

# **MEETING OF THE PARLIAMENT**

Thursday 9 October 2008

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2008.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR  
Donnelley.

---

# CONTENTS

Thursday 9 October 2008

## Debates

Col.

<b>ELECTIONS 2007</b> .....	11629
<i>Motion moved—[Duncan McNeil].</i>	
Duncan McNeil (Greenock and Inverclyde) (Lab) .....	11629
The Minister for Parliamentary Business (Bruce Crawford) .....	11633
David Whitton (Strathkelvin and Bearsden) (Lab) .....	11637
David McLetchie (Edinburgh Pentlands) (Con) .....	11640
Alison McInnes (North East Scotland) (LD) .....	11642
Bob Doris (Glasgow) (SNP) .....	11645
Michael McMahon (Hamilton North and Bellshill) (Lab) .....	11647
John Wilson (Central Scotland) (SNP) .....	11649
James Kelly (Glasgow Rutherglen) (Lab) .....	11651
Nicol Stephen (Aberdeen South) (LD) .....	11653
Jamie Hepburn (Central Scotland) (SNP) .....	11655
Des McNulty (Clydebank and Milngavie) (Lab) .....	11657
Patrick Harvie (Glasgow) (Green) .....	11659
Sandra White (Glasgow) (SNP) .....	11661
Mary Mulligan (Linlithgow) (Lab) .....	11663
Bill Kidd (Glasgow) (SNP) .....	11665
Jim Tolson (Dunfermline West) (LD) .....	11667
Gavin Brown (Lothians) (Con) .....	11669
Andy Kerr (East Kilbride) (Lab) .....	11671
Bruce Crawford .....	11673
Alasdair Allan (Western Isles) (SNP) .....	11676
<b>QUESTION TIME</b> .....	11680
<b>FIRST MINISTER'S QUESTION TIME</b> .....	11689
<b>QUESTION TIME</b> .....	11700
<b>SECURE ACCOMMODATION</b> .....	11716
<i>Statement—[Fergus Ewing].</i>	
The Minister for Community Safety (Fergus Ewing) .....	11716
<b>BUSINESS MOTION</b> .....	11731
<i>Motion moved—[Bruce Crawford]—and agreed to.</i>	
<b>SCOTTISH REGISTER OF TARTANS BILL: STAGE 3</b> .....	11732
<b>SCOTTISH REGISTER OF TARTANS BILL</b> .....	11736
<i>Motion moved—[Jamie McGrigor].</i>	
Jamie McGrigor (Highlands and Islands) (Con) .....	11736
The Minister for Enterprise, Energy and Tourism (Jim Mather) .....	11737
David Whitton (Strathkelvin and Bearsden) (Lab) .....	11739
Gavin Brown (Lothians) (Con) .....	11741
Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) .....	11743
Stuart McMillan (West of Scotland) (SNP) .....	11744
Lewis Macdonald (Aberdeen Central) (Lab) .....	11745
Rob Gibson (Highlands and Islands) (SNP) .....	11747
Ken Macintosh (Eastwood) (Lab) .....	11748
Jamie Stone .....	11749
Gavin Brown .....	11749
David Whitton .....	11750
Jim Mather .....	11751
Jamie McGrigor .....	11753
<b>DECISION TIME</b> .....	11757
<b>ADVANCED HEART FAILURE</b> .....	11758
<i>Motion debated—[Michael McMahon].</i>	
Michael McMahon (Hamilton North and Bellshill) (Lab) .....	11758
Kenneth Gibson (Cunninghame North) (SNP) .....	11761

Mary Scanlon (Highlands and Islands) (Con).....	11763
Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	11764
The Minister for Public Health (Shona Robison) .....	11766

## Oral Answers

**Col.**

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	11680
---------------------------------	-------

<b>GENERAL QUESTIONS</b> .....	11680
--------------------------------	-------

Fire Service (Meetings) .....	11687
-------------------------------	-------

Flooding (Glasgow) .....	11685
--------------------------	-------

Her Majesty's Inspectorate of Education.....	11680
--	-------

Housing.....	11682
--------------	-------

National Health Service (Value for Money) .....	11680
---	-------

Private Housing (Modernisation) .....	11686
---------------------------------------	-------

Tissue Donation.....	11686
----------------------	-------

Young Carers (Education) .....	11684
--------------------------------	-------

<b>FIRST MINISTER'S QUESTION TIME</b> .....	11689
---	-------

Cabinet (Meetings) .....	11693
--------------------------	-------

Engagements.....	11689
------------------	-------

Free School Meals.....	11697
------------------------	-------

Fuel Poverty (Pensioners) .....	11698
---------------------------------	-------

Secretary of State for Scotland (Meetings) .....	11692
--	-------

Youth Offending (Links to Alcohol) .....	11694
--	-------

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	11700
---------------------------------	-------

<b>FINANCE AND SUSTAINABLE GROWTH</b> .....	11700
---	-------

Capital City Status (Funding).....	11701
------------------------------------	-------

Capital City Status (Funding).....	11714
------------------------------------	-------

China .....	11705
-------------	-------

Co-operative Development Scotland.....	11712
--	-------

Housing Investment (North Lanarkshire).....	11700
---	-------

Infrastructure and Transport Projects .....	11706
---	-------

Local Income Tax (Glasgow) .....	11707
----------------------------------	-------

National Planning Framework (Consultation Response) .....	11709
---	-------

Scottish Futures Trust (School Building) .....	11703
--	-------

Scottish Futures Trust (School Building) .....	11708
--	-------

Small Business Sector (Credit Crunch).....	11713
--	-------

Volunteering.....	11710
-------------------	-------

## Scottish Parliament

*Thursday 9 October 2008*

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

### Elections 2007

#### **The Presiding Officer (Alex Fergusson):**

Good morning. The first item of business this morning is a debate on motion S3M-2667, in the name of Duncan McNeil, on behalf of the Local Government and Communities Committee, on the committee's report on the elections in 2007. I warn members that time is very tight in this debate, so Presiding Officers will be enforcing time limits on members' contributions.

09:15

#### **Duncan McNeil (Greenock and Inverclyde)**

**(Lab):** Let me start by thanking the committee members, the clerks, the officers and the Scottish Parliament information centre for all their hard work and patience in putting together this report, which has allowed us to have this debate today. Although there will be many differing views and personal experiences of the problems that marred the 2007 elections, it is clearly in everyone's interests that we do our best to avoid a repeat of the failures.

As members know, local government elections have been held simultaneously with the Scottish Parliament election since 1999. However, at the election last year, there were two significant changes: the single transferable vote system and electronic counting were both used for the first time. Having watched the events from close quarters, members will need no reminding of the problems that occurred that night. At an early stage, it became apparent that there was a high number of spoiled ballots—higher than normal—and that there were problems with the electronic counting machines. In some cases, the problems extended the count into the following day. In the Lothians count, they even led to suspension.

In the two previous local government elections that were tied to the Scottish parliamentary elections, the number of rejected ballot papers accounted for 0.77 per cent and 0.59 per cent of the overall votes cast. In 2007, the number was as high as 1.85 per cent. The rate of rejected ballots varied from 1.11 per cent in East Dunbartonshire to 2.77 per cent in West Dunbartonshire.

The number of rejected ballot papers in the local government elections was considerably smaller than the numbers involved in the parliamentary election, in which the rate of rejection was as high

as 4.07 per cent, but that should not be allowed to detract from the fact that the level of rejected ballot papers in the council elections was unacceptably high.

In light of the controversy that arose from the high level of rejected ballots, the Electoral Commission engaged Ron Gould, an international expert, to conduct an independent review. The resulting report was published in October last year and the Local Government and Communities Committee agreed to study its recommendations. The Scottish Affairs Committee of the House of Commons conducted its own inquiry into the Scottish parliamentary elections, and a report was published in May 2008.

Even though the remit of the Local Government and Communities Committee extended only to the local government elections, many of our findings will inevitably be relevant to the Scottish parliamentary election. We took oral evidence from Ron Gould in a videoconference; from the Electoral Commission; and from the Minister for Parliamentary Business, Bruce Crawford, and his officials. DRS Data Services—the company that provided the electronic equipment for counting ballot papers—did not accept an invitation to appear, much to our disappointment. However, the company did supply written information.

We published our report in June of this year. In the report, we examined all the areas covered by the Gould report that were relevant to local government, and we made a series of recommendations. The minister responded to our report in August, and I would like to thank him for the positive way in which he received the committee's recommendations.

One of the main areas covered in the Gould report was the need for a unified structure for managing elections in Scotland. Gould recommended the establishment of a chief returning officer, and he recommended that the returning officer function at local level should be professionalised. The committee agreed that a chief returning officer post for Scotland should be established to secure a co-ordinated and unified approach to elections held in Scotland. I am pleased that the minister responded positively to that recommendation, and I look forward to seeing the results of the Scottish Government's consultations on how things might be done.

A successful model for the approach is already well established in Northern Ireland, where Westminster retains full legislative responsibility. The model enjoys the confidence of the voters and the political parties, and the committee feels that it would be worth further investigation.

There appears to be general consensus across the Parliament on the proposal that future local

government elections should be decoupled from the Scottish Parliament election, so that they are not held on the same day. I want to make it clear that that would not guarantee that the problems experienced in May 2007 would not be repeated. However, the committee agreed that there would be organisational and administrative benefits as a consequence of less complex arrangements being required. Furthermore, decoupling the elections would enable attention to be focused more effectively on local issues.

However, the committee was conscious that there is concern about the level of turnout if elections are decoupled. There needs to be effective consultation and engagement with the electorate, effective research and more effective public information campaigns if the danger of lower turnout is to be avoided. The training of information officers should be more consistent and rigorous, and should include equalities awareness training.

If elections are to be decoupled, the committee recommends that the date of the next local elections should be determined by extending the current local government term, and the next, to five years each. Thereafter, local elections would revert to a four-year cycle.

Much has been said about the design of the Scottish Parliament ballot paper and the impact that it may have had on the level of spoiled papers. However, the high level of rejected ballots in the parliamentary election should not eclipse the high level of rejected ballots in the local government elections. The committee noted with concern that approximately 30,000 fewer people voted in the 2007 local government elections than in the Scottish parliamentary election, despite the elections being held simultaneously.

The committee had some concern that the lower level of rejected ballots in the local elections, compared with the Scottish Parliament elections, may have been due, in part, to voters believing that they had only one vote and so marking their local election ballot papers with an X or with a 1. Those papers will have been counted as valid, but it may be that some voters did not realise that they were able to vote for more than one candidate. Although it may not be possible to conduct research into whether that in fact happened in 2007, it remains a possibility that the wishes of some voters were not translated into correctly completed ballots. That reinforces the case for effective information campaigns.

The committee welcomes the Scottish Government's intention to examine the various options for ballot paper design and to consult on the options. The committee wishes to stress the importance of effective testing of the options for

ballot paper design, and wishes to be kept informed of progress on the research.

The committee recommends that those consulted on ballot paper design should include disability rights organisations. It is essential that the ballot paper design leads to a ballot paper that is easy to complete and is a fair reflection of the views of all voters.

Voter registration is also an issue. Although it was not covered in evidence to our inquiry, registration is also a reflection of engagement in the political process. There is a need for effective campaigning to increase electoral registration.

During the course of its inquiry, the committee welcomed research studies that had been conducted into rejected ballots for the parliamentary election. The studies explored the relationship between the level of rejected ballots and both social disadvantage and ballot paper design. I welcome the commitment given by the Minister for Parliamentary Business that the Scottish Government intends to introduce legislation that will allow post-election data to be released at polling station level for local elections. That will make it easier for variations of turnout by area to be examined more closely for local government elections.

Committee members' experience of participating as candidates in the 2007 elections was that the organisation of postal votes was inconsistent, even within constituencies, and that the support provided by information officers was variable. The committee noted in its report that the Joseph Rowntree Foundation has raised concerns in its research that greater use of postal voting may make United Kingdom elections vulnerable to fraud. There is also the risk that systems of electoral administration may have reached breaking point as a result of pressures imposed in recent years.

