briefly. It says that

"There is compelling evidence that prevention of weight regain in formerly obese individuals requires 60-90 minutes of moderate intensity activity",

such as walking, but that

"Although definitive data are lacking, it seems likely that moderate intensity activity of approximately 45 to 60 minutes per day ... is required to prevent the transition to overweight or obesity."

In other words, that is what is required of us all if we do not want to become overweight, never mind obese. As I have outlined my exercise regime today, members can see that I will struggle to achieve that target. If that is the case for someone who likes walking, as I do, the extent of the problem is clear. We are going to have to change the way in which we live and work.

I will now consider why we put on weight. An article in *The Medical Journal of Australia* talks about people's average weight gain during their lifetime:

"The current rates of weight gain, varying perhaps from 0.5 to 2kg/year in the very susceptible, amount to about 10-40kcal ... in the average daily discrepancy between input and output"—

in other words, a small additional energy turnover is involved—

"However, we need to walk briskly for 80-90 minutes daily ... about 350 kcal"

to maintain a healthy balance.

The disparity between the two numbers—the 350 kilocalories-worth of exercise and the approximately 20 kilocalories-worth of fat that someone puts on—relates to the fact that, when we overeat, most of the foodstuffs are not absorbed. It is only a small amount of the overabsorption that leads to weight gain over a period of time. When we understand that, we begin to realise how difficult it is to stop it happening. The little bit that we absorb needs to

be countered by a very large amount not going in—in other words, we are all overeating quite significantly. To make a difference, so that we do not put on weight, we must eat a lot less. I suspect that, by and large, people do not appreciate that problem.

As always, time is against me, but I will raise one other issue. I ask the minister to be prepared to put some money into science. I am sure that the counterweight programme is well intentioned and has produced good results, but if we are to roll it or anything else out on a large scale, we must do some longitudinal research. It is easy for any intervention to have an effect over a year or two, but 10 years later we may find that it has made precious little total difference. That does not mean that the intervention is of no value, because it will have improved life in the trough, but there is a risk that we will institute measures that do not have long-term benefits. We should concentrate on interventions that have long-term benefits; we will find out whether they have such benefits only by supporting good science.

15:46

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in this afternoon's debate on the obesity action plan. It is an important debate, given the scale of the issue in Scotland. We live in a country in which people who are obese have an 18 per cent greater chance of ending up hospitalised. Forty-seven per cent of cases of type 2 diabetes can be attributed to obesity. As has been mentioned, 21 per cent of primary 1 schoolchildren are overweight. In addition, obesity doubles the probability of sight loss. I welcome this afternoon's debate, which is a serious attempt to look at those serious problems.

I welcome the action plan, which builds on some of the work of the previous Executive, including the 2006 diet action plan and the hungry for success initiative. A key part of the plan is to look at the work that takes place in schools and early years. There is a big job to be done to ensure that young people choose fresh fruit over fast food. Many positive initiatives are in place throughout Scotland. In my constituency, the Rutherglen and Cambuslang community health initiative does a great deal of work to promote healthy eating. St Andrew's Hospice, which does a great deal of work with Lanarkshire schools to promote healthy living and eating, has a stall in the garden lobby.

It is critical that there is a healthy environment and promotion of healthy living in the workplace, because that feeds into successful local authorities and successful businesses and has an impact on the economy and the health service. Yesterday we heard a great deal about economic growth, but for that we need a healthy Scotland

and a healthy workforce. We also want to reduce the strain on the NHS and, in the longer term, to use funds for more positive programmes.

I highlight the work that is being done with older people. People are starting to live longer and, as Margaret Curran indicated, we want that to continue. If people's minds and bodies are agile and fit, they can remain well when they are older. We should build on the success of the recent Olympics and use sport as a catalyst for encouraging healthy living and fitness activity. The action plan indicates that the incidence of walking has increased from 39 to 46 per cent, but we must do much better than that. The 2014 Commonwealth games and the 2012 Olympics can help us to promote many more fitness programmes throughout Scotland.

As the action plan says, there is a link between social deprivation and obesity, particularly among women. That is why it is important to get the allocation of primary care resources and health professionals throughout Scotland right. There are 34 GPs in Cambuslang and Rutherglen, with a population of 55,500, but 42 GPs in Livingston, which has a population of 52,000—and a longer life expectancy. If we are going to tackle obesity, some thought must be given to how we allocate resources and health professionals.

I welcome the action plan, but the SNP should consider some wider issues. For example, health spending is growing at 4 per cent in England and Wales and at 1.5 per cent in Scotland. Further, although the SNP manifesto mentions free access to swimming pools and health checks for the over-40s, neither of those policies has been taken up. There is concern that the school building programme is grinding to a halt when 33 per cent of schools are in need of attention. If we want schoolchildren to have two hours of physical education and to meet the target, we need gymnasiums that are fit for purpose. We therefore need to take forward a schools modernisation programme.

This has been an important debate. I welcome the publication of the action plan, but to tackle obesity the SNP Administration must consider wider policy priorities.

15:52

Michael Matheson (Falkirk West) (SNP): There is no doubt that the problem of obesity has become more widely recognised in recent years, but I am not convinced that the scale and nature of the problem and its long-term implications for our nation have been fully understood.

As others have done, I welcome the action plan, which builds on the work of the previous Executive. The additional £40 million for the action

plan over the next three years will help to ensure that it is delivered effectively. What is particularly important about the action plan is that it acknowledges the balance between the dietary aspects that contribute to obesity and the role of physical activity in tackling the problem. Like Nigel Don, I think that it is important that in addition to considering the stark figures for the number of people who are obese in Scotland, we should be concerned about the trend, and the fact that the figures demonstrate that the number of obese people in Scotland is increasing.

Some members have referred to the fact that Scotland is often quoted as being second only to the United States of America when it comes to obesity levels. There has been research that challenges that, but I will come back to that later. In any case, we accept that Scotland is up there among the top group of countries when it comes to obesity levels.

The long-term implications for our nation are considerable. I suspect that it is hard to provide a definitive figure for the cost of obesity to the NHS and society as a whole—I have seen estimates of between £150 million to £200 million a year. What are clear, though, are the health costs of obesity: 47 per cent of cases of type 2 diabetes can be attributed to obesity, 29 per cent of cases of colonic cancer, 13 per cent of cases of ovarian cancer, 15 per cent of cases of angina, 36 per cent of cases of hypertension, 15 per cent of cases of gallstones, and 47 per cent of cases of gout can be attributed to it. That illustrates the extent of the problem. We should couple those figures with the figures that other members have mentioned on the young people coming into primary schools who are already clinically or even severely obese.

We must have a strategy and an action plan to tackle the problem effectively. The action plan must not be seen in isolation, so I welcome what the minister said about that. The issue is not simply to do with health and it is not simply to do with physical activity—clear social and economic issues also arise. Plenty of research has demonstrated that the incidence of obesity is greater in areas of higher deprivation. The action plan must therefore be seen as part of an overall plan for addressing deprivation and health inequalities in society. In her closing remarks, I hope that the minister will address that in slightly more detail and show how the action plan will fit into the bigger picture.

I said that we are often described as being second only to the USA when it comes to levels of obesity. However, some research challenges that view: Greece, Malta, Kuwait and the gulf states all have higher levels of clinical obesity than we have. We should concentrate on measuring the extent of

our problem against that of neighbouring countries such as Norway, Italy, France and the Netherlands. In those countries, obesity levels are on average less than 15 per cent, which must lead to the question: what exactly are they doing right that we are not? If we look behind the statistics, we might think that people in those countries must be more physically active, but research shows that people in those countries are not much more physically active than we are. A considerable body of evidence—from Mike Lean, for example—demonstrates that the problem is largely to do with what we put in our mouths.

In the past, I have thought that the focus of the debate on obesity has been on physical activity. The action plan acknowledges that it has. Much of the debate has been about sedentary lifestyles being the major contributor to obesity. However, recent research from the University of Aberdeen clearly highlights the fact that the level of calories that we burn off in physical activity has not really changed in the past 20 years, although levels of obesity have continued to increase. Work by Professor John Reilly at the University of Glasgow also highlights the point that physical activity plays only a small part in tackling obesity.

I hope that, in the future, the focus will be more on changing people's eating habits. Labelling has a big part to play. If someone goes into Boots and buys a sandwich, they have the traffic-light system, which is easy to understand, but Marks and Spencer does not have that system, and people can get lost in the gobbledegook as they try to work out whether something is good for them or not. We have to get a clearer message across to people on what is healthy and what is not.

15:58

Elaine Smith (Coatbridge and Chryston) (Lab): Dorothy Parker once famously opined that

"You can't be too rich or too thin."

I mention that to highlight the point that being thin can be associated with a person's status in society. People in the public eye strive to be slim. It is fairly common for overweight and obese children to be bullied over their weight; likewise, society can portray obese adults as being gluttonous. We might therefore think, as being thin is such an aspiration and being fat is held in such disdain, that we as a nation would be predominantly slim and trim. We know, however, that that is not true.

Currently, one in two adults is sufficiently overweight for it potentially to harm their health. It is estimated that, by 2010, 28 per cent of women and 33 per cent of men in the United Kingdom will be obese. In Scotland last year, 21 per cent of primary 1 children were overweight.

As we have heard, the issue is complicated, but because of the associated health risks the issue might be one of the most important that this Parliament tackles. Taking the right action will literally save lives.