Nevertheless, the committee acknowledged the value of the postal vote in allowing many more people to vote than would otherwise be the case. The committee recommends that the Scottish Government explores the greater use of postal voting as a means of improving voter participation, while bearing in mind the need to protect the integrity of the ballot. I welcome the Scottish Government's circulation of draft secondary legislation, which is intended to give effect to more secure postal ballots by means such as the introduction of personal identifiers. It is important that equalities considerations are taken into account as part of the process.

Accurate counting of votes is, of course, of paramount importance. That must be taken into account in any consideration of whether overnight counting should take place. Nevertheless, the

committee's preference was that the overnight count should be retained for local elections, if at all possible.

Members may agree that there was variation in the display of spoiled ballot papers on the night of the 2007 elections. If electronic counting is to be used in future local government elections, the committee considered that there should be agreed national standards on the display of spoiled ballot papers on screens at the count.

I have referred to equalities issues a number of times during my speech and the matter was a central theme of the committee's inquiry. The committee recommends that the elections steering group includes representation from equalities agencies and organisations in its membership. The committee also recommends that the Scottish Government considers whether further research is needed on promoting equalities within the electoral process.

My key message is that the voters themselves should be at the heart of our electoral system. In 2007, we got it wrong because the complex ballots and time-saving counting methods were there to make things easier for those of us involved in the political process, not necessarily for the voters.

We must remember that elections are not the plaything of politicians. Ron Gould has said on the record that voters were treated as an afterthought. Let us not make that mistake again. After all, what is the point of an electoral system if not to help as many voters as possible to exercise their democratic right? Everything else is secondary.

I move,

That the Parliament notes the conclusions and recommendations contained in the Local Government and Communities Committee's 8th Report, 2008 (Session 3): *Elections 2007* (SP Paper 120).

09:28

**The Minister for Parliamentary Business (Bruce Crawford):** I wrote to the convener of the committee on 1 August to respond formally to the committee's report. I said that I was grateful for the committee's detailed consideration of the important issues that arose from the 2007 elections and I am happy to repeat that message today.

Having considered the report further, I welcome it as an important contribution to the debate. I also thank Duncan McNeil for his positive contribution this morning across a wide range of issues. My speech will have to be a bit more focused, but I may get a chance when I sum up to come to other issues. I welcome the emphasis that Duncan McNeil placed on equalities and I support such an approach.

I was pleased to note that so many of the committee's recommendations echoed the commitments made in the Scottish Government's response to the Gould report, which was published back in March. Therefore, it is not surprising that I am happy to accept the majority of recommendations and comments. Ron Gould identified many problems with our electoral system; it is now up to us as a Government and all of us as members of the Parliament to ensure that we address them.

We should never forget that the electoral system is the bedrock of our democracy, so we must get it right. The Gould report identified that complicated systems and structures have been created over many years to manage our elections. It identified the complexity of the legislation and the fragmentation of roles and responsibilities as a crucial barrier to smooth-running elections. We have a lot to do. Nevertheless, if we can draw a line under the events of May 2007 and learn from them, there can still be a silver lining. We have the opportunity to address those systemic failures and to take the necessary steps to re-establish public confidence in our democratic process.

As Duncan McNeil said, Ron Gould stated that the voters in Scotland were "treated as an afterthought" and we must ensure that we never allow that criticism to be levelled at us again. We published our response to the Gould report in March 2008 and the committee's helpful report followed on from that.

In responding to the report, I make no apology for starting with the issue of jurisdiction. Where should the responsibility for elections in Scotland lie? The committee supported the central recommendation of the Gould report and the resolution of the Parliament that executive and legislative powers for administration of its own elections should be transferred to the Scottish Government and to this Parliament.

Ron Gould reached that conclusion in October 2007 and the Scottish Parliament reached the same conclusion in January 2008. The Local Government and Communities Committee made it a hat trick in June 2008. So far, unfortunately, the United Kingdom Government has failed to see the logic of the recommendation. On 24 June, it outlined its formal response to the Gould report. Although its response was disappointing, we will continue to press it to change its position. Judging by a letter that Bob Doris received from the new Secretary of State for Scotland, such a change is perhaps unlikely, but it would be in the interests of every voter in Scotland if it were to happen. However, we cannot wait for Westminster and put the work that we have to do on hold. For the moment, we must accept that we are where we are and we must move forward to undertake the

reforms that are deliverable within our current competence. We must focus on what we can do to restore public trust and confidence in the electoral system in Scotland.

On 3 September, the First Minister announced our legislative programme to Parliament. Among the bills to be introduced is the Scottish Parliament and local government elections bill, which will be introduced in January 2009 and will decouple the Scottish parliamentary and local government elections. When we consulted on the proposals earlier in the year, the responses showed that there was overwhelming support for our plans to separate the elections. There was even stronger support for the proposal that local government elections should be moved to the mid-point of the Scottish Parliament session.

The bill will give effect to that, and to the recommendations made by the Local Government and Communities Committee, by extending the current and subsequent local government term to five years. Subject to parliamentary approval, the next two local government elections will take place in 2012 and 2017. After that, local government terms of office will revert to four years.

The bill will also introduce provisions to allow returning officers to release information at polling station level, which will help to increase confidence in the overall result and will provide political parties with valuable information that they can use to analyse how their total vote is compiled. That change will also have benefits in respect of building confidence in the voting system, but we must ensure that the underlying principle remains the secrecy of the ballot.

The committee supported decoupling, the provision of post-election information and other large parts of the response to Gould. I will take the opportunity to comment on a number of recommendations in the committee's report.

On ballot papers, the committee expressed concern about the security and integrity of the ballot. I will be happy to consider anything that the committee has to say on the matter. We hope to address the problem next year when we consult on what can be summarised as the administrative Gould recommendations.

The committee also raised concerns about ballot paper design, which echoed Ron Gould's comments. We are already involved in work with the Electoral Commission and others to consider possible changes. The aim must be to develop a ballot paper that is easy to use and fair: an effective ballot paper that allows voters to vote the way that they want to and gives them confidence that their vote will count. A number of issues must be considered in that work and I know that many

in Parliament and elsewhere have ideas that they want to put forward.

As Duncan McNeil said, changes to ballot paper design must be backed up by public information and education campaigns. The designs must be tested extensively before they are introduced, and the test must be whether any changes put the voter first.

I am pleased to say that personal identifiers are an example of co-operation with the committee. My officials have shared with the committee a draft of the regulations that will shortly come before it through the formal procedures.

The regulations will specify how personal identifiers for absent voters should be collected and used for Scottish local government elections. They will also set a requirement for returning officers to check a certain percentage of the postal votes that are returned against the personal identifiers that have been submitted ahead of the election. The Electoral Commission recommends that 100 per cent personal identifier verification should be mandatory, and I am attracted by the idea of 100 per cent checks; however, I am also conscious of the need to consider the cost-effectiveness of such an approach. For instance, for other elections in the United Kingdom, the law requires that returning officers check at least 20 per cent of returned voting statements. That minimum requirement is set out in law, but I am told that, in reality, returning officers aim to check 100 per cent of postal votes. In this year's elections to the Greater London Assembly, for instance, virtually all the returning officers checked 100 per cent of the returned postal voting statements.

I turn to the introduction of the chief returning officer for Scotland. The Scottish Government agrees with the committee that it is vital that there are clear lines of accountability and responsibility for running elections and that a CRO would help to address the issue. A consultation paper, which we will issue before the end of the year, will consider possible models for a CRO for Scotland. As suggested by the committee, our work in drafting that paper will be informed by experiences elsewhere, including Northern Ireland.

We all know that the electoral landscape in Scotland has been fragmented, cluttered and confused, and we must not let that become a cliché; it is a fact that we must do something about. We need a coherent and unified organisation of elections, based in Scotland, that is clearly accountable to Scottish ministers and to the Parliament. We need to develop a system that is right for Scotland. Yes, we can look at models elsewhere, but we must remember that they were designed for different countries with different traditions. We must be careful not to create new

posts or organisations if we cannot justify them. As everyone knows, the Government is working to simplify and consolidate the range and scope of public bodies in Scotland. We must keep that in mind in considering a possible CRO. There may be other ways—which I would like to hear about—of providing the co-ordination and coherence that we need.

I understand that the elections in London used electronic counting, and Ron Gould concluded that electronic counting is preferable to a manual count for an STV election—as one might expect. Given the complex counting procedures that are required under STV, it is right that we should encourage the use of electronic counting. Nevertheless, before we can commit to its widespread use in future elections, we must do all that we can to restore the credibility of the system and confidence in it. That means carrying out rigorous tests in comparable circumstances to those of elections, to protect against the failures that were experienced last year.

There is a lot to do, and we have a work plan to ensure that new arrangements will be in place well before the next elections. I very much look forward to working with the committee—indeed, with people throughout the Parliament—over the coming months to re-establish the confidence of the electorate in Scotland's electoral system.

09:39

**David Whitton (Strathkelvin and Bearsden) (Lab):** We are here to consider the report into the circumstances surrounding the elections for the Scottish Parliament and Scottish local authorities that the Parliament's Local Government and Communities Committee has produced. I am sure that all of us in the chamber will have a story to tell about those elections, and I dare say that some will be more interesting than others.

The events surrounding the count in Strathkelvin and Bearsden have featured on television several times, as it was one of the few places where the returning officer was filmed explaining what had gone wrong to those who were assembled to hear the result. I doubt whether what happened in my constituency was much different from what happened in others. There had been difficulties with the postal voting forms, and many people ended up not getting a vote because the forms arrived several days late, after people had gone off on holiday.

The count went fairly smoothly. There were some issues with spoiled papers, but that was to be expected with a new system. The problems arose when the returning officer and her staff thought that they had the result and tried to send it to the central computer for verification. Despite the

best efforts of all those who were involved, the two computers just would not talk to each other. They tried for almost three hours to make it work, but to no avail. At 4 am, the returning officer had to send us all home, asking us to return at midday, by which time they hoped to have fixed the problem. Naturally, all the candidates were disappointed that we could not have the result declared.

When I expressed my displeasure at the turn of events, my daughter summed up the situation neatly by saying, "Look on the bright side, Dad. At least you will come back knowing that you have won. Imagine having to come back knowing that you had lost." Finally, at around 2.30 in the afternoon, the result was duly declared and, to their great credit, all my opponents turned up to hear it read out. I thought of applying to the Guinness book of records, to see whether anyone had waited longer between knowing the result and having it made public, but I did not do so.

That is my story. There were lots of other stories about spoiled ballot papers, postal votes that did not turn up and general confusion about how the ballot papers were presented to the public. Indeed, in his report, Mr Gould took all politicians to task when he said that all parties had to accept their share of the blame for what went wrong; no single individual or party was to blame. It was in that spirit that the members of the Local Government and Communities Committee undertook their task of considering the Gould report and reporting back to us. I commend them for their work.

As has been said, the committee's starting point was the motion that the Parliament passed on 10 January. It said that both the Scottish Parliament and Westminster should discuss, agree and publish a timetable for appropriate implementation of the Gould report recommendations, having regard to the conclusions of both the Local Government and Communities Committee and the House of Commons Scottish Affairs Committee.

I turn to the Local Government and Communities Committee's recommendations. First, there is the question of decoupling the elections. Since the Parliament was formed, it has been the practice to hold Scottish Parliament elections and local government elections on the same day. Last year, that was felt to cause confusion, because of the introduction of a new voting system for local authorities. The committee has endorsed the decision of the Parliament that the elections should be decoupled and has recommended that local government elections should eventually be held two years after those for the Scottish Parliament. I am sure that all members could get into a spirited debate with council colleagues about that issue. Suffice it to say that some of my more experienced colleagues at East Dunbartonshire Council have said to me on more

than one occasion, "I told you so." They will be pleased that Labour now supports such a move.

On the question of appointing a chief returning officer, the committee recommends further investigation of the Northern Ireland model. Labour members have no strong views either way and feel that it is an organisational issue that would be best left to the returning officers themselves.

The committee says that ballot papers should be easy to complete and should result in a fair reflection of the views of the voters. Scottish Labour no longer supports the use of a single ballot paper for constituency and list members. We would like to see a return to two separate ballot papers for the Scottish Parliament elections. We also support plans to ensure that party names on ballot papers guide the ordering of the ballot paper and that misleading party descriptions are done away with—although that would be an encouragement for someone to devise a party name beginning with A.