I return to a point that was made earlier: obesity is sometimes genetic; it is sometimes due to medical conditions; and it is sometimes due to inability to take exercise. It is also possible that obesity is due to overindulgence in this instant-gratification society in which unhealthy food choices are readily available, along with—as the minister mentioned earlier—sedentary lifestyles and jobs. Whatever the reason, people should be accepted as they are. They should be able to access the same services as everyone else and not suffer discrimination. Nevertheless, there must be increased awareness of the fact that certain life-threatening conditions can accompany obesity, such as diabetes, cardiovascular disease and some cancers. Therefore, obesity must be tackled for the sake of the individuals concerned, for the health service and for the good of society as a whole.

Before we can successfully begin to reduce the growth in obesity, we need to understand the reasons behind it, which are multifaceted. Although obesity is a complex condition that can affect all socioeconomic groups, it is nonetheless a class issue in that the most seriously obese people are poor. The BMA tells us that the highest numbers of overweight, obese and severely obese children in Scotland are found in the most deprived areas, and that the opposite is the case, with the least deprived areas having the lowest levels of childhood obesity. It is unacceptable that Andrew Lansley, the Tory shadow health secretary, said last week that there are no excuses for being obese. I note what Mary Scanlon said earlier, and I commend her for her work on the issue. However, not all individuals are wholly responsible for their obesity; therefore, we need a societal approach to tackling the problem, as Michael Matheson just said.

The Foresight report highlights the need to tackle the growing obesity trend coherently and comprehensively. It points out that we live in an "obesogenic" environment. The factors include a lack of green space and safe areas for children to play in, budget constraints that mean that food is selected on the basis of cost rather than quality, and cynical marketing by supermarkets that promote two-for-one and buy-one-get-one-free deals that are designed to make profits on edible goods that have little nutritional value.

"The Scottish Health Survey 2003" tells us that there is a marked difference between the diets of people in affluent and deprived areas: for example, women in the least deprived areas are

twice as likely as women in the most deprived areas to eat the recommended five portions a day of fruit and vegetables. Obviously, cost plays a part in that, and some people have limited choices.

The fast-food industry targets children with its advertising for high-fat, low-nutrition sugary offerings that I am loth to call food. Indeed, some fast-food joints should carry a health warning. Also, the highly addictive nature of sugar should be noted, as young children have a propensity to get hooked from an early age.

The action plan is to be welcomed today, especially for its recognition of the fact that a range of partners must work to tackle obesity. The minister stated that work across Government is necessary. I would be interested to hear, in the minister's summing up, a further breakdown of the welcome extra money—the £56 million. What other funding will be available from other portfolios, and what will that be for? Although the money, which has been increased, is welcome, it does not seem to be a huge amount to make available over three years to tackle an epidemic, especially given the fact that the cost of obesity to the NHS was £171 million in 2003.

The SNP's manifesto pledge to provide free fruit to pregnant women and to children in pre-school establishments seems to have been replaced with broad-parameter guidance to NHS boards. What checks will be made on funding for that? Perhaps the Liberal Democrat amendment would sort that out.

I also welcome the mention of breastfeeding, which, it is widely accepted, helps to establish healthy eating patterns from an early age and might have an effect on the propensity to become obese. The rate of breastfeeding is lower in deprived areas. My own piece of legislation, the Breastfeeding etc (Scotland) Act 2005, is cited as an example of the way in which Scotland is leading the way in breastfeeding support. I would like to know more about the funding that is being targeted to increase breastfeeding rates and whether the new target of 32.7 per cent means that the Government has given up on the previous target of 50 per cent. I am interested to know whether breastfeeding will feature on the curriculum in schools, as I think it should and must if we are to make a difference to future choices.

On page 20 of the action plan, mention is made of increasing access to healthier food. Does that mean that there will be more funding for food co-ops? On page 38, we are told that car dependence will be reduced by various methods, but I do not see anything about buses.

The action plan is welcome. As has been said, much of it builds on previous initiatives. However,

the most important issue is that we acknowledge that the obesity epidemic must be tackled through joined-up social and economic policies that also tackle poverty and inequality. In an article entitled "Inequality is fattening", Polly Toynbee writes that

"the narrower the status and income gap between high and low, the narrower the waistbands."

She concludes that

"only a genuine drive towards a society that doesn't leave out a quarter of its citizens will send the bathroom scales tipping in the right direction."

16:05

Margo MacDonald (Lothians) (Ind): I was a bit put off at the start of the debate when a skinny malink like Margaret Curran said that she was drawing in her breath—I thought, "Heaven help the rest of us who live in the fatty puff world."

I commend the minister for the general sweep of the obesity action plan. I agree with it and it is fine. If I appear to be too critical, I apologise in advance.

The most impressive speeches—apart from that of Nigel Don, who obviously knows what he is talking about—came from Elaine Smith and Michael Matheson, who put their finger on it. The issue is about poverty and inequality; it is not just about some folk being fat and some being thin. We must change social attitudes and the division of the good things in society—I do not just mean cream cakes.

I suggested to the minister years ago—I think in the first session of Parliament; she looked at me askance when I made the suggestion—that if we were serious about the issue, we would think about taxing salt, sugar and fat content in foods when it went above recommended guidelines. I am serious about that. If we want genuinely to give people a choice, we should ensure that products are on a level playing field and that cheaper food is not the food with the high salt, sugar and fat content.

I do not know whether, like me, the minister uses her local public baths. They all have vending machines because they have to eke out their incomes. What is in the vending machines? There are Mars bars and everything else that is great—we do not need to know the salt, fat and sugar content to know what they will do to us. Why on earth are vending machines like that still in schools? They are not in all schools and not in all local authorities, but they are in some public buildings such as swimming baths and leisure centres. The vending machines have lethal food in them that is very easy for someone to reach for as soon as they have finished terrific physical activity.

We should not beat ourselves up about it. We should instead measure how successful the penetration of companies such as McDonald's and the sweet makers has been. When Rebecca Adlington won her second fantastic gold medal and smashed the world record, she was asked what she was going to do and she said, "I am going for a McDonald's." All these folk say that we want athletes to be beacons of hope and the best examples to young people so that they will not eat such food, but that is what she thought was the biggest treat she could possibly get after pulling off such a fantastic feat.

Another issue is cookery classes in schools. In a previous session of Parliament I asked questions about that and told the education minister that we should try to teach the healthy lifestyle in respect of physical education and nutrition in a collegiate way, and that physical education should not just be about physical jerks. Physical education is also about what we eat and how our bodies process what we eat. People have to know about cooking and there have to be what used to be called home economics teachers—I do not know what they are now called in schools, but I know that there are not enough of them. When I checked how many are in training, I discovered that in the year prior to the one in which I made my inquiries 11 had graduated in Scotland. The subject has fallen out of the curriculum.

Ross Finnie said that physical activity should replace some topics in the curriculum. It will be hard to persuade parents that that should happen, but if we are serious, it has to happen. We will also have to start teaching pupils about nutrition and cooking in schools, because there is now a generational gap. It is no longer someone's grannie who can tell them how to make a pot of soup or a pot of mince; they have to go to their great-grannie to find someone who did that, because their grannie was probably out working all the hours that God sent to take part in the new economy and so did not have time to cook like that.

When Mary Scanlon talked about regaining skills and informing people about good eating, I instanced the community health flats that have been established in Edinburgh. We were absolutely adamant that nutritional advice should be on hand in those flats, particularly for very young mothers. That can be done quite easily.

On physical activity, people talk airily about two hours of good-quality physical education. I ask them to define good quality. We need well-trained specialist teachers, good facilities and an acceptance on the part of schools that PE is part of holistic education. However, that does not happen.

Nigel Don was absolutely right when he talked about trends. Do not look at the figures and spend time working out that we are the second-fattest country after the United States of America. Instead, look at what is happening in the Mediterranean countries, which were previously held up as ideal places in terms of diet and fitness. They now have exactly the same problems we have because the big food manufacturers are packing the same rotten food into those people. Many recipes in Portugal and France now end with "ping", because the folk who normally did the cooking in the house are out working.

We have to address the big changes that have taken place in the past 20 or 30 years.

16:12

Ian McKee (Lothians) (SNP): Obesity has not always been considered undesirable. The ladies who were portrayed by Rubens were almost always well endowed and in many cultures in the past, excess fat has been seen as a sign of affluence or even of benevolence. As Shakespeare's Julius Caesar said,

"Let me have men about me that are fat,

...

Yond' Cassius has a lean and hungry look;
He thinks too much: such men are dangerous."

Of course, he was right. Very soon, his old pal Cassius had the knives out for him—literally. It is perhaps good for present-day political leaders—including some members in this chamber—that stealthy political assassinations are today conducted by words rather than swords.

The reason why no one worried about the diseases of old age, for which obesity is partially responsible, was because average life expectancy until comparatively few years ago was half what it is today. The "eat, drink and be merry" policy did no one much harm because the chances were that they would die of other causes before paying the price.

However, today, things are different. I will not rehearse the figures that have been presented to us by the minister and others: suffice it to say that we all agree that there are too many obese people in Scotland and that their health will suffer as a result of their obesity. Consequently, they will place a great burden on not only themselves, but on their families and society as a whole, and they will make increased demands on an already hard-pressed national health service. Where there is potential for disagreement is around the question of what to do about it.

Some in this chamber and in Westminster hold that the solution is in people's own hands—or, more specifically, their mouths. They say that fat people are fat because they eat too much and

exercise too little and they say that the individual alone can redress that situation. Up to a point, they can. What we cannot deny is that many obese people are products of an education system and a society in general that has grievously let them down.

Take eating habits, for example. I know people for whom convenience food is eating a pizza from a takeaway, and home cooking is microwaving a frozen pizza from Iceland. They certainly have not been taught basic cooking skills at school, as Margo MacDonald said. However, we cannot blame their parents—or parent, as is often the case—because they will have had no such training, either. The steep decline in the average person's ability to undertake basic cooking took place more than a generation ago.

Remedying that situation is not going to be easy—Margo MacDonald is spot on in her assessment. What is needed happens only sporadically at present: a demonstration of cooking skills in schools, using produce from local shops. I am delighted that the Government will sponsor such activities—it is a good start—but I am also pleased that there are plans to help adults because, after all, it is in their kitchens that the skills to be learned by their children will be employed.

Cooking demonstrations in shopping centres, community flats and other places where adults gather will help. The aroma of flavoursome food with the opportunity to take part in its preparation—I am salivating already—followed by a liberal tasting session could go a long way towards encouraging adults to prepare similar meals in their own homes, especially when they learn how much money they can save by utilising such skills. Getting people started is the challenge.

Then there is exercise—or, rather, the lack of it. Although eating a healthy diet is key to weight reduction, exercise can play a part and is beneficial in other ways. I am encouraged by Government plans to facilitate a wide variety of exercise activities including sport, dance, walking, cycling and jogging, and I look forward to learning about how the strategy progresses. However—I risk some unpopularity—I think that we should be careful about pinning too many hopes on the population health benefits of the forthcoming Olympic and Commonwealth games.

When Roman emperors, such as Julius Caesar, wanted to divert the public from complaining about increased taxes or deteriorating quality of amenity, they organised huge games. However, even those emperors shied away from claiming that a vigorous gladiatorial combat to the death in the arena would encourage the plebs to take more exercise. They were merely a diversion. Similarly, the games that we are organising are marvellous

for stimulating a form of chauvinistic patriotism—the “we can show Johnny Foreigner a thing or two” idea—but will the sight of a muscular athlete covering 100m in 9.6 seconds encourage us all to go jogging? Will the sight of Chris Hoy winning three gold medals get us cycling to work? Forget it.

I am tempted to argue that the billions and billions of pounds that we are spending on all aspects of those extravaganzas—the dedicated car routes in our cities for officials and the five-star hotel accommodation that we lavish on the men in suits—could be better spent on providing more community physical activity co-ordinators and exercise facilities in all communities. However, that is probably a debate for another occasion.

I congratulate the Government on making a start in the battle against obesity and wish it well in the endeavour.

16:17

Mr Frank McAveety (Glasgow Shettleston (Lab)): Having listened to Ian McKee, I am concerned—

The Deputy Presiding Officer (Trish Godman): Where is your microphone, Mr McAveety?

Mr McAveety: Sorry, Presiding Officer. I normally do not need one.

Having listened to Ian McKee, I worry about the vision that he identified. We could have Emperor Alexis of Caledonia by 2014, which is a deeply troubling prospect. I am also concerned by what I consider pie-ist remarks being made by various members in the chamber in the past 24 hours. I am thinking about setting up a Scottish pie association—SPA for short—just in case people need to recuperate.

My genuine request to the First Minister to compete for charity in a 100m sprint still stands. I look forward to Alex Salmond's response, and I am sure that a sprinting coach at the Riccarton training ground of his beloved Hearts could encourage him to get into reasonable shape.

Thankfully, most of us in politics have a fairly thick skin; otherwise our self-esteem would be damaged by some of the debates and comments made about individuals in our society who are overweight or obese. Much of it can be seen as fairly reasonable banter, but underneath there are some fundamental issues of concern.

This is the first time that Margaret Curran and I have had a chance to discuss how individuals and communities are portrayed since our experience in the recent by-election for the Westminster parliamentary seat of Glasgow East.

Reading through the press cuttings after the battle that we took part in, I saw that much of the language used portrayed people as individuals who would be able to sort out their own affairs if only they made more effort. I disagree with that. I understand the concerns that were raised by the Conservative spokesperson, but I think that there is an agenda at the top of the UK Conservative party to prepare us, as part of a longer-term strategy, for how the Tories would use public resources in future. They are trying to soften us up to the idea that the state—whether at local or national level or through the voluntary sector—can do nothing to make a real difference to people's lives and that, if only people would be more responsible, things would be much simpler and easier to deal with. I quite like that: those are the essential verities of the Tory party that I knew and loved in the past. David Cameron bravely visited for an hour and a half to give that lecture to the people of the east end before popping off back to the comfort of where he came from.

Mary Scanlon: David Cameron was warmly welcomed in the east end of Glasgow. That is more than can be said for Gordon Brown, who never even set foot in the constituency.

Mr McAveety: I remind the member that the individual who gave David Cameron a good welcome did so out of courtesy. However, that individual voted for the Labour candidate in the by-election, as he was once one of my election sub-agents.

I think that the language that is being used around the debate will unravel over the next few years.

The fundamental issue is what we do to tackle obesity. I welcome the minister's speech, much of which represented a continuation of the policy that the previous Executive engaged in over the past number of years. Perhaps the most positive contribution to the debate—I am not saying that other contributions were not positive—came from Michael Matheson, who combined a number of issues to challenge our understanding of the phenomenon, which is taking place not just in Scotland but across the developed world.

In considering how we deal with companies and organisations that sell packaged food, I do not think that a voluntary understanding is sufficient. We need to identify where we can intervene to address the issues surrounding products that are high in fat and in sugar. I hope that we can get some consistency on that issue across the parties.

The BMA report identified two issues, which Michael Matheson and others have emphasised. One is the quality of nutrition—particularly for youngsters in schools, where the quality of nutrition needs to be changed for the long term.

Combined with that, we need to promote different forms of exercise for people who have very active lifestyles and those whose lifestyles are changed at a different level. That point has been made by one or two members. Given that the economic cost—never mind the social and personal cost—will be too immense for future taxpayers, we have a responsibility here and now to try to address the issue.

Finally, I want to touch on what I think are the important issues for which the Government should take responsibility, although I recognise from yesterday's debates on policy formulation that, when things are going well, the First Minister and his Cabinet colleagues claim that that is due to their intervention. I believe that there are three areas on which we need to do much more work. First, we need to do much more on the commitment to PE in schools, provided by quality PE teachers. Secondly, we need a radical shift—I take some responsibility, having been a minister in some of the relevant portfolios—to ensure that we do much more to provide a range of quality sports facilities. Thirdly, and most important, we need to consider how our most disadvantaged communities can be helped to sustain a level of self-confidence that enables individuals to take personal responsibility, to which the Conservatives have alluded. We need to do that by working alongside agencies and organisations to make a real difference. If we do that, we might not have the statistics that, on current trends, will confront us in 2050.

In trying to address the issues, partnership at Scottish, UK and European levels will be required across a range of areas. That is the real challenge facing any Minister for Public Health.

16:24

Stuart McMillan (West of Scotland) (SNP): I appreciate that obesity is an issue that people do not like to talk about, but this afternoon's debate has been extremely interesting. Many valid points have been raised, especially by Nigel Don, whose speech I enjoyed, and by Frank McAveety.

I have no intention of reiterating all the points that have already been made, but I will touch on a couple. For many, obesity is a matter of embarrassment rather one that they do not care about. The obesity action plan that the Scottish Government launched in June is therefore a welcome step in tackling the problem in Scotland.

The action plan is a long-term practical strategy, and the most appropriate way to move forward. With £56 million of funding over the next three years, the SNP Government is helping to create a healthier Scotland. By tackling obesity in Scotland, we are striving to alleviate some of the strain on

the NHS caused by chronic illnesses and the associated costs of treating the consequences of obesity.

We have already heard that the estimated cost of obesity to the NHS in 2003 was £171 million, a sum that I am sure every member in the chamber agrees could be easily redistributed to other areas of the health service. It is a positive move, therefore, that the Government is devoting £19 million—nearly half the available resources—to the early years. We cannot ignore the importance of education in forming our opinions and mindset when it comes to a healthy lifestyle.

In my adult years, I have been careful about what I eat. I still enjoy a fish supper or a burger from time to time, but I have never succumbed to the joy of a deep-fried Mars bar or a deep-fried pizza in batter—the thought is quite revolting. In the run-up to becoming a father, I became even more aware about the food that my wife and I ate. That awareness has continued since then, as we want to ensure that we and our daughter are as healthy as we possibly can be.

The early years programme to improve the nutrition of women of childbearing age, pregnant women and children under five in disadvantaged areas will have longer-term benefits for people's health as well as the health of the NHS in Scotland. Improving nutrition and educating people about the benefits of healthier eating, particularly for pregnant women and children under five, will be successful in the longer term. By promoting healthy living from an early age, in relation to both alternative food choices and fitness options, we hope that the future of Scotland will be heading in the right direction.

A further curse of obesity is diabetes. Last night, I attended the launch of the "Scottish Vision Strategy"—the document that I have here—at the meeting of the cross-party group on visual impairment. Shona Robison and James Kelly were also there. The strategy has been developed by a wide alliance of health and social care bodies, voluntary organisations, eye care professionals, Government representatives and service users. I encourage all members in the chamber to obtain a copy of the document from the Royal National Institute of Blind People, because it is interesting reading. The strategy is important because diabetes can lead to sight loss. It states:

"our rate for type 1 or 2 diabetes is increasing by roughly 7% annually".