On voter education and engagement, Labour agrees with the committee that greater voter turnout is to be encouraged, especially in less affluent areas. We would like the Electoral Commission to undertake a comprehensive programme of improved voter information and education so that anyone who votes does not feel in any way inhibited once they arrive at the polling station. The committee has endorsed the recommendation that nominations should close 23 days instead of 16 days before polling day. We support that. There is also a recommendation that there must be more consistent and rigorous training for information officers, including equality awareness training. Our view is that returning officers could also do with some of that.

Finally, I will talk about overnight counting, which is almost where I started. The committee would like to keep the overnight count, but it says that local authorities should be consulted. Labour supports retaining overnight counting. Speaking purely personally, despite my experiences last May, I would like to keep the overnight count. Gould suggests a return to manual counting, which we support.

We endorse the call that any changes in the law that governs the conduct of elections must come into force at least six months before the elections that they affect. We also endorse the recommendation that a single legislative instrument should provide all the rules and regulations that govern the conduct of Scottish Parliament elections, alongside the guidance that the Electoral Commission issues.

As we have heard, lessons must be learned from what happened last May. The committee has

done an excellent job in presenting the report. I hope that its recommendations find favour in the Parliament. As has been said, the person at the heart of the matter is the voter. Anything that we can do to improve the situation for voters must be welcome.

09:46

**David McLetchie (Edinburgh Pentlands) (Con):** Much rhetorical hot air has been expended on the debacle of the elections to the Scottish Parliament and Scotland's councils on 3 May last year when, as we know, failures in the organisation of the elections led to an unprecedented level of spoiled ballot papers in both elections. Suffice it to say that I trust that our recent experience has wiped the smirks off the faces of those who like to comment condescendingly on the hanging chads of Florida or who self-righteously criticise processes in countries to which it is common to send election observers. Scotland might not have passed the United Nations test.

As we have heard, in the Scottish Parliament elections, more than 146,000 ballot papers were rejected as spoiled. The rejection rates were 2.88 per cent in the regional vote and just over 4 per cent in the constituency vote. In 2003, the relevant figures were an unexceptional 0.65 per cent and 0.64 per cent. Moreover, although it received less publicity, the rejection rate in the local government elections was—as Duncan McNeil said—1.83 per cent, which compares with 0.77 per cent in 2003 and 0.59 per cent in 1999. The change to the STV system tripled the rejection rate, and those figures do not tell the whole story.

Since the debacle, there has been no shortage of inquiries, investigations, consultations and responses, which started with the inquiry by Ron Gould, whom the Electoral Commission appointed. The matter has also been investigated by the Scottish Affairs Committee at Westminster and our Local Government and Communities Committee, whose report we are debating. We have had the consultation paper "Sorting the Ballot" from the Scotland Office and an issues paper from the Electoral Commission. As we have heard, the Scottish Government is about to launch two further consultations. One will be on a chief returning officer for Scotland, about which the Electoral Commission is distinctly cool and Her Majesty's Government is barely tepid. The other consultation is intended to be a wide-ranging, all-singing, all-dancing paper on several operational matters. We have also had the benefit of the views of Her Majesty's Government on the Gould report and the Scottish Affairs Committee's report.

What are we to make of the frenzy of activity on how we reform the administration and organisation

of elections to prevent a recurrence of what happened in 2007? An outside observer would conclude that not much has happened to date. The Scottish Government is hardly moving at breakneck speed on local government elections, which fall in its domain, but I am sorry to say that the main drag on progress is Her Majesty's Government's unwillingness to accept the conclusion that responsibility for election administration in Scotland should be transferred to a single jurisdictional entity. Gould said that the most appropriate entity was the Scottish Parliament and Government, and the Parliament and the Local Government and Communities Committee's report endorsed that. The behaviour of Her Majesty's Government is disappointing, because it precludes us from creating the office of chief returning officer for all elections in Scotland—to local government, the Scottish Parliament, Westminster and the European Parliament—to replicate the situation in Northern Ireland, which the Local Government and Communities Committee's report recommended.

The one significant step forward is the acceptance by Her Majesty's Government and the Scottish Government that the local government and Scottish Parliament elections should be decoupled. A bill to that effect will be introduced early next year. Of course, the decoupling proposal was first made by the Scottish Conservatives way back in 2002—long before the problems in 2007 emerged.

The Kerley and McIntosh committees, which examined local government, recommended decoupling. Subsequently, the Arbuthnott commission recommended it. Those independent committees recognised not only that separation was desirable to promote democratic accountability, but that voters could be confused if two different election systems were used on the same day to elect different bodies. Lo and behold, that is what came to pass. The blame lies fairly and squarely on the shoulders of the previous Labour-Liberal Democrat Executive, which opposed decoupling. It took the catastrophe of 2007 to change Labour members' minds, as we heard in David Whitton's speech, which sounded more like a confession at a show trial than a speech to a Parliament. However, the Liberal Democrats have still to atone for their sins. Like the Electoral Reform Society, they cling to the fanciful notion that there was nothing wrong with the STV system.

I say as an aside that the STV system more than decimated the ranks of Labour councillors. It was forced through in the previous parliamentary session as the price of the second Labour-Liberal Democrat coalition. It must bring tears to Labour members' eyes when they reflect that the Scottish National Party appears to be capable of running a

minority Government with 47 members whereas they were incapable of doing so between 1999 and 2007 with 56 members and then 50 members. Be that as it may—this is not a time for partisan comment.

The Local Government and Communities Committee's convener, Duncan McNeil, highlighted the fact that the ballot rejection rate in the local government elections was three times higher than it was under the first-past-the-post system. That rate did not include ballots on which voters had written a cross rather than the number 1 next to a candidate's name, as the two marks were regarded as equivalent and counted. That was right, but a cross would have shown that a voter did not understand how to vote under STV. Had such ballots been rejected because of that failure of understanding—as they might well have been—the rejection rate in the local government elections would have been even higher than that in the Scottish Parliament elections.

One virtue of separating the elections is that the next council elections in 2012 can be preceded by a much better voter information campaign with a much better focus than was evident in 2007. The Scottish Affairs Committee roundly criticised that campaign.

We are a bit further forward than we were 17 months ago, but not much. I am not at all persuaded that we have taken the opportunity that the Gould report presented to put the administration and organisation of all our elections in Scotland on a sound footing for the future. We can and should do better. I commend the Local Government and Communities Committee's report to the Parliament.

09:53

**Alison McInnes (North East Scotland) (LD):** It has been said that, in a democracy, the most important office is that of citizen. Sadly, it is clear from the analysis of last year's electoral process that the citizen was—if not forgotten—certainly the last one to be considered when changes to ballot papers and counting systems were proposed.

We have an assessment that criticises the fact that, among other things, ballot papers were complicated; postal votes were not delivered on time, which disfranchised people; decisions were taken so late that insufficient time was available to communicate them properly; and electoral administration systems might have reached breaking point as a result of pressures that had been imposed in recent years. That is quite a list of shortcomings.

In a mature democracy, it is hard enough to encourage participation in elections without the muddle that we encountered last year. The

Scotland Office has a lot to answer for. Organising the Scottish Parliament elections is one of the few significant tasks that the generously resourced Scotland Office has had to do in the past few years, yet most of the failures that the Gould report highlighted fell within its remit.

Many shortcomings related to the parliamentary elections and less light has been cast on the comparative success of the local elections; I think that it is worth reflecting on that for a moment. The intuitive STV system, which was quickly understood and appreciated by the electorate, has delivered fairer votes; there has been a quiet revolution in our council chambers across Scotland. Scotland now has councils that much better reflect the spread of views among their electorates. No longer are councils so dominated by a particular party group that opposition is rendered ineffective; more parties are working together to provide good local governance; and more of the electorate have found that people whom they voted for have become councillors. STV has given voters a much wider choice: the average number of candidates per ward rose from 3.4 in 2003 to 7.4 in 2007. In 2007, there were no uncontested seats, whereas 61 councillors were returned unopposed in 2003.

A high percentage of voters ended up with the councillors for whom they had voted. In 2003, about half of all voters voted for losing candidates, but in 2007, nearly three quarters found that the candidate to whom they had given their first preference had been successful. STV succeeded in broadening the range of choice for Scottish voters and opening up the electoral process to a greater range of candidates. We saw an increase in the number of young people on Scotland's councils. As the system matures, I hope that all parties will take the opportunity to field as diverse a range of candidates as possible. It is early days, but I believe that we have invigorated and refreshed our local democracy.

I turn to some of the problems that the committee identified; that said, they are problems only of process, which can and must be fixed. In the time available, I cannot respond to all the recommendations, but I am sure that my colleagues will address other important matters.

The Liberal Democrats agree with Gould that

"a major initiative should be undertaken to rationalise and consolidate the existing legislation as it relates to these elections".

The present cluttered landscape and divided responsibility must be rationalised; Scotland should be in control of its own elections. We agree with the recommendation that Scotland should have a chief returning officer. We see merit in the Electoral Commission's development of that idea—that there should be a new electoral

management board, with a convener recognised in statute, and a strengthening of the commission's role.

**Bruce Crawford:** I have read carefully what was said by the Electoral Commission, which has made a useful contribution to the debate. However, I find it difficult to understand why such a cumbersome system with, potentially, 47 board members would be the right way forward for Scotland. If anything, we need something that is a bit more streamlined, focused and able to deliver.

**Alison McInnes:** As I said, the suggestion is worthy of further consideration. Before we come to conclusions, we should explore it further. We need something that refines the situation.

As other members have said, the committee supports the suggestion that local and national elections should be decoupled. On balance, our party does not support that suggestion. I am not yet persuaded that the risk of lower turnout, greater cost—which will, of course, fall entirely to local government—and disruption to schools is justified by the argument for separate elections.

In addition, there are UK general elections, which are generally held midway through the Scottish Parliament session, and European Parliament elections. We could have an election every year, which could lead to the risk that local elections would be hitched to some other election. The proposal could still therefore lead to voter fatigue. The committee's suggestion that there needs to be a campaign to raise awareness of such local elections is, in itself, an acknowledgement that there will be a drop in turnout.

I agree that postal ballots are vital to full participation, but the system must be made more robust.

The evidence of alphabetic bias in the local results was concerning, and much more research is required on ballot paper design and candidate ordering. Any review should be professional and rigorous, and should involve an assessment of what voters prefer and find easiest to use. Alternatives should be examined and, if appropriate, rigorously tested, well before the next local government elections. Decisions on that could be informed by the research that is under way by both the Electoral Reform Society and the Electoral Commission.

I support the Royal National Institute for the Blind's recommendation that organisations that represent people with a visual impairment are involved in the ballot paper design process. I would welcome the Government saying that it accepts the recommendation.

In closing, I return to the point that the reform that introduced STV has resulted in welcome changes. The problems that were encountered last year should not eclipse that. Any changes that are made must further strengthen and advance the modernisation of Scotland's local democracy. We must put citizens first and strive to ensure that their vote counts and that the electoral process is credible, fair and transparent.

**The Presiding Officer:** We come to speeches in the open debate. Members have a tight 6 minutes.

09:59

**Bob Doris (Glasgow) (SNP):** In looking at the Gould report and considering its recommendations and their impact on the local government elections, it became apparent to members of the Local Government and Communities Committee from the start that it was nigh on impossible to ignore the clear connection between the Scottish Parliament and local government elections. The complex mix of legislation that governs the administration of both sets of elections, split between two jurisdictions, and the far-reaching conclusions of the Gould report, led to a "considerable cross-over", as the committee acknowledged in paragraph 20 of its report.

With more than 146,000 spoiled papers in the Scottish Parliament elections and more than 38,000 spoiled papers in the local government elections, it is clear that much was wrong with the way in which the elections were administered. In the aftermath of the 2007 elections, the blame game between politicians started almost immediately. The question was: whose fault was the poor administration? It was most welcome to have Professor Ron Gould conduct a wholly independent investigation into the matter, the result of which was the Gould report.