That is an alarming rate. Thankfully, following its eye care review, the Scottish Government has given £2.6 million to health boards and partners to implement the key recommendations. That will, I hope, catch anyone with diabetes at an earlier

stage, help them keep their sight and turn around their general health.

I mentioned the embarrassment of obesity. To be second in the world to the USA—to have a silver medal in obesity—is an embarrassment to Scotland, especially as we are a wealthy nation. The action plan is an opportunity to tackle the problem head on, and I am sure that there will be improvements in the future. Tackling obesity is a much wider issue, and has much greater benefits for people's wellbeing, than just getting someone to shed a few pounds, stones or kilos. The steps that the Government is taking are extremely welcome, and I fully endorse the obesity action plan.

16:28

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Today's debate has been of good quality and consensual; it is a good way to start the new term.

As a politician—I am sure that other members will share this experience—the one time when I lose weight in a big way is during elections. The trouble is that, between elections, I put it back on. As I walked up Dundas Street this morning, it occurred to me that I have put on weight over the summer—I was feeling it somewhat by the time I reached the top. That takes us back to Nigel Don's notion that we are not doing enough exercise. As an aside, the trouble is that, as I go down Dundas Street of an evening, there is a street called Henderson Row to the left, on which is a purveyor of fried fish and fried potatoes that I find difficult to pass.

Members: Shame.

Jamie Stone: Shame indeed. I share Mr McAveety's trouble on that front. That brings me to my colleague Ross Finnie's thoughts on the fact that what is required is a cultural change.

I thank the minister for her speech. I think that we all support her intention. If I understood her correctly, she acknowledges the foundation that the previous Executive put in place, on which the present Government is building. The first question that I pose to the minister is one that I have asked in the chamber many times before—I apologise to colleagues for that. We talk about getting two hours of PE in schools, but what about youngsters who loathe PE, as I did, and are naturally utterly unsporty and not PE-minded? The answer is walking, dance and other forms of exercise. I say to the minister that, although the matter is being addressed, she must watch out for the kids who fall through the gap.

Ross Finnie, like Michael Matheson, put his finger on the fact that there is a huge correlation

between areas of deprivation and the incidence of obesity. That must be recognised. Ross Finnie also mentioned the need for good food labelling, be it with or without traffic lights. We heard about the difference between Boots and Marks and Spencer in relation to sandwiches. I will return to the issue, but I say to the minister that it would be useful if it was addressed.

As an aside, I discussed with my colleague Ross Finnie what the Latin is for fitness of body and fitness of mind. There is a distinct link, and education professionals know that well.

It was good to hear from Mary Scanlon of our former colleague—to some of us, anyway—Lord James Douglas-Hamilton. That brings me to my second point, which involves my constituency. Mary Scanlon is probably right to say that the position in Shetland is not as bad as has been suggested due to the excellent sports and leisure facilities that the islands have. That is in contrast to my constituency. I am sorry to say it again, but at the time of local government reorganisation, Caithness District Council had not invested in facilities whereas Inverness District Council had done so. That is why there is an uneven spread of facilities. However, I am in correspondence with the minister on the matter and I am grateful for the constructive approach that is being taken. Again, the point flags up the interconnected nature of what the minister is quite correctly trying to achieve and what is being done on other fronts.

I commend Nigel Don for a most thoughtful speech. His point about putting money into science is absolutely right, because if we do not keep ahead of the science we might not take full advantage of the opportunities that are presented to us.

Margo MacDonald echoed the point about the correlation between poverty and inequality and obesity and made some most interesting comments about taxes on fat, salt and sugar. She and others also raised the issue of cooking in schools. I have had representations from some schools in my constituency about the lack of progress that is being made, or even the backward steps that are being taken, in relation to that matter. She is entirely correct—cooking in schools is not what it was. The knowledge of cooking that our grandmothers and great-grandmothers had has largely gone, and we are all to blame for that. The minister must take that into account as well. The point is connected to the fact that, as far as we can, we should purchase food locally. That would also support our farmers and crofters.

Further to Ross Finnie's point about labelling, it has always occurred to me that supermarkets could do a lot more by giving healthy recipes on the back of some of their products. The things that we cut out of newspapers could also be delivered

by supermarkets. There are cookbooks on sale in most supermarkets, but should supermarkets not also suggest healthy recipes that use their products? The minister could think about that idea, which was suggested to me by constituents; I hope that she will meet the supermarkets.

I end with two contrasting examples from my constituency. South primary school in Wick pursues an enlightened policy of getting youngsters to eat fruit and vegetables. It has a healthy tuck shop and provides free healthy food to many of the children. Wick high school, which I have already mentioned today, is in a shocking state and many of its sports facilities are not used in the way they could be used. That is surely counterproductive to all that is being achieved.

I am grateful that the Government has accepted Ross Finnie's amendment, which seeks the introduction of a system of measurement and regular reporting. We have had a good debate and I thank all those who spoke in it. I greatly enjoyed what I heard.

16:35

Jackson Carlaw (West of Scotland) (Con):

Well, here we are again at the beginning of a new term. Despite all the changes that have happened and the chatter of new prefects and teachers, this is a familiar gathering of health—if not healthy—front benchers.

I offer—I think—my commiserations to Ross Finnie. I want it to be known that over the summer I was keen to offer my overt support for him to whomever I met when I was running around campaigning against obesity, whether or not they asked for my opinion on the leadership contest of Scotland's fourth party. I hope that that is not what did for Mr Finnie, but the nation's loss is about to be the health club's gain.

I also offer commiserations to Margaret Curran, with whom I now share an unexpected reference point: we have both been defeated in Westminster parliamentary by-elections in Glasgow. To be fair to myself, I was probably not expected to win my contest in the winter of 1982 in Glasgow Queen's Park—which is, incidentally, the last Glasgow seat to have been represented by a sitting Prime Minister, the Conservative Andrew Bonar Law. By 1982 times had changed, but who could have imagined that they would have lived to see the time when, only a generation later, things would have changed so fundamentally that Baillieston's best would be rejected by her own?

We have not lodged an amendment to the motion, because we are prepared to support its ambition and content. However, I have observed in previous debates a gnawing concern that our NHS should be seen by all who access it without

fear or favour as an insurance policy that demands no responsible action on the part of all who benefit from it. If any of us went out leaving the doors and windows of our home open, we would hardly be surprised if our insurance company said, "Too bad" when we reported that our home had subsequently been ransacked. However, no such sanction can exist within our NHS. In the final analysis, it is there when we need it.

What do we do to avoid every lifestyle choice, however irresponsible, becoming a subsequent demand on the taxpayer? How do we plan to mitigate the horrendous future cost predictions for the economy and the NHS of poor lifestyle choices?

I accept—and indeed have supported in previous debates—many of the arguments about the inequalities in our communities and agree that they underpin this debate. I also accept that, for some, genetic factors are very real. However, we should be concerned when *The Times* quotes Mr John Hamilton, who lives in the Calton area of Glasgow and drinks six bottles of cider a day, as saying:

"Low life expectancy does not worry me."

There are many real health issues and addictions. However, one does not catch obesity on the train and children do not catch it from one another. According to one practical definition, obesity results from a persistent imbalance between energy intake and energy expenditure. As a result, it is not enough for the World Health Organization to state that

"obesity is not caused by moral failure on the part of individuals but by the excess availability of high-fat and high-sugar foods".

Andrew Lansley was correct when he said in his recent and quite excellent speech:

"Tell people that biology and the environment causes obesity and they are offered the one thing we have to avoid: an excuse ... That doesn't mean"

that we

"ignore the environmental factors. On the contrary, we have to deal with them, actively and urgently. But"

we

"do feel, strongly, that"

even

"as we do so, we should also focus on how people can and should take responsibility for their lifestyle and health".

Margaret Curran asked about the part that nudge politics play in all of this; I have to say that I am more of a "Nudge, nudge, matron" man on these issues—no double entendre is too subtle. However, I point out that Elaine Smith made up quotations from Andrew Lansley that are not in his speech, the full extract of which I have with me.

Moreover, Frank McAveety invented conclusions from it that my previous quotation sought to address.

Mr McAveety: If the member is concerned about behaviour and conduct, does he think that illegal and illicit drug use at university is inappropriate for someone who then seeks to take on a full-time political career?

Jackson Carlaw: This from a man who, in a previous parliamentary session, advised the chamber that he was at a meeting when he was in fact eating pie, beans and chips. Let us not go there.

For us, personal responsibility is the issue that is missing from the motion. We agree with the actions in the Government's plan; indeed, some build on initiatives that stretch back to the previous Westminster Conservative Government. However we want to complement those actions with messages and practical support that encourage people to take personal responsibility.

Margo MacDonald: I hope that the member will tell me who is this Andrew Lansley who everybody talks about.

On a more serious note, if we can put on cigarette packets warnings such as, "This will damage your health" or, "This will kill you" or whatever, can we put on the appropriate foods a warning such as, "This will make you very fat"?

Jackson Carlaw: I was going to come to the point that Ross Finnie made. I do not know whether he does the shopping, but I do. I am afraid that the only pastime my mother had when I was an infant was taking me to the shops, so I am well used to going around them.

Although labelling has a role to play in telling people about the content of food, if someone buys a double cream, deep pan, New York vanilla cheesecake, what do they think that they are buying? If they buy an extra large size of double thick chocolate mousse, what do they think that they are buying? If they buy a cake in a box, what do they think is inside it? If they buy a meal that is rich in a cream sauce, what else do they think is in there? Labelling has a role to play and we should encourage it, but we are kidding ourselves on if we think that labelling alone will change people's eating habits.

However tempting it is, the Scottish Parliament must not take on the sole responsibility for the lifestyle choices of our fellow Scots. All who can do so must choose for themselves. Certainly we must promote and encourage the healthy choice options, but, for the sake of our country and future sustainability of our health service, we must get individuals to respond and change the culture in

Scotland, which sees us languish as the earth's next-to-most-obese nation after the Americans.

We are not beyond taking a little action ourselves. I know perfectly well that I am somewhat larger and less fit than I should be. I hesitate to set a target to remedy that, because politicians inevitably fail to achieve the targets that they set, but I intend to try to remedy it. Perhaps we could all take our inspiration from a BBC news feature that claimed that climbing stairs can prolong life. In the study, the use of lifts was banned, which led to better fitness, less body fat, trimmer waistlines and a drop in blood pressure. Perhaps the minister could campaign for a ban on using lifts in the Scottish Parliament, except for those who are frail or sick, or those who are past the point of no return—best categorised in here as those who are also peers of the realm.

We cannot just preach; we have to practise too. Therein lies the problem: we are too comfortable with sloth. Our addiction to obesity is deep-seated in modern times and is Scotland wide. To tackle it we need to do everything in the motion and more besides. It needs the commitment of all individuals in a sustained, national effort.

16:42

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I thank the minister for her words about the work of the previous Government. The action plan reflects the fact that progress is being made.

I say to Jackson Carlaw that there is a distinction between what the Government can achieve—which may be limited—and what the individual can achieve, and the concept of responsibility as it has been promoted by Conservatives in the past. For example, that concept was promoted by hiding away the Black report on inequalities, which also dealt with diet. The individual's responsibility was used as an excuse for inaction—that is how it might be perceived. Of course individuals have to take some responsibility for their own care, but that should not be the main focus of our attention.

Do we have a problem? As all speakers today have said, undoubtedly there is a problem. Margo MacDonald referred to the European situation. The EU report of the international obesity task force indicated that 22 million children were overweight and 5 million were obese, and the numbers are rising. As both Nigel Don and Michael Matheson said, it is about not just the figures but the trend. For the most part, the trends are going in the wrong direction. That is our concern. The causes clearly are complex, as most speakers have highlighted.

Elaine Smith, Margo MacDonald and James Kelly said that deprivation and poverty contribute

to obesity. For women, the connection between deprivation and obesity is clear, although it is less well understood in the case of men. Nevertheless, deprivation is important. A number of members made the point that if someone is poor, the foods that they buy tend to be less good for them. Good food is sometimes considered to be more expensive. Inequalities undoubtedly play a part in obesity, as do the diet that we eat and the exercise that we take.

A number of members referred to the consequences listed in the BMA report, so I will not list them all again. The important point is to recognise that, because of current trends, there is likely to be a great increase in, for example, the incidence of type 2 diabetes, and a growing number of people will be affected by complications and problems relating to cardiovascular disease and cancer, which are two of the three priorities for this and the previous Government.

Should we take a general or a targeted approach? It is clear that, without the knowledge of what we should actually be doing, it is important that we try to target things better. As Professor Mike Lean indicated—and as Michael Matheson mentioned—the balance must lean towards diet. Diet is more important than exercise, although exercise clearly plays a part. As the action plan indicates, we need to increase the consumption of fruit, vegetables, cereal and oily fish, and we need to reduce the intake of salt, fats and simple, as opposed to complex, sugars.

Surprisingly, the plan does not cover alcohol—it is merely alluded to, and it is not dealt with under diet. We have been clear about the massive growth in the alcohol problem in Scotland, which involves calorie intake as well as other aspects. Managing alcohol is important in this context. Frank McAveety and Mary Scanlon, who mentioned labelling, referred to alcohol. Alcoholic drinks need to be labelled with regard to calories so that people know how much they are taking in.

Our diet is important. The previous Government concentrated on children eating fruit and vegetables and learning habits early, with the P1 to P3 programme and the provision of fruit at nurseries. I found it most rewarding when I went to a nursery school and saw young children eating fruit. The parents came in and saw some of the fruit that had not been eaten and asked, "What is that?" It was a kiwi fruit. They took it, and said, "Actually, that's very nice." People do develop good habits.

Despite the despair, doom and gloom that all members who have spoken in the debate have referred to—while not quite reaching the point of assassination, to refer to Ian McKee's typically eloquent speech—I wish to highlight an area in which we are doing a little better: Scotland is high

up in the charts for children eating fruit and vegetables. Unfortunately, only about 24 per cent of them are reaching the target, but that comes right at the top end of the list for the European Union. We have made some progress up the charts, which indicates that what we do here can have an effect. I refer to the hungry for success programme, the active schools programme and to what Ian McKee, Margo MacDonald and Jamie Stone said about teaching school pupils about nutrition and cooking. All those things are important and form part of the whole.

On the educational process, curriculum crowding, to which Ross Finnie referred, is important. If we turn out citizens who are going to die younger than the current generation, that means that the educational process is failing. Tackling the problem must be given a much greater priority.

I welcome the priority for mothers—prenatally, antenatally and postnatally—and women at the pre-conception stage, because helping them to understand nutrition is of considerable importance. I welcome the emphasis on breastfeeding, although I hope that the minister will answer the question about targets, which was raised by Elaine Smith, who has done considerable work in that area. Breastfeeding is important for a healthy diet and the start that children get in life.

If diet and intake are important, so is exercise. Why? Not just because it balances calorie intake to a modest degree—which I accept is less important—but because of the mental wellbeing that exercise creates. If people feel better about themselves, they might not comfort eat or eat food in the way that was described so graphically by Stuart McMillan and other members who mentioned deep-fried Mars bars and pizzas and so on, which people sometimes eat as comfort food. Improving mental wellbeing is helpful.

The exercise side must be developed by, for example, having more cycle routes and opportunities for walking. The policy of free access to swimming facilities, which was in the SNP manifesto, needs to be followed through. All those things need to be developed. As Jamie Stone said, we must ensure that sport does not mean just rugby, football, lacrosse and hockey—or even physical education; it must be what people want to do in the way of exercise. The why dance programme for adolescent girls is a good example of what should be done. We need to understand what people want.

The Scottish centre for healthy working lives is mentioned in the action plan. We need employers to give much more consideration not just to workplace canteens but to opportunities for their workforce to exercise in the workplace. Investment in developing such opportunities would not be

unselfish, because workers' productivity would increase.

I welcome the action plan and the debate, the consensual nature of which demonstrates the Parliament's intentions. We will make progress.

16:50

Shona Robison: We have had a good debate that has been consensual, with perhaps one or two exceptions. I will try to respond to all the points that members made—if I do not do so in my speech, I will write to the relevant members.

Margaret Curran raised a number of issues. On free fruit, we have tried to ensure that we consider the evidence on where our efforts should lie, so that we refine our activity. Many members mentioned health inequality, which is the reason why we are focusing on children and expectant mothers in the most deprived communities and giving them priority through the healthy start scheme and other programmes. Of course, health boards have some latitude in what they do, which can include supporting the community initiatives to which Margaret Curran referred. I hope that I have given the member some comfort in that regard.

As I said in my opening speech, we will come back to the Parliament with more detail on PE provision. Suffice it to say—for the moment—that Learning and Teaching Scotland will shortly publish new guidance for schools on health and wellbeing under the curriculum for excellence, which will include outcomes that are related to physical activity and regular, high-quality PE. We expect schools to continue to work towards the provision of at least two hours a week of good-quality PE for each child.

I was asked when the report on free school meals would be published. The answer is soon. I assure members that they will not have to wait too long for it.

Ross Finnie made important points on, for example, food labelling. He and a number of other members talked about engagement with retailers and manufacturers, which is important. I and other ministers, in particular the Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead, have had regular engagement with supermarkets and others. Food and drink policy will be critical in that regard. I attended a meeting of the food and drink leadership forum, at which a diverse range of interests was represented. The health agenda is central to its work. The policy is about considering how we might better use land in Scotland to produce healthy, local, sustainable food, which will not just improve people's health but help our farmers, manufacturers and retailers—that is all part of the package. I hope

that I have given members a flavour of what will emerge from the food and drink policy.

Through the active schools programme, children have access to a wide range of activities, including dance, which I hope will encourage them to partake in physical activity. It is not about the cross-country running that I remember being forced to do on a cold winter's day. We have moved beyond that. We must ensure that there are good choices for people. We are on the case.

Mary Scanlon made important points. I agree that the sample in the Dr Foster Research study was small and that the report should be treated with caution. She made an important point about pathways into support. The counterweight programme offers a clear pathway through GPs, who will refer people to experts who can work with them on their weight management programme.

Mary Scanlon also asked about school nurse training. The pilot programmes in three health board areas will not only harness existing skills among staff but develop and shape new roles, to ensure that we can offer effective care and support to children who require it, starting with our most deprived children. We are developing the model on that and we are ensuring that there are clear pathways.

Mary Scanlon: When will the counterweight programme be available to people in all health board areas?

Shona Robison: The roll-out of counterweight has followed two phases. It started with the keep well programme, and its roll-out is under way. Wave 2 commenced in April 2008 and wave 3 started in August 2008. Patients from 66 practices had access to counterweight, and 1,300 patients have been enrolled. The programme continues and is building up.