Publication of the report was a defining moment for the Scottish Parliament. I refer in particular to the debate and vote on the matter in the chamber in January 2008 and the committee report that we are debating today. Both the debate and our report endorsed Gould's key recommendations. Our Parliament has used the Gould report as an opportunity to move beyond the blame game and as a toolbox to work out how to ensure that we get the administration of future elections right.

In the May 2007 elections, the buck stopped nowhere. Inadequate and outdated legislation, poor organisation and lack of co-ordination allowed the blame game to become one of pass the parcel between all those involved, including the previous Scottish Executive and the Scotland Office. Pass the parcel is a kids' game. I am proud that the Scottish Parliament, Scottish Government

and our committee have been adult enough to back Gould and say clearly, "In future, the buck stops here."

In essence, Ron Gould said exactly that when he talked of responsibility being divided between the Scotland Office and the Scottish Government. He said:

"it cannot be guaranteed that these electoral processes will be conducted effectively, due to the fragmentation of the legislation and decision-making in this context."

**Andy Kerr (East Kilbride) (Lab):** Mr Gould also said to the committee:

"We do not need to bring responsibility for all elections to the Scottish Parliament in order to get clarity."—[*Official Report, Local Government and Communities Committee*, 21 November 2007; c 268.]

**Bob Doris:** He said that, but he also said that responsibility should go to the Scottish Parliament because that would be the logical choice.

I had hoped that today's debate would help to drive change in the Scotland Office, but the Scotland Office has yet to agree with Gould, or the Scottish Parliament, on the matter. We in this place are signed up to further devolution of executive and legislative powers to the Scottish Government and Parliament for the administration of its elections. We all want the buck to stop here, yet the Scotland Office has been resistant; indeed, it has refused.

With a new broom in charge of the Scotland Office in Jim Murphy as Secretary of State for Scotland, I had hoped for more than merely a change of face; I had hoped for a change of direction. I had hoped that Jim Murphy would start his new job with a blank canvas on how the Scotland Office and UK Government respond to unified calls from our Parliament for further executive and legislative powers to be devolved to Scotland.

**Duncan McNeil:** Does the member think that it was remiss of the committee—albeit that I suggested it—that we did not seek to broaden the remit of our inquiry to look at Scottish Parliament elections? If we had done that, we could have brought Westminster officials and ministers before the Parliament. Does he agree that we were prevented from doing that because we did not widen our remit?

**Bob Doris:** The committee convener makes a good point, but if legislative responsibility were to be brought to this chamber that would happen quite naturally.

Yesterday, I sent the Secretary of State for Scotland a letter in which I asked the UK Government to give further consideration to ensuring that the Scottish Parliament has all the legislative powers that are necessary to learn the

lessons of 2007. I also made Jim Murphy aware of today's debate. I hoped that he would reflect on the current Scotland Office position of refusal to the key Gould recommendation that "exploratory discussions take place" between the Scotland Office and the Scottish Government, with a view to assigning responsibility for both elections to the Scottish Government.

However, at 6.30 pm last night, I received the Secretary of State for Scotland's short reply: there will be no change of position. For Jim Murphy not even to wait for this morning's debate is hardly the Scotland Office reflecting on the matter; rather, it is reacting, and doing so in a knee-jerk fashion. His response is an insult to the chamber. It appears to be business as usual at the Scotland Office, no matter what the Scottish Parliament decides.

The Scottish Parliament believes that the Gould report provides a toolbox to modernise Scotland's elections. The response of Jim Murphy and the UK Government was to throw an almighty spanner into its works. Such a knee-jerk reaction from a UK minister does not bode well, but I am sure that the Parliament and the Scottish Government will continue to show how illogical the Scotland Office's position is. As they hear the rest of the speeches in today's debate, I hope that members will bear in mind the fact that we cannot implement fully the improvements that are necessary unless the Scotland Office plays ball. Currently, it refuses to do so.

10:05

**Michael McMahon (Hamilton North and Bellshill) (Lab):** We should welcome the fact that the Local Government and Communities Committee's report on the 2007 election has once more given us the chance to debate an issue—the method by which we select a Government—that exercises many a political anorak and academic. It is worth acknowledging the fact that since May 2007 I have not had to deal with one piece of constituency work relating to the issue; in fact, I have received no local correspondence on electoral systems in the nine years for which I have been an MSP. However, the matter is important, even if the electorate do not get as animated about it as we do.

As members have pointed out, the democratic process is a vital component of an orderly society. Those who participate in the process must be assured that the system is just and will result in an outcome in which they can have confidence; whether people write to us in the aftermath of any problems that arise is not the issue. Although people must have a chance to have their say on the issues that emerged last year, I hope that this morning's debate will be the last time that we have

to discuss them. Surely it is time for us to move on from what happened last May and to concentrate on introducing the recommendations that members of the Local Government and Communities Committee have made.

I agree with many of the committee's recommendations, but I am not entirely convinced by the view that there should be decoupling of Scottish Parliament and local government elections. I say to Mr McLetchie that if this were a show trial, I would be heading to the gulag. I accept that I have lost the argument on decoupling, but my concerns about the decision remain. Many colleagues in the chamber and in local authority chambers across Scotland agree with decoupling, because they believe that it will enable the public to distinguish clearly between the work that is done here in Holyrood and the work that local authorities do. I am not sure that the Scottish Government will always welcome decoupling as warmly as it does now, given the problems that it has created for local government through the partnership that it has established with the Convention of Scottish Local Authorities—the famous hysterical concordat. Decoupling will allow us to give closer scrutiny to what local authorities have or have not done with the reduced funding that the Scottish Government has provided. I wonder whether the hysterical con will stand up to that scrutiny.

I add a note of caution on the recommendation. We should not forget that turnout at local elections was on a downward trend before 1999. Many people believed that the reason for the decline was that the first-past-the-post system discouraged voters from turning out; they tried to convince us that putting in place a proportional representation system would help to overcome the problem. However, we cannot trust that simplistic analysis. If having a PR system encourages voter turnout, turnout in the proportional elections to this Parliament should be higher than in the first-past-the-post elections to Westminster, but we all know that that has not been the case. There is a real danger of reduced turnout in local elections. I wonder whether the situation will change when local elections are again held separately, as that would be to the detriment of our local authorities.

For me, the most important recommendation in the committee's report and in the Gould report is that the administrative side of Scottish Parliament elections should be passed to the Parliament. I am in favour of such a move, but I do not believe that total control of those elections should be passed to the Parliament—I am pleased that the legislative part of the process will remain at Westminster. If the Labour Government, which introduced devolution in Scotland, still holds to the position in which it believed in 1996 and 1997, a quick response from the new Secretary of State for

Scotland to reiterate its opinion is in no way a knee-jerk reaction—it is a restatement of a view that the Government has held for 10 years.

**Bob Doris:** Would it not have been advisable and courteous for the Secretary of State for Scotland to await the outcome of today's debate first?

**Michael McMahon:** I do not think that that would have mattered, given that he was restating a 10-year-old policy that the Government has no intention of changing. I could have told the member what Jim Murphy's response would be yesterday, today or tomorrow, because it is a restatement of the Government's position. It surprises me that the member is so surprised about it. Given that the SNP has introduced so little legislation in the 18 months since the election, I understand that it is desperate to find issues on which to legislate, but this is a devolved Parliament and I believe that it should remain so.

I welcome the fact that parties will no longer be able to manipulate voters in the way in which some did last May by their use of the list system. Never again should such a thing happen. People should not be able to use the list system to massage the overinflated egos of their demagogic leaders. The Parliament and those who are elected to it should be respected once the outcome of an election is known. There can be no repetition of the episode that took place last May; that was not good for our reputation.

I welcome the debate, but it is now time for us to move on. I am sure that the general public wish to see us debate issues of much higher importance. If the interest that my constituents have shown so far is anything to go by, for all that the issue matters to them we could be debating whether Mars bar cake should be on the menu in the tea bar. The issue is important, and I am glad that we are having today's debate, but we should move on from here.

10:11

**John Wilson (Central Scotland) (SNP):** Every member who stood for election last year has their own experiences of the May 2007 Scottish Parliament and local government elections; David Whitton described some of his this morning. Based on my situation, I could stand in the chamber and state that everything was wonderful, as I was elected not only to the Scottish Parliament but to North Lanarkshire Council. However, that would be to do a disservice to the wider public. There was something amiss even with the process of people getting in their postal votes in time.

The Local Government and Communities Committee details in its report and states clearly

that there is cause for serious concern about how the elections that were held on 3 May 2007 were conducted and about the technology that was used at counts throughout Scotland, which meant that the situation developed into a farce, especially at counts. Rejected ballots in both the local government election and in the constituency and regional votes that were cast in the Scottish Parliament election were significantly higher than in the 2003 and 1999 elections.

As other members have stated, the Gould report and the research that has been conducted by other organisations is relevant to both the Scottish Parliament election and the local government election, especially as both elections were held on the same day. As members may have noted when reading the committee's report, DRS Data Services, the company that was at the heart of the technology failures back in May 2007, supplied only written evidence to the committee—it never appeared to give oral evidence. For that reason, paragraph 172 in the report's summary of conclusions and recommendations states that any contractor that gains the contract for future provision of electronic counting should be willing to co-operate fully

“with scrutiny by Scottish parliamentary committees.”

The high number of rejected ballots gave rise to much concern about the integrity of the process. There are a number of studies of the issue by the Electoral Reform Society, the Joseph Rowntree Foundation and the Scotland Office. The Scottish Government also published a response to the Gould report.

In future, local government elections will not be held on the same day as the Scottish Parliament elections. The decoupling of elections is the will of the Parliament, as expressed in a vote on 10 January 2008.

To place the debate in context, one need only examine “Scottish Council Elections 2007: Results and Analysis” by Bochel and Denver, published by the University of Lincoln in 2007. The research states that there was an increase in the number of rejected ballot papers in the local government election compared with previous elections, although the increase was not as great as that in the Scottish Parliament election. Bochel and Denver note that, given that most people were unfamiliar with the single transferable vote system, a rate of 1.83 per cent for rejected ballot papers did not seem unreasonable. However, it would be remiss of us not to compare the figure of 38,351 rejected council ballot papers in 2007 with figures for the previous two elections.

The recommendation to devolve legislative powers for the administration of elections should be welcomed. We should bring the process home

to Scotland. In paragraph 44 of its report, the committee said:

“The Committee, having regard to the oral and written evidence which it received, endorses the resolution of the Scottish Parliament in relation to the Gould report.”

The Gould report indicated the need for the establishment of the post of chief returning officer for Scotland. The committee endorsed that view in paragraph 53 and the Parliament also endorsed that view.

The committee gathered evidence on the design of the ballot papers that people who voted in person and by post used throughout Scotland on 3 May 2007. I welcome the committee’s support for the Scottish Government’s intention to examine options for ballot paper design.

In paragraph 58 of its report, the committee said that it should have a beefed-up role, to enable the Parliament effectively to scrutinise the conduct of elections. The role of the chief returning officer, if such a person is appointed, will be critical in that regard.

The proposal to randomise rather than alphabetise names in local government elections merits consideration. I realise that I might be accused of having a vested interest in that regard, given that my surname is Wilson rather than Allan. In the aftermath of the election, people—frequently defeated candidates—complained that the STV system favours candidates whose names are near the top of the ballot paper. More research into randomisation would be worth while, to ensure equality for all candidates.

I welcome the report and the general principles that are set out in it. I thank the committee members, clerks and people who provided evidence on the matter, so that we can try to ensure that there is no repeat of the problems of the 2007 elections.

10:17

**James Kelly (Glasgow Rutherglen) (Lab):** I welcome the opportunity to take part in the debate and I commend the committee for its work in producing its comprehensive report.

There is no doubt that all members of the Parliament and members of councils throughout Scotland are honoured, because we owe our position to voters who turned up at polling stations, cast their votes and expressed confidence in us and our political parties. That is a unique and honourable position to be in. Therefore, we must ensure that we involve as many voters as possible in the process and that voters can have confidence in the integrity of the process. I commend the committee’s work to try to make the

process more robust in future and to increase voter turnout.