Mary Scanlon talked about outdoor education policy, which I know she is keen to have developed. Maureen Watt has, of course, agreed that outdoor education should be embedded in the curriculum. What matters is not just having five-day residential courses but the broader outdoor education policy. That work progresses as we speak, and we will keep Parliament updated through the channels to which I agreed in accepting the Labour amendment.

Nigel Don talked about engaging the commercial world—absolutely. I point him to the food and drink policy. The forthcoming supermarket summit offers the opportunity, which I assure members we will take, to engage with big and important players on many of the issues.

James Kelly mentioned investment in gym and sports facilities. Significant investment has been made. The Government has provided almost £3

billion in capital over the next three years, including an additional £115 million for 2008-09, to secure investment in schools and other local government infrastructure. Such funding will help to continue to secure investment in schools and in PE and sports facilities. Funding to sportscotland has also increased by 44 per cent, which local authorities can access to develop local sports facilities.

Michael Matheson talked about the bigger picture—absolutely. That is why the action plan is a down payment on how we tackle obesity. The obesity strategy, which will follow, is about the whole societal approach. However, I would like to think that the action plan has given a sense of how we will create sustainable towns, encourage the use of public transport and develop community initiatives to involve all the community in deconstructing the obesogenic environment. Testing of that in communities, along with help for individuals, gives a sense of the cross-Government approach. The issue concerns not only health and education services but the whole Government. That is why we are working across portfolios.

We encourage local authorities to see it as their role to promote public health, so that when they make planning or licensing decisions they wear their public health hats, too. That is important, particularly in tackling inequalities and in relation to the facilities in some of our deprived communities, which we need to change.

Elaine Smith raised a couple of issues, one of which was the breastfeeding target. The previous target was unclear, because it could include mixed feeding with infant formula. The difference is that the new target is exclusively for breastfeeding, which makes it clearer for us all to understand.

Margo MacDonald talked about poverty and inequality and about supporting important community initiatives—absolutely. The vending machines issue is important, as is the point about canteens, particularly in public sector workplaces. We are taking that forward, and the Scottish centre for healthy working lives is helping us. It is important for the public sector to take a lead. We have done much work in our hospitals and schools, but I would like that to spread throughout the public sector.

Ian McKee and Margo MacDonald talked about cooking classes. I remind members that we launched the cooking bus, which is a start. It goes round schools to supplement work that is taking place, engages pupils and their teachers in improving cooking skills and leaves a trained resource in schools to continue its work. That initiative has been important.

I am sorry if I have not covered every member's point. We have also to focus on the positive achievements, on which Richard Simpson made an important point. We have to create a vision of where we want to get to. When there is good news about increased fruit and veg intake, we should seize that information to paint a different, more positive, picture of our children. I thank all members for their contribution to the debate. I look forward to continuing the dialogue.

Business Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-2493, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for next week.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Wednesday 10 September 2008—

after

Wednesday 10 September 2008

delete

2.30 pm Time for Reflection

and insert

2.00 pm Time for Reflection

followed by Ministerial Statement: Scottish Futures Trust.—[Bruce Crawford.]

Motion agreed to.

Decision Time

17:00

The Presiding Officer (Alex Fergusson):

There are six questions to be put as a result of today's business. The first question is, that motion S3M-2442, in the name of Keith Brown, on the breach of the Interests of Members of the Scottish Parliament Act 2006, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Iain (North East Fife) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Grahame, Christine (South of Scotland) (SNP)
Marwick, Tricia (Central Fife) (SNP)

The Presiding Officer: The result of the division is: For 49, Against 70, Abstentions 2.

Motion disagreed to.

The Presiding Officer: The second question is, that amendment S3M-2480.1, in the name of Rhona Brankin, which seeks to amend motion S3M-2480, in the name of Fiona Hyslop, on getting it right for every child, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Carlaw, Jackson (West of Scotland) (Con)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Finnie, Ross (West of Scotland) (LD)
Foulkes, George (Lothians) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Annabel (West of Scotland) (Con)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (Lab)
Hume, Jim (South of Scotland) (LD)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Kelly, James (Glasgow Rutherglen) (Lab)
Kerr, Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Roxburgh and Berwickshire) (Con)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McArthur, Liam (Orkney) (LD)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Tom (Hamilton South) (Lab)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)

Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Mulligan, Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Elaine (Dumfries) (Lab)
O'Donnell, Hugh (Central Scotland) (LD)
Oldfather, Irene (Cunninghame South) (Lab)
Park, John (Mid Scotland and Fife) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Elizabeth (Mid Scotland and Fife) (Con)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stewart, David (Highlands and Islands) (Lab)
Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
Tolson, Jim (Dunfermline West) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Ahmad, Bashir (Glasgow) (SNP)
Allan, Alasdair (Western Isles) (SNP)
Brown, Keith (Ochil) (SNP)
Campbell, Aileen (South of Scotland) (SNP)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
FitzPatrick, Joe (Dundee West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Hepburn, Jamie (Central Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Kidd, Bill (Glasgow) (SNP)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)
McKee, Ian (Lothians) (SNP)
McKelvie, Christina (Central Scotland) (SNP)
McMillan, Stuart (West of Scotland) (SNP)
Morgan, Alasdair (South of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Paterson, Gil (West of Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow Govan) (SNP)
Swinney, John (North Tayside) (SNP)
Thompson, Dave (Highlands and Islands) (SNP)
Watt, Maureen (North East Scotland) (SNP)
Welsh, Andrew (Angus) (SNP)
White, Sandra (Glasgow) (SNP)

Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 76, Against 44, Abstentions 1.

Amendment agreed to.

The Presiding Officer: The third question is, that motion S3M-2480, in the name of Fiona Hyslop, on getting it right for every child, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 75, Against 44, Abstentions 1.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the continuing support for the Getting It Right For Every Child programme, initiated by the previous administration; acknowledges the significant progress in pathfinder activity, both in Highland and for children and young people experiencing domestic abuse, exploring how best agencies can work together to record and share information as necessary to inform effective decision making around children's needs and to redesign services to reduce overlap and bureaucracy; welcomes progress in developing the eCare Framework to support positive practice change across all services and the plans to develop a safe and secure environment for exchanging information where necessary and for a particular purpose, respecting both data protection legislation and the privacy of individuals; supports continuing activity to develop understanding and awareness of implementation of Getting It Right For Every Child and how services can best work to improve outcomes for children and delivery of the national outcomes and therefore voices its concern at the impact on vulnerable children of rising class sizes, cuts in the number of health visitors and cuts in the number of teachers of children with additional support needs, and calls on the Scottish Government to honour its pledge to pay kinship carers allowance to grandparents.

The Presiding Officer: The fourth question is, that amendment S3M-2481.2, in the name of Margaret Curran, which seeks to amend motion S3M-2481, in the name of Shona Robison, on the obesity action plan, be agreed to.

Amendment agreed to.

The Presiding Officer: The fifth question is, that amendment S3M-2481.1, in the name of Ross Finnie, which seeks to amend motion S3M-2481, in the name of Shona Robison, on the obesity action plan, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The final question is, that motion S3M-2481, in the name of Shona Robison, on the obesity action plan, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the commitment of the Scottish Government to tackle obesity as highlighted in the recent publication, Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity, and further welcomes the £56 million over the next three years, which the Scottish Government has made available to build on the existing good work in support of the Scottish Diet Action Plan and the National Physical Activity Strategy as outlined in the action plan; calls on the Scottish Government to bring forward to the Parliament details on how it intends to meet its commitment to two hours per week PE tuition in schools by specialist teachers and guarantee five days' outdoor education for every

school pupil, and believes that progress in tackling obesity should be assessed and reported on a regular basis according to the 10 measurements set out in chapter two of the action plan.

Planning Law (Enforcement)

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-2011, in the name of Iain Smith, on the enforcement of planning legislation. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the difficulties faced by planning authorities, such as Fife Council, in attempting to deal with breaches of planning legislation through enforcement and stop notices; considers that development without the appropriate planning approval undermines the rule of law and the planning process and that the present planning legislation does not provide a sufficient safeguard against unlawful development; believes that appeals against enforcement or stop notices should not be permitted on the grounds that planning permission for the development would have been granted or that a planning application for the development has been submitted; further believes that there should be a presumption against approval for any development that has been carried out without the appropriate planning approvals, and desires further debate on these proposals.

17:06

Iain Smith (North East Fife) (LD): I thank the members who signed my motion and enabled me to secure this evening's debate. I also thank members and the Minister for Transport, Infrastructure and Climate Change for staying behind to participate in the debate.

I sought the debate to highlight what I consider to be a serious weakness in our planning law that can undermine public confidence in the whole planning process. Unauthorised developments and breaches of planning conditions are not uncommon occurrences, but they can cause considerable anxiety and frustration to neighbours and communities, not least because of the apparent inability of the planning authorities to take effective action to prevent them. That can lead to the impression that those who are responsible for the unauthorised development are getting away with it. Indeed, there are times when it seems that some unscrupulous developers are trying it on—deliberately flouting planning laws by developing without planning permission or breaching the conditions of planning permission in the knowledge that they will probably get consent retrospectively for something that may have been turned down or accepted in a different form had they gone through the proper channels.

I will give members a couple of recent examples from my constituency. Last autumn, a number of constituents contacted me regarding the unauthorised use of land at Fordelhill farm near Wormit. Even before a planning application had been submitted, work had commenced to develop

the site as a permanent site for travelling people's caravans. Indeed, in the week following submission of the application, the site was already occupied by between four and six caravans. I stress that the issue is not whether the site should have been developed for travelling people but its having been developed without proper planning consent.

I contacted Fife Council, which is the planning authority, to find out what was happening, and was advised that the council was

"continuing its efforts to ensure that development does not take place in advance of the planning authority giving consideration to the planning application."

As I am sure that members are aware, there are a number of mechanisms that the planning authority can use to try to prevent unauthorised development. The main ones are enforcement notices and stop notices. However, those two measures have certain drawbacks that made them unsuitable in this case, where a quickly enforceable measure was needed to prevent further development of the site. Members will be aware that enforcement notices require 28 days' notice and can be subject to appeal, with one ground of appeal being that a valid application has been submitted. A stop notice can be used but only if an enforcement notice has also been issued. There can be claims for compensation against the planning authority if an enforcement notice is overturned on appeal. That can be a disincentive to local authorities to use stop notices.

In this case, the council opted for an interdict to prohibit further work on the site. However, there was a problem with the measure, because an interdict must be served on and can only apply to named individuals. In this case it was not possible to identify easily all the individuals on whom an interdict needed to be served. In the end, interim interdicts were served on eight out of 12 of the individuals for whom the council thought that was appropriate, but the development continued nonetheless and caravans continued to occupy the site.

By now, we were well into the spring and there was still no resolution in sight. An action for breach of interdict was raised by the council in March; all eight individuals concerned accepted that they were in breach and were subsequently fined. However, none of that prevented the continuing development and occupation of the site. The application finally came before the north-east area committee of Fife Council in May. Although in my view there were grounds for refusing it—not least because the developers' pre-emptive actions meant that a full assessment had not been done of both the need for and suitability of the site as a permanent travelling people's site in north-east

Fife—the application was approved on the casting vote of the chair.

I have no doubt that part of the reason for approval was the feeling that there was little the council could do to undo what had already happened. The fact that the applicant had blatantly and deliberately ignored and flouted planning legislation and had already developed the site in a way that was not consistent even with the original application, or with the conditions that were imposed in the planning consent, could not be taken into account by the planning committee. There is evidence that the applicant is already extending the site beyond what he has received approval for. It is a clear example of the failure of the present enforcement procedures. The applicant was willing to take the risk of a fine in order to get the development that he wanted, irrespective of the planning considerations.

Another example of the frustrations that are caused by the present inadequate enforcement procedures is in St Andrews, where a taxi firm began operating in a residential area without planning consent. In that case, planning permission was refused by the council, and enforcement and stop notices were issued. The applicant unsuccessfully appealed against the enforcement notice but attempts to prosecute for non-compliance with the stop notice ran into problems with the electronic submission system that is operated by the Crown Office and Procurator Fiscal Service, a subject on which I asked a question in Parliament before the summer recess. The net result was that the unauthorised activity was able to continue in that unsuitable location for many months.

The present law does not provide sufficient sanction against those who choose to ignore it. It seems that many developers are willing to take a gamble on developing without permission, or on going outwith consent conditions because they think that they will probably get away with it or, at worst, face a relatively small fine. That undermines confidence in the whole planning system, particularly for the vast majority of applicants, who are law abiding and who have to jump through all sorts of hoops to satisfy the requirements of the planning system for developments that can be relatively minor.

The provisions of the Planning etc (Scotland) Act 2006, which was passed in the previous parliamentary session, will provide some additional powers to planning authorities, most notably fixed-penalty notices and temporary stop orders, but I am not convinced that those will provide sufficient disincentive, or that they will give planning authorities sufficient teeth to tackle those who are willing to take the gamble. That is why the motion suggests a couple of ways forward. First, it

surely cannot be an acceptable ground of appeal against an enforcement notice that an application has been submitted, or that if one were submitted it would be likely to be accepted. An enforcement or stop notice is intended to prevent further development before a proper application has been fully considered and its purpose is to ensure due consideration of an application. However, to provide a real disincentive, it should be made clear that if someone goes ahead with a development without approval, it is likely that that approval will be refused.

A presumption against development would be an extra hurdle that an applicant would have to jump before approval could be given. It would be for the applicant to show that there was good reason why they undertook development before receiving planning consent. There may be many such reasons. The applicant could have received the wrong advice from planning officers. There may be a need for urgent works on grounds of safety, or to maintain the fabric of a property. There could be a belief that planning approval was not required or had been granted. It would be for the planning authority to determine on the merits of each case whether those reasons were justified. However, in the interests of fairness and justice to the whole community, going ahead with a development for no good reason should not be allowed.

Those are just suggestions, and I would welcome any other ideas—from members or indeed the public—for improving the effectiveness of the enforcement procedure in Scotland. I thank the Parliament again for the opportunity to raise the issue, and I look forward to my colleagues' speeches and the minister's response.

17:13

Christopher Harvie (Mid Scotland and Fife) (SNP): Fife, which both Iain Smith and I, in our various ways, represent, was the place in which, with Patrick Geddes's famous proposals for the redevelopment of Dunfermline, submitted in 1896, modern town planning originated. Geddes had the enormous virtue of having his bright ideas just when a millionaire with a guilt complex turned up. Andrew Carnegie bankrolled the redevelopment.

Scotland has a planning tradition of which we are very proud. Yet, as Iain Smith has pointed out, that tradition has, in certain respects, a tendency to fall victim to Parkinson's law, in that we become obsessed with details and allow great infringements of our planning structures to pass by before we have the opportunity to intervene. An example of Parkinson's law is the committee that is studying a plan for a nuclear power station but spends most of its time discussing a bicycle shed. The nuclear power station is put through on the

nod. Something like that is rather a tendency of Scottish planning.

In a previous members' business debate, I raised the issue of supermarkets. Some applications for supermarkets can go through because they have planning permission from long before as part of a land-bank strategy, but then the supermarket can open and alter totally the structures of the local economy and the way in which local businesses develop.

You and I, Presiding Officer, will have received solicitous letters inquiring about our views on the closures of post offices throughout the country. We may give those views, and may insist that the post offices in villages are not closed down. The village post office will often carry the village store with it, so its closure will infringe the county planning acts that were created to enable villages to be sustained and to survive. Nonetheless, as sure as fate, a decision will come back from the minions of the postal service to say that, regardless of what has been said—about Pathhead, or Earlstoun, or Greenlaw—the closures are going ahead.

I raise these questions not in order to consider bizarre areas of earlier planning law, but to make this point: if the planning structure is more often observed by negation than by actual development to keep abreast with modern society, the dodgy entrepreneur—the person with motives often on the edges of legality—is able to get past the planning structure.

I do not know whether other members remember a case from about two years ago when a small village in Lanarkshire found itself hosting a fireworks dump that actually had more explosives in it than the one that nearly wiped out the Dutch town of Enschede about four years ago. Somehow, the dump had managed to gravitate through the planning system. Iain Smith's points are valid enough, but how are we to combat such things?

The Deputy Presiding Officer: The member should be winding up now.

Christopher Harvie: We must not only ask for sharpness in local authority responses, but invigorate a much greater degree of local involvement in the way in which societies operate in communities and villages.

Members will find in the evidence of anyone from Fife that the number of protests from Iain Smith's region—the 12 miles or so around St Andrews—is greater than the number from almost anywhere else.

The Deputy Presiding Officer: A stop notice has now been served on the member.

Christopher Harvie: If this sort of thing can happen in Iain Smith's area, what possibility of redress is there in other areas of Scotland?

17:18

Elaine Murray (Dumfries) (Lab): It is unfortunate that, on a Thursday evening, the issue of planning does not detain many members in the chamber. However, I congratulate Iain Smith on securing the debate. I empathise with the problem that he identifies but I did not sign the motion because I do not agree entirely with his conclusions.

I, too, have encountered a number of constituency issues in which a developer has commenced a development before gaining planning approval, and has submitted the application after the commencement, meaning that planning officers are unable to enforce any prior conditions because an application is outstanding. When neighbours have objections to such a development, it can be an extremely frustrating experience that can drag on for years.

In my constituency, there is an example of a lorry park on land that I think may belong to the Scottish Executive. Because the submission has been made after the commencement of the development, and because there was already development on the site, planning officers are unable to do anything about the development until the planning application has come before the committee.

However, I cannot agree with a presumption against approval—that is too draconian. On occasion, an individual might make a minor alteration to their own home that does not attract any objections from neighbours, but might make that alteration without realising that planning permission is required. As a councillor many years ago, I came across the example of the erection of a hut in the garden of a flat. A presumption against approval for all such cases would be inappropriate.

Another example would be somebody who installed central heating in their conservatory. They ought to get planning permission for that, although they may not realise it. It would be a bit draconian to refuse planning permission retrospectively purely on the basis that they had not sought approval in advance of constructing the conservatory.

The Planning etc (Scotland) Act 2006 has not yet been implemented in its entirety. On this issue, I urge the minister to implement the act in full. Perhaps he can explain why its implementation is taking so long. The act adds significant new powers to the enforcement process, such as temporary stop notices, enforcement charters and

fixed-penalty notices, which should address some of the concerns that are raised in Iain Smith's motion. For example, temporary stop notices would require an immediate 28-day stoppage at an unauthorised development or where there is breach of planning control without the need for an enforcement notice to be served. The new provisions should be implemented, and their effect should be assessed and reviewed before we rush to new regulation. I do not think that we know, at this stage, that the 2006 act will not address the problems that Iain Smith has rightly identified.