Members have referred to the important issues that the committee highlighted in its report. I have given considerable thought to the decoupling of local government and parliamentary elections. Michael McMahon and other members pointed out that decoupling the elections might reduce voter turnout at council elections, which would reduce the mandate that councils have. That is a strong point, but on balance I favour decoupling. I watched voters enter polling stations in 2007 and spoke to a number of voters from different political parties afterwards, and I am in no doubt that there was a good deal of confusion among people who had had to vote for a constituency MSP and a list MSP, and then for three or four councillors in a system that was being used for the first time. A confusing system puts voters off and we do not want to do that; we want as many people as possible to vote in elections.

For that reason, I support proposals to simplify ballot papers. The use of two separate ballot papers would be more straightforward and would be an easier system for voters to follow. Voter education is also important. We are talking about serious elections, in which members are elected to legislate on important issues in the Scottish Parliament and councillors are elected to manage large budgets. If we want voters to be aware of issues and to understand how to vote, we must invest seriously in voter education. The number of rejected ballot papers in 2007 is a matter of regret. In my constituency, there were 1,495 rejected ballot papers in the constituency election alone. I support moves to publish more electoral data, which I think will show that we have much to do in areas of social deprivation, where I think that turnout is lower and more ballot papers are rejected. We must address that issue.

Alison McInnes glossed over some facts about STV. She mentioned the increased number of candidates but did not talk about the three-fold increase in wards. The alphabetical bias in the STV system must be addressed before the next elections.

David Whitton talked about problems with postal votes. In my constituency some people did not receive their postal ballot papers until the day of the election or afterwards, so they were debarred from taking part in the process.

I support the restoration of manual counts for the Scottish Parliament elections. Transparency is important. The experienced election watchers among us are used to seeing the ballot boxes being opened and—this is my experience—all the Labour votes spilling on to the table. I make a serious point. Manual counts enable people to see how the votes are stacking up as the process goes

on, which did not happen during the e-count, when my sight was blurring as I tried to follow what was happening on bar charts. I also support overnight counting. I am a traditionalist in that respect. People who work hard all day during an election are entitled to learn some results by 10 o'clock and the public and the media expect to hear the results as soon as possible.

I commend the committee for its report. I support Duncan McNeil's call for voters to be central to the process. The committee's recommendations would do much to ensure greater voter turnout in future elections.

10:23

**Nicol Stephen (Aberdeen South) (LD):** The May 2007 election debacle was a dark day for democracy in Scotland. More than 85,000 votes were rejected in the constituency ballots and more than 60,000 votes were rejected in the regional ballots. The failings of the Scotland Office and the sloganising of the Scottish National Party have received fair and full criticism. The process was confusing and at times shambolic, and it is clear that the debacle could have distorted the outcome.

**Andy Kerr:** For clarity, will the member remind the Parliament of his party's position on the ballot paper and on decoupling the elections?

**Nicol Stephen:** I will come on to those points. I do not believe that we should tinker with the system; fundamental change is needed.

The debacle in May 2007 was a serious failure of democracy. However, among those dark storm clouds was one silver lining.

In the 2003 local elections, Labour won 89.9 per cent of the seats by receiving 47 per cent of the vote. In Midlothian, 64 per cent of voters did not support Labour, but their parties won only 6 per cent of the seats among them. That was a failure of democracy, too.

The introduction of fair votes for our councils has swept away decades of stultifying single-party rule across much of Scotland. We now have proportional systems for local government, the Scottish Parliament and the European Parliament. The sooner that Westminster catches up, the better. It remains deeply unfair that in a general election a Westminster Government can win a big majority in the House of Commons with a significant minority of the votes cast.

However, we have seen that the Scottish system remains far from perfect. The Gould recommendations should not simply tinker with the current flawed voting system for the Scottish Parliament—tinkering is simply not good enough. I will make the case for a fundamental change to the voting system for this Parliament.

The single transferable vote in multimember constituencies is now working in local government. It is the simplest, fairest and most effective system of PR. We should campaign for STV to be introduced for elections to the Scottish Parliament.

The current regional list system is flawed. It creates two tiers of MSP—the constituency MSP and the regional list MSP—with two different forms of voting. Nine years after its introduction, it remains complex and poorly understood. It allows regional MSPs to use their position to target and campaign against constituency MSPs. The closed regional party list system gives the political parties too much power.

Introducing the same fair voting system for all local and national elections would transform democracy in Scotland. In the Scottish Parliament, there would be only one kind of MSP: a constituency MSP. With STV, the local link would be stronger, not weaker. Power would be taken away from the political parties. MSPs could lose to more popular rivals in their own parties.

STV is fairer than the additional member system. It provides greater proportionality and allows each vote to count equally towards electing the best MSPs. It allows every person who votes to influence who is elected, even when their first-choice candidate wins too few votes and is eliminated. It is simpler and far easier to understand than the current mishmash of different and confusing voting systems.

**Gavin Brown (Lothians) (Con):** Does the member regret the trebling in the failure of voting at council level in 2007, as compared with 2003 and 1999?

**Nicol Stephen:** I regret any spoiled ballot. However, it is important to emphasise that the dramatic shift was in the failure of voting under the Scottish Parliament voting system. It is those 145,000-plus spoiled ballots that I am most concerned about in the context of this debate.

I believe in a stronger Scottish Parliament with new powers, including tax-varying powers. One of the most fundamental of those new powers must surely be the right of this Parliament to decide to introduce a simpler, fairer and more effective voting system.

I hope that that view will be supported by the Calman commission, as well as by the parties in the Parliament. There has been too much self-interest from the political parties on these issues for too long. We saw some of the consequences of that in May last year.

Fairness is fundamental to effective democracy and to restoring confidence in Scotland's still-tarnished electoral system.

10:29

**Jamie Hepburn (Central Scotland) (SNP):**

Today's debate is welcome, although much of the ground covered in the Local Government and Communities Committee's report is not exactly new. Scotland's experience of the 2007 elections has been discussed several times in this Parliament. Despite what Michael McMahon seemed to suggest, the subject has been discussed widely by the general public in Scotland, too.

After all that discussion, and with the report in front of us, it is clear that, throughout Scotland, a consensus is emerging among our body politic that there needs to be much tighter management of the electoral process and, in particular, that responsibility for elections in Scotland should rest with the Scottish Parliament.

Nicol Stephen described the election last year as "a dark day". Given the Government that was elected, I am not sure that I agree with that statement, but I am sure that we can all recall the uncertainty that surrounded the elections of May 2007. I am sure that none of us wants that experience to be repeated. The committee's report, which builds on the Gould report, sets out a number of ways in which we can ensure that it is not repeated.

I will focus on a few key aspects of the committee's report. The report states that the post of chief electoral officer has operated successfully in Northern Ireland and considers how that could inform the establishment of a chief returning officer post in Scotland. The concept is not totally unusual: in 1997, in the devolution referendum, a chief counting officer for Scotland was appointed. Of course, we look forward to another constitutional referendum in Scotland in the not-too-distant future—one that will deliver Scotland's independence, which, naturally, would give this Parliament full powers over electoral law and regulation. It would also address Alison McInnes's concern about voter fatigue by removing an unnecessary tier of Government elections in Scotland. Perhaps that is an issue for another day. The report makes it clear that, if we had a chief returning officer for Scotland, that would help to establish lines of accountability among the diverse local authorities in Scotland and provide the oversight that was so clearly lacking in 2007.

The decoupling of Scottish parliamentary and local authority elections must not be overlooked. Such a move is extremely important for local democracy and for the mandate of our councillors and the legitimacy of our municipal governments. A separate polling day for local authorities, preferably at the mid-point between two parliamentary elections, will, I hope, provide a clearer focus in communities on issues of

particular concern. It is a matter of realpolitik that decoupled polls can, and do, serve as a mid-term verdict on a national Government, but that is not necessarily a bad thing, or something for a Government of any party—particularly the SNP—to be afraid of.

However, the primary rationale for decoupling the elections is, rightly, to ensure that our municipal governments are given the prominence that they deserve as a result of having their own election day. As the committee's report acknowledges, that is a good motivation for us to act. We should look to decouple the elections.

One change that has already been made in local government elections is the introduction of the single transferable vote, which has been an incredibly positive move. I have excellent relations with many councillors throughout central Scotland and there has been a positive reaction from constituents who are able to keep their elected representatives on their toes through the multimember system. The introduction of STV has changed Scotland's local political landscape for the better—it has changed beyond recognition—even if it did take a bit longer than expected to realise the extent of what had happened on that day in May last year.

However, the introduction of STV as a new voting system in Scotland has not been without its challenges. The committee report comments on the design of the ballot paper for the local elections. It is important to note that, although the rate of spoiled ballots in the local elections was unacceptably high, it was still lower than the rate of spoiled ballots in our parliamentary elections and in STV elections held in Northern Ireland. That suggests to me that ballot design was not the sole reason for confusion and problems. After all, it was the Scottish electorate's first experience of using STV. We can expect the number of spoiled ballot papers to decline in future elections as people get used to the system, particularly if elections are decoupled.

The committee report also recommends that we investigate the increased use of postal voting. Postal voting is already under way in Ohio and several other American states four weeks before the United States presidential election. Given that Scotland is smaller than many of those states, perhaps we do not need such a radical move, but we can certainly explore the idea further. I look forward to hearing any proposals that emerge in that regard.

There is no single magic bullet in the committee's report or in any of the other reports. The Gould report, which the Parliament endorsed in full, remains the benchmark. Key to Gould was the call for full power over elections to be devolved to Scotland—but only if that power is used to

implement the range of other recommendations that we have been discussing.

Voters in Scotland need and deserve an electoral system that enhances our democracy and ensures the legitimacy of those who are elected. They used such a system in 1997 to create their own Parliament. Surely that Parliament should have the responsibility and opportunity to repay the trust of the voters with the power to legislate for and oversee the running of elections in Scotland. I hope that the next time that the issue comes before us in the chamber, we can make a real and lasting difference to the electoral process.

10:35

**Des McNulty (Clydebank and Milngavie) (Lab):** The opening speakers all emphasised the importance of putting voters first when designing electoral systems. That is important, and it is the right thing to do. Voters are being asked to make a choice, and we should make it as easy as possible for them to make that choice in the clearest of circumstances.

It is clear from everyone's experience and from the Gould report that last year's elections did not reflect the priority that should have been given to the needs of voters. There are a number of dimensions to that, including the design of the ballot paper and the fact that the combined ballot papers were confusing. The way in which they were put together made it even less clear to voters than in the two previous elections how voting in the regional list system might impact, or not, on the constituency vote. That was a source of confusion.

There was, bluntly, manipulation of the ballot paper, with the use of misleading or inappropriate ballot descriptions. On the description "Alex Salmond for First Minister", perhaps I sound like a sore loser, but Alex Salmond was not a candidate in the West of Scotland—he was not a candidate in seven of the eight regions of Scotland. If a ballot is for the election of individuals to a Parliament, the names on the ballot paper should be the names of the candidates, not other people's names. The description "Alex Salmond for First Minister" was a plain and blatant manipulation that should never have been allowed, and the Electoral Commission should hang its head in shame for allowing it.

The combination of the regional list and constituency ballots on the same paper was confusing. If we look at the evidence of the election in a cold, systematic way, we find that, rather than there being any difficulty with the local elections, the key problem was the number of spoiled ballot papers in the Scottish Parliament

election. That was striking, given that we were introducing a radically new multimember seat system in the local elections. Voters actually coped relatively well with that new system under which there were relatively few spoiled papers—they managed to express their preferences. The problem, from the voters' point of view, was with the design of the ballot paper and with other aspects of the Scottish Parliament election. It is a fault of the Gould report that it does not focus closely enough on the specific problem; rather, it gallops through a series of other issues.

In some parts of Scotland, the regional list system is fundamentally flawed. It was all very well to introduce a combined system to bring about proportionality, but the reality in Glasgow, the West of Scotland and Lanarkshire is that people who vote Labour on the regional list get no reward. There cannot be validity in an electoral system under which thousands of people cast their vote but do not get someone elected as a consequence. We should adapt the system, if we continue with it, to ensure that any party that gets, say, 25 per cent of the vote automatically gets a list seat. That would marginally reduce the degree of proportionality compensation in the system, but it would make the system work a bit better in relation to accountability to the electorate.