One of the major problems in the planning process in Scotland is the lack of resource—in particular, the lack of human resource. The shortage of planners in local authorities results in long delays in the determination of planning applications. That can increase the temptation for applicants to anticipate the results of their applications, and it frustrates both the applicants and the objectors. Addressing the shortage of qualified planners must be a priority. Unless we have people who are able to progress the planning process in Scotland, we will never overcome the many planning issues that arise for both individuals and businesses.

I look forward to hearing from the minister the Government's views on how this particularly difficult problem may be addressed.

17:22

Alex Johnstone (North East Scotland) (Con):

I, too, apologise to Iain Smith for not having signed his motion, on the same grounds as Elaine Murray—I do not agree with his conclusions. However, I welcome the opportunity that his motion gives us to speak about the issue in detail.

I always used to believe that planning was a complex process. However, having sat through stage 3 of the Planning etc (Scotland) Bill, I realise that planning is a simple process. It is only when one tries to apply or administer the process that it becomes extremely complicated and unwieldy. I suspect that that challenge will face us for ever more.

A brief that was circulated by the Scottish Property Federation contains in its conclusions a view with which I find some common ground. It states:

"we feel that the new planning legislation offers a package of measures that are superior to current Planning Enforcement powers and we question the need for any further powers before this new system has been tested."

I am prepared to leave it at that. Yet, there are one or two things that need to be addressed, which have been covered in the debate already.

There are numerous circumstances, which we perhaps cannot imagine, in which the absolutely draconian measure of presumption against approval in certain cases is acceptable. Also, inevitably, some situations will bring about breaches of the current regulation. As has been pointed out, frustration with a moribund system that struggles to cope with the demands that are placed on it can be enough to provoke some people to progress beyond the level of development for which they have permission.

I am concerned that we have heard at least one example from Iain Smith that was probably inappropriate for use in this context. As a result of problems in the north-east of Scotland regarding Travellers and Traveller sites, I have been made aware of the situation that he described in north-east Fife by my colleague, Ted Brocklebank. It is difficult for us to apply reason to situations regarding planning that affect Travellers and travelling people, as there are so many other things that have to be dealt with in those circumstances. Many illegal encampments have to be dealt with under other aspects of the law before we progress to using planning law in those particular circumstances.

As I said, I welcome the opportunity to discuss the matter. I am concerned that some people will abuse the system and overstep the mark deliberately. At the same time, many will not do that. Councils and some other departments are creating a problem if they are failing to apply retrospectively the same standards that they would have applied for any planning application. The idea that a building that has been constructed without proper permission should be treated differently is unacceptable, whether that is a positive or a negative for the developer or constructor.

The law as it stands should be given the chance to be used effectively and to demonstrate how effective it can be. I do not believe that we should revisit the matter and apply draconian conditions at this stage. Having listened to Iain Smith's speech, I believe that he gave a good argument for that—perhaps his motion contains one measure too far. I agree with his sentiments, but I cannot support the draconian conclusion to which he has come.

17:26

Jim Tolson (Dunfermline West) (LD): I thank Iain Smith for securing a debate on a subject that is of great concern to many people. I was happy to sign his motion.

Before being elected to Parliament, I spent more than 10 years on the area development committee in Dunfermline as a local elected member, so I

have deliberated over many good and not-so-good planning applications. I have seen planning breaches on large and small developments and have visited sites where actual development was quite different from the approved plans. I found it extremely frustrating when, as councillors, we imposed limits on developments to protect the public and they were flouted by the developers. Council officials were all too often virtually powerless to stop them.

The eastern expansion of Dunfermline has led to the building of thousands of new houses in recent years. Over the past few years, I have received many complaints from residents about the way in which some developers are flouting planning conditions. The scale of development in my constituency in recent years has been so huge that Fife Council's planning department has not been able to keep tabs on all the developments to ensure that all planning conditions are being adhered to. I am not criticising the individual officers in Fife or elsewhere: they work extremely hard, but they do not have the resources that they need to do their jobs properly. Fixed-penalty notices would be useful as it would be much quicker and easier for planning officials to issue a notice than to prepare a prosecution. Of course, the fine should increase if there are subsequent breaches.

Some sites have developments built in the wrong position or a few metres too high on a slope. On a plan, that might seem to be a small deviation, but it can be devastating for neighbours, as it can result in them being totally overlooked, to the severe loss of their privacy. The law is often powerless to protect them. Working practices such as Sunday working or starting up large machinery much earlier than originally agreed can be upsetting for neighbours. Developers get away with such practices as they know that they will get only a slap on the wrist from the council, by which time the damage has been done.

The issues relate not only to new developments, because listed buildings are under threat, too. I remember a local case a few years ago when a landowner demolished a listed building so that he could use the stones from it to build a garage to house his fleet of cars. He was able to do so without being subject to any meaningful sanction.

The law makes it a criminal offence to carry out work on a listed building. The difficulty, according to the "Scottish Planning Enforcement Handbook", is that procurators fiscal and sheriffs do not take a consistent approach throughout Scotland. Even if a case gets to court, the handbook states that sheriffs are

"unlikely to impose a punitive fine."

The case of a shopkeeper in Edinburgh, who was recently fined only £400 for flouting council advice that his removal of an 18th century shop front would be illegal, proves that point.

Very flexible planning regulations and the severe lack of enforcement officers mean that developers who are so minded—they are in the minority—can flout the regulations to maximise their financial gain. Developers need to know that they will not be able to get away with that and that they will be subject to proper sanctions. Anything less undermines the rule of law and takes accountability out of the planning system.

I hope that the report on the Government's planning enforcement consultation, which closed earlier this year, will give us the opportunity to address breaches of planning legislation and ensure that the public can be confident that developers will be held to account if they break the law.

17:30

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I thank Iain Smith for providing us with the opportunity to debate this issue which, although it has not attracted the greatest participation or, indeed, the largest audience, is important to people throughout Scotland and which the Parliament engaged with in a broadly consensual way when we introduced the Planning etc (Scotland) Act 2006.

I will be unable to make any direct reference to the couple of examples that Iain Smith used in his speech. One of them, in particular, is still an active case and, as a minister, I cannot therefore make any remarks about it. Any remarks that I make will not be connected to the examples that were put before us, but I will use the kind of cases that Iain Smith discussed to illustrate the general points.

We are looking at regimes for licensing taxi offices, and there will be a taxi summit later this year. That will be part of helping to control that particular type of business, outwith the planning system.

Chris Harvie made some comments about supermarkets. I will use that as an excuse to illustrate our determination to respond to breaches of conditions when it is our responsibility to do so. There was a supermarket in Dundee that—as was well publicised in the local press at the time—was intent on opening before some very significant conditions were fulfilled. We became aware of that on a Friday morning, and at 2 o'clock the same day we were in court, successfully securing an interim interdict. The supermarket appealed on Saturday morning but lost the appeal. The company was unable to open that supermarket for

a significant period of time as a result of our intervention and we were able to gain the remedies that we needed to ensure that the public interest was protected. Of course, it is my officials who do the work; the minister merely consents to it happening. I hope that that is the kind of response that we will see across Scotland, and that our actions will help to ensure that that happens.

Elaine Murray and Alex Johnstone made it clear that the presumption to refuse would lead us into dangerous territory. Like them, we would like to see the 2006 act—over which we all laboured long and hard—settle down. Elaine Murray asked why that is taking so long. My answer is that the secondary legislation is quite complex, notwithstanding Alex Johnstone's suggestion that planning is really very simple. In principle that is true, but in practice it is anything but. We are undertaking serious consultation, but we are not far off being in a position to bring almost everything forward.

We recognise that the lack of human resources in local authorities is a constraint. On a number of occasions we have engaged with the industry and planners and we are looking for ways forward, although it is clear that that will not remedy the situation in the very short term because we cannot magic more human resources out of nowhere.

There are people who abuse the system. I think that the new provisions will make a significant difference to how those people are treated. The 2006 act expands and enhances the range of powers that are available to planning authorities. The introduction of fixed-penalty notices will provide an alternative to the lengthy process of seeking a prosecution if a developer fails to comply with an enforcement notice.

I assure members that it is our intention that the financial penalties will be significant enough to change behaviours. We have heard concerns in the consultation about the proposed level of fines. We continue to consider our response.

Temporary stop notices have been mentioned. They will enable immediate intervention and provide part of the remedy that today's debate has touched on. It is clear from the consultation that there has to be one exception: a temporary stop notice is not the appropriate intervention when it applies to someone's sole residence. That creates an issue when the sole residence is a caravan, but we have to strike a balance and we will bring forward further material on the subject later.

We are in full agreement on appeals against enforcement notices on the ground that planning permission ought to be granted. Mr Smith should note that provision was made in the 2006 act to repeal that ground for appeal. The provision will be implemented in due course.

At first glance, some of the proposals that have been made look attractive, but I think that it is appropriate to wait for things to settle down.

It has been suggested that most of the instances that we are talking about are accidental misunderstandings rather than deliberate actions. The deliberate will pay much higher prices in future. There is an element of unfairness in the present system, because people can bypass its requirements. The changes will mean that if someone applies for planning permission after they have completed a development, they will still have to go through all the same processes. Development without permission will no longer be a potential shortcut to achieving planning consent. That is appropriate.

We must also ensure that the use of powers remains at the discretion of planning authorities. We are clear in the Government that local decision making should lead on local issues, and planning is predominantly a local issue. I am confident that planning authorities will have the tools to provide fair, effective and efficient enforcement of the planning system. In doing so, they will help us to create a modernised planning system that will be trusted by everyone who is affected by planning and development and which will support the development of our communities and economy throughout Scotland.

Meeting closed at 17:37.

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