The way in which the regional list system has been employed in the Scottish Parliament means that people who are rejected by the electorate in a constituency but who also stand on the list system get a golden parachute, in effect. If their party says that they are going to get in, they get in. Not only do they have a golden parachute; when they get in here, they are gilded stalkers—they are funded by the electorate to challenge the people who have been elected in constituencies for the next four years. That does not seem to be a properly democratic arrangement. If the voters decide that a member is out, they should be out. That is the way in which the system should work. The SNP and some other parties have chosen not to adopt that approach, however.

I fundamentally disagree with Nicol Stephen about the multimember system. Up and down Scotland, and certainly in my bit of Scotland, people complain about having three or four locally elected members. They cannot actually find the people who have been elected, whether they voted for them or not. Some people have disappeared—SNP councillors who were elected in my area have disappeared without trace; there are other ones who turn up and are bloody useless.

**The Deputy Presiding Officer (Alasdair Morgan):** Order. The member must withdraw that remark.

**Des McNulty:** I withdraw that remark.

There is an issue around voter fatigue. Not next year, but in future we will end up with voters being asked to vote every year, whether in European elections, UK parliamentary elections or Scottish parliamentary elections. If we are going to have a fixed-term system, it makes sense to move to a five-year fixed-term system, coinciding with the European Parliament elections. That would at least take one electoral process out of the way. We have to think of the voters first, but I am not sure that we have been doing that.

10:41

**Patrick Harvie (Glasgow) (Green):** How infuriating that Des McNulty ended that speech with something—fixed terms—that I agree with him on.

I thank the Local Government and Communities Committee for its report. Having heard a few members mention Westminster's Scottish Affairs Committee, and having watched some of its sessions on television, I would say that the Local Government and Communities Committee's report is a far more balanced piece of work than the Scottish Affairs Committee was able to undertake. I saw some of the select committee's fire being turned entirely, and scathingly, on the Electoral Commission. Criticisms in that direction might be valid, but not a peep came from the committee in criticism of UK ministers, who also bear responsibility.

The select committee was also scathing about the principle of proportional democracy. We are well used to hearing that—I note some of the speeches that Labour members have made. Far be it from me to suggest that the Labour Party in the west of Scotland would ever elect anybody useless under the first-past-the-post system. As well as being scathing about the use of proportional democracy, some members of the Scottish Affairs Committee remain cynical about the very existence of this Parliament.

Duncan McNeil opened this debate on a more balanced piece of work. Initially he used the term "spoiled" ballot papers, but it was important that he corrected himself part of the way through his speech, and started to refer to "rejected" ballot papers. We all understand what a spoiled ballot paper is. It implies an intention on the part of the voter to say, "To heck with the lot of them"—an understandable sentiment, sometimes. Many ballot papers were not spoiled; they were rejected by an imperfect system.

Consensus has built up around a number of areas in the debate, but others remain contested. I agree with Jamie Hepburn and the majority of MSPs, who have endorsed the idea that this Parliament should control the legislation governing

its own elections. The UK Government disagrees, however. Whichever position one takes on that question, we can all recognise that there are two Parliaments and two Governments involved, with three levels of government involved in the administration of the four sets of elections that we take part in. All of us, whatever our view on the balance in that involvement of the different Parliaments and Governments, should agree that there is a need for better administration. Whether that means having a single returning officer for Scotland or adopting the Electoral Commission's proposal for a management board—both those ideas have some merit and should be examined—we should agree on the principle that we wish there to be better administration. Whichever Government controls the elections to this Parliament, both Governments will continue to be involved, and the situation must be made clearer.

There is concern about electronic counting. I agree with James Kelly, who spoke about concerns over the system not being transparent. The system is not necessary, either; nor is it cheap and, after last year's elections, it is clearly not reliable. Bruce Crawford said that we should look for silver linings in last year's debacle, and I would regard the death of electronic counting as a silver lining.

There is clearly a will to ditch the highly dubious combined ballot paper. Constituency and regional elections are separate systems that elect different groups of people. Indeed, citizens who vote in the Glasgow regional election are perfectly entitled to elect someone who might be rejected by a particular Glasgow constituency. The proposal to drop the combined ballot paper in favour of having separate ballot papers is a good one. However, we should also consider randomising the order of candidates on the ballot paper and banning sloganising from it. I agree with the argument that no one should be listed on the ballot paper unless they are a candidate, which would prohibit the inclusion of wording such as "Alex Salmond for First Minister" and "Convener Tommy Sheridan". Only the candidates' names should be on the ballot paper.

The Conservatives proposed early in the previous parliamentary session that we should decouple the parliamentary and local elections, and I was happy to support that proposal. Decoupling would give greater clarity to the issues in local elections. However, the argument about turnout could cut both ways. I believe that a greater focus on local elections would help turnout to be not only high but meaningful.

The proposal to decouple the elections raises the issue of the electoral cycle. Aside from byelections that arise from sad or exceptional circumstances—the overcanvassed residents of

Glasgow Baillieston experienced such a by-election recently—we have an almost continual electoral cycle. With local, national, UK and European Union elections, we have an election almost every year. Proposed elections to health boards and the possibility that Westminster may implement its decision to support an elected second chamber could add more layers of voter participation. That is a good thing rather than a bad one, and it is certainly not an argument against decoupling elections. However, there is a clear case for having fixed terms for all elections. For example, we could have a democratic event on the same day every year and make it a public holiday. Everybody could rely on that to know when an election was coming, and we could call it democracy day, or what you will.

If we all agree that the voters must be at the centre of the system, there should be a place for members of the public to take part directly in the decision-making process.

10:47

**Sandra White (Glasgow) (SNP):** I, too, thank the Local Government and Communities Committee for its report on what I would call the chaotic 2007 elections; I also thank all who gave evidence to the committee. I echo other members' calls for the Scottish Parliament to be responsible for elections to the Parliament.

I have found the debate interesting, except for Michael McMahon's and Des McNulty's speeches, which I thought were bitter, vinegary and full of sour grapes. I see that they are sitting together now, which is perhaps the best place for them.

As other members have said, the DRS equipment created an immense number of problems during the 2007 elections. I will give my experience of that. When I arrived at the Scottish Exhibition and Conference Centre on the night, the first thing that I saw was people running about with cans of WD40—I thought that it was used only on motor cars when someone could not get their key in the lock—and spraying it on machines. The response of everyone in the SECC was, "Goodness me—what the heck is happening now?" We could not believe that they had to use cans of WD40—incidentally, they had to send out for them—to ensure that the machines were working properly.

That was an absolute disgrace and it shows that the electronic vote counting machines were not satisfactory at all. Voters were annoyed by the amount of rejected ballot papers, but all the candidates who were in the SECC that night were annoyed when we saw ballot papers clogging up the machines and people pulling them out from the other end. The system did not work and, like

Patrick Harvie, I hope that that is the end of that type of vote counting system. It does not work and it is no good to anyone at all.

After the elections, almost half the local authorities had to claim reimbursement from DRS after encountering a number of issues involving technical difficulties with the equipment or supplies being delivered late or not at all. For example, DRS had to reimburse the City of Edinburgh Council more than £100,000 for the late delivery of ballot papers, which of course contributed to there being more than 10,000 spoiled ballots. Clackmannanshire Council's reimbursement was even greater than Edinburgh's because the necessary staff to operate the equipment were not supplied.

The situation was outrageous, not only because of the amount of money involved—the amount I spoke about is just the tip of the iceberg—but because of a catalogue of errors, some of which I have mentioned. The overall impact on the elections was huge, and I conclude that we should not use such electronic machines in the future.

Duncan McNeil said that it was unfortunate—to say the least—that DRS did not turn up to give oral evidence to the Local Government and Communities Committee. That was indeed unfortunate, because DRS should have been there, even though it submitted an explanation to the committee on paper.

I turn to the separate issue of equalities. I commend the committee for considering that issue in its report and discussing its role in the election process. As a member of the Equal Opportunities Committee, I believe that it is important that everyone should have the opportunity to exercise their democratic rights. In that context, I note that the Local Government and Communities Committee's report referred to research that found that there were inequalities in the election process, which was unfortunate for voters whose ballots were rejected.

David Whitton and James Kelly touched on the University of Strathclyde investigation, which was conducted by Dr Christopher Mason—sorry, he is a Glasgow Liberal Democrat councillor, as McNulty knows. I should say that the investigation was conducted by Dr Christopher Carman and Professor James Mitchell, who found a close relationship between the number of rejected ballot papers and the social context of a constituency. Relevant factors were the percentage of adults without academic qualifications, the percentage receiving unemployment benefit and the percentage reporting that they were not in good health. Those factors had not previously been considered together. I recommend that the findings of that report are taken on board.

As other members have said, the University of Strathclyde report also found that the percentage of rejected ballots was higher when there was a greater number of parties on the ballot paper, which obviously confused a number of people. There is no explicit recommendation to fix that problem, but the evidence clearly calls for the ballot paper to be redesigned. I remind members that the number of rejected ballot papers in some areas was the same as or higher than the elected member's majority.

The committee's report contains many recommendations. Although I do not have time to mention them all, those recommendations, together with the Electoral Commission's suggestion that we should involve people with visual impairments in the design of the ballot papers and other suggestions, are welcome and necessary if we are to ensure that everyone is able to vote and that people's needs are met—not just for politicians' sake but for the electorate's sake. We have a democratic duty to ensure that everyone can vote.

The Local Government and Communities Committee gave its view on improving equality in the election process by addressing the issue of candidates' names appearing in alphabetical order on the ballot paper, which might help people with literacy difficulties, for example. The committee also recommended including representatives from equalities agencies and organisations in election steering groups. That is a good suggestion because we must ensure that everyone is included.

Jim Murphy should think again and ensure that the Scottish Parliament has control over its own election process.

10:53

**Mary Mulligan (Linlithgow) (Lab):** As the most recent addition to the Local Government and Communities Committee, I congratulate my new colleagues on a comprehensive report. The problems that were experienced at the 2007 local government and Scottish Parliament elections have been recounted many times. However, the committee took a step back, reviewed the problems and sought to suggest how to solve them and, crucially, give back confidence to the electorate. That is important to those of us who believe in the democratic process. We must show people why it is important that they vote, although obviously we will put our own party-political gloss on that. However, if voters feel that the effort of casting their vote might be wasted, they will not do it, which would be a major problem.

The first issue that I want to address is the provision of information officers. I completely

support the committee's recommendation that there should be more consistent and rigorous training of information officers, including equalities awareness training. Such training should also be provided to returning officers—an issue to which I will return, if I have time. My experience on polling day was that the information officers did a good job. I saw people refuse their help, but those who took a couple of minutes surely found them a great help. Indeed, I wonder what the results might have been if information officers had not been available. However, for obvious reasons, the information officers concentrated on the new STV system for the local government elections; the implications of the change in the order in which the votes appeared on the Scottish Parliament ballot paper perhaps were not fully recognised.

I share the committee's concern that the number of local government election spoiled ballot papers might not reveal the full story, given that ballot papers having only an X or 1 were counted. I am disappointed that, in his letter of 17 September, Mr Crawford—who unfortunately has just left the chamber—stated that he could not make the ballot papers available to be analysed in more detail. I agree with Mr Crawford that we need to look to the future, but it would be easier to do that if we understood past mistakes, so that we can provide information to voters to avoid such mistakes being repeated.

One of the most worrying aspects of the problems that were experienced—the committee evidence bears this out—is the correlation between disadvantaged individuals and communities, low voter registration and higher numbers of spoiled ballot papers. The issue is highlighted in the Scottish Parliament information centre briefing, which quotes the research of Dr Christopher Carman and Professor James Mitchell, to which Sandra White referred. However, it is worth noting that the Joseph Rowntree Reform Trust research indicates that there is no evidence that possibly gimmicky remedies, such as electronic voting or voting via the internet, telephone or text message, raise turnout. Indeed, the benefits of postal voting also even out after a while. That tells us that, if we want to increase voter participation, we need a consistent effort to show people why their vote is important. I support the committee's view that work should continue on finding ways of encouraging participation and engagement.

Although the committee did not take evidence on voter registration, attempts to increase voter registration must be part of the package. In my constituency, a scheme run by West Lothian Council will ensure that every school pupil in secondary 5 or 6 will be provided with information on the electoral process. With the aim of promoting wider youth participation, the scheme

will explore how young people can influence the decisions that affect their lives. A staff member from West Lothian's electoral registration office will attend with the live register to enable students to register immediately. It is important that voters see their participation as having a purpose, so the scheme will try to show that that is the case. By taking that first step of registration, young people could be encouraged to vote and—who knows?—they might go home and encourage others in their family to register. Members will agree that West Lothian Council is to be congratulated on that initiative.

Ballot paper layout is also important. Clearly, the change to having one sheet of paper for the two Scottish Parliament votes had an effect. With the local government ballot paper, some people were put off by the need to use numbers. I am not alone in having seen ballot papers on which voters had clearly found it difficult to use numbers. In some regions, as a result of ballot paper length, clear instructions were omitted from the ballot paper. That caused problems, as Carman and Mitchell point out, therefore I support the committee's call that the layout of the ballot paper must be subject to consultation, which must include disability rights organisations.

In conclusion, the committee's report flags up a whole host of issues that need to be addressed—many of which have been raised today—including the decoupling of the elections, postal votes and overnight counts. There is much agreement across the parties on how to solve those problems. As democrats, we all want people to understand the importance of their vote. The correct procedures must be put in place to give people confidence to exercise their right to vote in the knowledge that it will count. I believe that we can arrive at the correct procedures. The bigger challenge, which I hope will engage us in much more discussion in future, will be to ensure that people register and use their vote.

10:59

**Bill Kidd (Glasgow) (SNP):** Let us just put this on record: after the organisational stuff-up—from here on known as the great debacle—of last year's elections, we now have proof positive, if proof positive were needed, that the Scotland Office could not organise a Saturday night stushie on Sauchiehall Street.

The fact is that the original unsavoury coupling in 1999 of Scottish Parliament and local government elections was designed purely in the hope that electors would simply cast all their votes for the same party in both elections. That cobbled-together affair was organised on the basis that democracy was simply a rubber stamp that would deliver more of the same. However, the Scottish

people took a left turn and abandoned the unionist script. It will never read the same again.

**Michael McMahon:** On having two ballot papers, did the Scottish National Party not expect that those who voted SNP on the constituency ballot would also vote SNP on the list?

**Bill Kidd:** I would be perfectly happy if everyone voted SNP in every election. The fact is that when people vote SNP, at least they know what they will get—a party that stands for the people of Scotland. *[Interruption.]* I thank people for that applause.

I congratulate the Local Government and Communities Committee on the hard work and honesty of its report. I congratulate the Scottish Government, the Scottish Parliament, the Gould report team and even the majority of the Scottish media on their reports. However, in the name of open, transparent, civic democracy, I condemn the intransigence of the Westminster Government and its cipher that is the Scotland Office. The grandly titled House of Commons Scottish Affairs Select Committee—no doubt presided over by the imperial wizard of that ilk—rejected almost every recommendation in the Gould report.

**Duncan McNeil:** Can the member explain where his speech refers to the Gould report and the committee report that we are considering this morning? When will he get to our report?

**Bill Kidd:** I find it enjoyable that, once I had congratulated the Local Government and Communities Committee, its convener stood up just to draw further attention to himself. I am speaking about the fact that democracy in this country is being done down by the British state. Even though we have a Local Government and Communities Committee, its Labour members are happy for that to happen and would prefer that nobody brought the issue into the public domain.

The fault lies with one of their own—Douglas Alexander and his body politic—so it would not be right for Labour members to admit that another body could deliver a better system. That could be done through the Scottish Parliament, with the guidance of the Local Government and Communities Committee.

Despite the fact that the Westminster committee's report on the 2007 elections refers to dithering, things not being satisfactory, a poor communication process and

“a shocking lack of accountability”,

the best conclusion that the Westminster committee could summon about the Gould report was:

“The proposal to establish a Chief Returning Officer for Scotland deserves further consideration”.

In defence of my comments, I would never suggest that the people outside this Parliament have no interest in democracy. In that, I am unlike some members on the Labour benches, who believe that we should not even be talking about this issue.

This Parliament has proven itself in the eyes of the Scottish people to be the representative body that they trust to stand up for them and to speak on their behalf. Our systems are open and transparent and our committees are accessible and overtly democratic. The Westminster Parliament—to which some MSPs still owe fealty—is a closed shop and, like the Crown in Parliament, an anachronism in the 21<sup>st</sup> century. As the Gould report states, the electoral process for the Scottish Parliament must be in the hands of those who are elected to sit here. Success or failure—it should be for the people to decide. This is the people's Parliament.

**The Deputy Presiding Officer (Trish Godman):** I remind people in the public gallery that it is not appropriate to applaud. Do members find that funny? It is not appropriate for those in the gallery to applaud.

We now move to winding-up speeches.

11:05

**Jim Tolson (Dunfermline West) (LD):** The 2007 Scottish Parliament election was one of the highlights of my life. I was immensely proud to get the opportunity to represent my home town of Dunfermline in the Scottish Parliament. However, I am acutely aware that my enthusiasm is not shared by many people in Scotland or by some at Westminster. No matter what or who was at the heart of the problem, we should not forget that more than 38,000 people's ballot papers were rejected in last year's local government elections—they were the ones who really lost out. Over and above that, almost 150,000 people had their Scottish Parliament election papers rejected. Although there is no evidence that that would have changed the overall result, it is just possible that such a significant amount of rejected ballot papers would have made a difference in some contests, including my own.

Members have made a number of good points. First, Duncan McNeil talked about the problems with the electronic vote counting system, which he blamed on spoiled ballot papers. In my experience, the problem was that the electronic counting system could not cope with the volume of papers. It was not properly tested. The Government and others should look into that further.

Bruce Crawford, for the Government, spoke about whether jurisdiction should lie with Scotland

or London. He made a good point about the hat trick that has been scored in the Scottish Parliament with the Government, the committee and others backing the proposed changes. Unfortunately, London Labour is not listening today, or any other day.

Mr Crawford also touched on the important point about the security of the ballot paper. I am happy to hear that changes are being made to the design of the ballot papers. I am sure that all sides in the Parliament think that there should be separate ballot papers. How those papers are laid out is a subject for much greater debate.

Mr Crawford also mentioned the electronic counting. He was quite happy with it for STV in the council elections, but he had doubts about its use in other elections. The system could be more robust—it certainly needs to be tested more robustly—but I would not discount its use in other elections because, if it is a good system in future, it should be considered for use in other elections.

David Whitton made a very good point about there being more rigorous training, which is a must. However, Mr McLetchie claimed that the number of spoiled ballot papers had gone up since 2003. He was very selective with his statistics, because there were fewer spoiled ballot papers in the local elections than there were in the parliamentary elections. He also claimed that voters did not understand how to vote under the STV system. That is a moot point from the Conservative party, the majority of whose members benefited from the STV system.

**David McLetchie:** Does the member accept that the true scale of spoiled ballot papers or confused voting in the STV system was not disclosed because there was a failure to properly assess the number of instances where the voter had marked a cross rather than a 1, and had thereby not only misunderstood the voting instructions but denied themselves the opportunity to rank candidates in order of preference?

**Jim Tolson:** I do not accept Mr McLetchie's point. It is unfortunate, however, that the ballot papers and scans have been destroyed, as they would normally be six months after an election. It is therefore difficult to go back to counter or otherwise Mr McLetchie's argument, important though he might feel it is.

Alison McInnes made a number of points. She said that the citizen was one of the last to be considered, which is the case. Although the Scotland Office has a lot to answer for, the successful local government STV elections gave voters more choice. In addition, Scotland should be in control of its own elections, which should include having a chief returning officer.

Bob Doris spoke about how the Gould report is a toolbox. That is a good point, and we should consider it closely. Most sides in the Parliament are happy to take on the Gould report's recommendations.

Des McNulty admitted that the current system is flawed, so I ask him and his colleagues what is wrong with moving to STV, which is much more widely accepted at a national level as being a better system?

The Liberal Democrats believe that lessons can be learned from the significant problems of last year's elections, from the Gould report and from the Local Government and Communities Committee's report. London Labour failed the Scottish electorate. It failed to test the ballot paper properly, to provide suitable explanation in advance to the electorate and to test the new electronic vote counting system robustly. It should accept that it failed the Scottish public and change Westminster's legislation to give Scotland the chance to show that it can run its own elections well.

Having listened to the excuses of Labour and the Tories on retaining the discredited first-past-the-post electoral system, I think that they are just scared of STV and of being held to account properly by the electorate. However, it is not just Labour and the Tories who have been discredited; the SNP was disgraced by the Electoral Commission, Ron Gould and others for using the title "Alex Salmond for First Minister" on regional ballot papers. Only the Liberal Democrats have come out of the fiasco with any credibility. We have long since supported the single transferable vote, which offers the most effective and robust form of ballot.

11:11

**Gavin Brown (Lothians) (Con):** With the Liberal Democrats' share of the UK vote at a mighty 12 per cent, every party in the Parliament is frightened of taking them on at the ballot box.

I congratulate the committee on the report, which is a good piece of work. The convener gave a good account of the report in a measured and practical speech.

A number of particularly good issues come out of the report, but I want to draw two useful minor issues to members' attention. The first is Ron Gould's oral evidence. He gave us an excellent report in November last year, but the committee report is particularly useful because the committee had the chance to quiz and question him to get further and better particulars.

I think that the chamber would unite in saying that it is deeply regrettable that DRS Data

Services did not give oral evidence to the committee. A written statement is not as useful to the committee as allowing it to probe and ask about what went wrong. It was a case not of finding someone to blame but of establishing what went wrong and what can be done in future to ensure that it does not happen again.

The Conservatives have a number of substantive issues to raise. The first is something that we have believed in for a long time: the decoupling of Scottish Parliament elections from local government elections. We have been saying that since 2002. A member's bill was introduced in 2004. We predicted that serious issues would result from the 2007 election, although we did not predict their scale. I am pleased to note that other parties now agree with us.

For two reasons, it is good news for us all that the Government has decided to introduce a decoupling bill. First, it will allow us to focus more closely on the local government elections instead of them being overshadowed by the Scottish Parliament elections; it will allow voters to consider what the different parties are saying within their respective areas; and it will allow candidates in those areas to put forward their policies and proposals without being overshadowed by national policies and proposals. As a result, voters in local government elections will be able to make a far more informed choice based on local policies. For that reason, decoupling the elections is a positive move. Secondly, it will prevent a lot of the confusion that we saw in May 2007. The Gould report makes at least four references to confusion, and we can prevent it by decoupling the elections.

There is certainly the potential for a lower turnout initially, although that is not definite. We will have to put in extra effort to ensure that voters are aware of what is going on, but focusing on local government elections alone might get over that potential problem.

I hope that Mr McNulty had his tongue firmly in his cheek when he proposed that Scottish Parliament elections be coupled with European elections, and that he is not desperately in favour of that. The coupling of those elections would create even greater problems, and the excitement might be too much to handle in a single day.

I return to the use of the STV system for local government elections, which was not the big success that the Liberal Democrats like to portray it as. Under normal circumstances, the use of STV would have been described as disastrous, given that it resulted in a trebling of the voting failure rate from 0.6 per cent to 1.8 per cent. That compares favourably with the failure rate for the 2007 Scottish Parliament election, which was 4 per cent, but it compares very badly indeed with what

has happened in any other Scottish election in living memory.

**Patrick Harvie:** We agree on the need for decoupling, but does the member not agree that the increase in the number of rejected ballots at the local government elections might have been the result not of the use of a new system but of the use of two different systems on the same day? Is not the answer decoupling rather than criticism of STV?

**Gavin Brown:** It is probably a bit of both. Decoupling will solve part of the problem, but if one looks at the results of elections in other countries, one finds that the number of voting failures or spoiled papers is much higher in elections in which STV is used than it is in first-past-the-post elections.

As Mr McLetchie pointed out, the figure of 1.8 per cent relates to the number of rejected papers, but we do not know how many people voted with a single X, which is perfectly valid, but did not realise that they had the option to make a second, a third and a fourth choice, and so on. Anecdotal evidence suggests that that number might be high. We need far better education in that regard, and we need to give a firm no to the use of STV for Scottish Parliament elections.

The ballot papers need to be examined, too. One of the biggest problems with the ballot papers was the lack of testing. Only 100 ballot papers for the Scottish Parliament election and 100 papers for the local government elections were tested. However, the biggest scandal of all is that not a single piece of testing involved coupling—not a single elector was given three votes to use on two ballot papers and asked to test how the proposed system worked. We must put the elector at the heart of voting and test the papers in advance.

11:17

**Andy Kerr (East Kilbride) (Lab):** I very much welcome the committee's report and the good ideas that it contains, of which we are largely supportive and on a number of which we suggest further consultation.

I congratulate Duncan McNeil who, in opening the debate, brought up some interesting issues to do with the Northern Ireland model, in which the UK retains full legislative responsibilities but administration has been devolved to Northern Ireland. We support that model.

He pointed out that the core of the debate is about the electorate and the need to ensure that they are never again let down in the manner in which they were in 2007. He mentioned the need for further research, voter registration issues and the need for data on the electoral process to be

made available at a more local level. He expressed concerns—which I share—about the undermining of the postal vote through bad practice. We must ensure that we retain the postal vote as a key mechanism for people to take part in elections.

I am interested in the use of personal identifiers, which I have discussed with the minister and on which I think that he has, in keeping an open mind on the issue, adopted the right approach. At the end of his speech, Duncan McNeil reminded us that voters must be at the heart of the system.

I thought that it was a good debate, until Mr Kidd spoke. I cannot recall hearing him speak in the chamber on a previous occasion—I consider that to be a blessing, given the speech that he made today. I am sure that the voters of Glenrothes will be interested in his dark attacks on Westminster. I remind him that when the most recently elected SNP MP went to the Houses of Parliament, he voted Tory in his first three votes. Many interesting points can be made in that regard.

Ignoring Mr Kidd, I give credit to Mr Crawford for the openness of his engagement with all parties and for his willingness to accept considered views on the matter. He spoke about the need to draw a line under the events of 2007. We all want to do that and to learn the lessons, but what irks me and members of my party when members of the SNP say, "Get on with it," is that we need to understand that all parties in the Parliament agreed to the format of the ballot paper that was put before the electorate in 2007 and that only the Tories—as they have told us many times—said that they were in favour of decoupling.

**Tricia Marwick (Central Fife) (SNP):** No.

**Andy Kerr:** I realise what Tricia Marwick will say about that.

I understand that there was significant support in the Parliament as far as the key issues were concerned. It is simply untrue to say that what happened was all the responsibility of the UK and the Scotland Office, as the Lib Dems have sought to do. Two of the key decisions on the elections were made in Scotland. We all now realise that those were the wrong decisions and that they affected voter turnout. We are all prepared to draw a line under what happened, but we must understand that, on those key points, we in the Parliament—albeit in different ways—have collective responsibility.

David Whitton was correct to remind us of some of the bad memories of the period in question. He also reflected on Mr Gould's conclusion that no single party was to blame. Indeed, the "Alex Salmond for First Minister" issue was one of the few issues in relation to which Mr Gould raised significant concern about the role of a political

party, so we should understand that we are not all lily white in the role that we played in the arrangements for the elections. Once we have done so, we might be able to move on more effectively.

Mr McLetchie mentioned the “frenzy of activity” that surrounds the election issues. It is correct for us to conduct further research and to commission reports, but how we use that information will be the measure of our ability to respond to some of the big issues.

We understood that the position that Bob Doris took would be a key part of the SNP’s line of attack, but Michael McMahon got it perfectly correct—we have a devolved Government and a devolved Parliament, and we understand the relationship that exists. In that context, Mr Murphy should be credited for his quick response to Bob Doris. It should be acknowledged that the response was always going to be what it was, because that is the position under the devolution settlement and it has been set out on numerous occasions. It was a bit rich of Bob Doris to criticise a UK Government minister for responding quickly.

Nicol Stephen rewrote history completely; it was as if he was not party to any of the decisions or discussions in question. In my view, he misrepresented his personal role and that of his party.

I return to some of the report’s key points. Michael McMahon was right to highlight some of the dangers of decoupling. At various points, many Labour and Tory councils have been wiped out as a result of the lack of popularity of the national Government, so I am not quite sure about the faith that is placed in decoupling. However, given that, as James Kelly said, confusion was a key issue, we support the separation of the elections. That said, there are other concerns that we must address, such as how we ensure that local government issues come to the fore during local government elections and that councillors are not simply held to account for the performance of whatever national Government happens to be in place at the time. We are happy to support the other big recommendations, despite the concerns that I have expressed. I look forward to the minister’s closing speech.

11:24

**Bruce Crawford:** During the debate, a number of members have referred to the fragmented and antiquated nature of the legislation that we in Scotland are dealing with. I will paint a picture to show just how antiquated and fragmented it is. Three arms of central Government are involved in elections in Scotland—the UK Ministry of Justice, the Scotland Office and the Scottish

Government—as well as 32 local authorities, 32 returning officers, eight regional returning officers and 15 registration officers. There are 18 pieces of primary and secondary legislation on the subject, and the steering group that deals with such matters is made up of nine other groups and needs six sub-groups to support it.

That is not a landscape in which we can run successful elections. It is a matter of common sense to have one authority that has responsibility for consolidating the legislation and decluttering the background. Anyone, regardless of their political views, would agree with that—it is certainly the view that was widely shared in January 2008. However, as things stand, that is not going to happen.

Some people talked about the Scottish Affairs Committee and its influence on the outcome of the UK Government’s decision. I do not want to be disrespectful to that committee, but it took no evidence from any Government minister from Scotland, any Scottish Government officials or any MSP before it made its recommendation to the UK Government. If we were looking for a reliable and robust process of intellectual argument, there was a serious flaw, which is evident in the outcomes.

I am disappointed that Jim Murphy, the Secretary of State for Scotland, has not agreed that the Scottish Parliament should have powers over the administration of elections in Scotland, even though, in January 2008, every party in this chamber agreed that it should. Bob Doris expressed his disappointment at the lack of movement on the part of the Scotland Office in that regard. Anyone who is a democrat, wants the situation to be sorted out and is committed to Scotland clearing up the mess that was visible to everyone in 2007 could do nothing other than sign up to the idea that this Parliament should have that responsibility. There can be no other intellectual end to that argument.

I will continue to press that matter, but I recognise that we are where we are and that we must get on with decluttering the landscape around elections, especially from the local government perspective.

We have already said that we agree in principle with the post of chief returning officer being brought into being. David McLetchie raised a fair point, however, when he suggested that having a chief returning officer for only local government elections in Scotland does not make sense. Surely, given the landscape that I described, it would make sense to give that chief returning officer responsibility for other elections in Scotland. Despite the fact that Jim Murphy turned down Bob Doris’s suggestion, there is a glimmer of hope in that correspondence, as Mr Murphy offered the opportunity of discussing the matter

further. I am keen to discuss further with him the issue of whether the chief returning officer should also have responsibility for the other elections that are held in Scotland.

Alison McInnes talked about the Electoral Commission's suggestion that an elections management board, led by an elected returning officer, should be established—that will be fed into the consultation exercise. My initial reaction is that the proposal is complex and cumbersome and is a management response that deals with the symptoms identified by the Gould report rather than with the fragmented nature of the electoral landscape. It does not offer a clear, democratic solution for how Scotland should move forward. Under the Electoral Commission's proposal there would not be a great role for the Parliament, and it is important that the Scottish Parliament ensures that it is the place where people see that accountability lies. However, I will engage positively with the Electoral Commission to see whether any common ground can be found.

A number of members referred to turnout and decoupling. Michael McMahon started off in fine spirit in that regard and showed a maverick tendency that is unusual in a business manager. I was really quite impressed by his candour and wondered whether we were seeing the emergence of a new Michael McMahon. Unfortunately, he quickly reverted to type. It was a glimmer, however—although perhaps not a gilded glimmer, to borrow Des McNulty's word—and I hope to see more of that.

I heard no real argument from the Liberal Democrats about why the elections should not be decoupled. I know that the Conservatives support the proposal and I acknowledge Tricia Marwick's role in leading the SNP's efforts to decouple the elections. I wonder whether the reason why the Liberal Democrats are determined that decoupling should not take place is that they cannot put the people on the ground to enable them to be as effective as they need to be in elections. It is time to get away from such narrow political thinking and start to put in place an electoral system that delivers for the people.

David McLetchie mentioned that the Arbuthnott commission in 2006 and the McIntosh and Kerley commissions in 1999 all considered the issue and recommended that the elections should be decoupled. From that perspective, it is time that the Liberal Democrats woke up and smelled the coffee.

I say to Patrick Harvie that, if we are going to have a public holiday to count STV ballots by hand, we had better prepare for a holiday lasting four or five days, as that is how long it will take.

**Patrick Harvie:** Will the member give way?

**Bruce Crawford:** I cannot, as I am in my final minute.

A few members talked about party descriptors. It is incredible that some Labour members—and, obviously Jim Tolson—are still using that matter as a fig leaf to cover up their failure to win the election in 2007. The voters knew exactly who they were voting for. They were voting for a new Scotland and a party that wanted Scotland to improve and move forward and wanted to improve the quality of life of the people of Scotland. I would have thought that, after a year and a half, certain members of this Parliament might have got over their private grief and moved on. The people of Scotland certainly have.

**The Deputy Presiding Officer:** I call Alasdair Allan to wind up on behalf of the committee.

11:32

**Alasdair Allan (Western Isles) (SNP):** The committee would like to thank the chamber for what has been, on the whole, a positive debate that has featured many useful contributions. *[Interruption.]* Mr Neil's sneeze was not one of the more useful contributions, but there were many others.

All members will cherish their own recollections of the chaos on election night, and we have heard many of them recited this morning. I am not sure whether all of them have met Mr Whitton's stringent criteria for interesting stories, but, for my part, I must say that the council staff in Stornoway acquitted themselves extremely well, although there was a 12-hour hiatus between the counting of the votes from Lewis and Harris and those from Uist and Barra, which certainly heightened the sense of drama. That hiatus was a result not of the computer failures that other members have referred to but of an erroneous forecast for fog, which led to the helicopter not turning up, which just proves that we cannot prepare for every eventuality.

Many other colourful episodes from around the country have now entered into political legend: the widespread failures of computers and counting machines; the ballot box that fell into the sea; the returning officer who failed to add up one party's list vote and came extremely close to announcing an erroneous result; the scarcely believable spectacle that other members have mentioned of a representative of the company that was tasked with organising the process going on television to say that things were going "incredibly well"; and, of course, the voter who lost the place altogether and attacked one of the rather flimsy new-style ballot boxes with a handy golf club.

Greater than the sum of all those individual farces, however, was the level of voter confusion

that the design of the ballot papers seems to have caused. It is worth saying that the committee surprised itself with the degree of consensus that it was able to muster, on the whole, when assessing evidence relating to the parliamentary and council elections and in assessing Mr Gould's recommendations.

The committee, like the country, felt instinctively uneasy about the sheer number of discounted votes in 2007, and felt even more uneasy to discover that, in some parts of the country, the question whether a possibly spoiled paper should be rejected was being adjudicated by a computer, without any human intervention. As Mr John Wilson and Mr Doris pointed out, the number of spoiled papers in the local government vote, while higher than in previous local elections, was lower than the number of such papers in the parliamentary vote. That is surprising, given that the local elections were using an entirely new voting system.

Serious concerns have been raised about our democratic system, but we should be careful not to overstate them, real though they are. Mr Stephen strayed into overstatement in some of his language; indeed, I felt at certain points of his speech that I was listening to a description of the infamous presidential election in Liberia in the 1920s, in which the winning candidate claimed a majority that was estimated to be around 10 times the population of that country. The committee thought that the real concern was not that significant numbers of voters had voted for someone else by mistake, but that voters had been denied the opportunity to participate at all. That is a serious matter in any democracy. The committee made its recommendations in light of those problems. It is pleased that the Government has already acted on most of what it recommended, and the minister confirmed the Government's intentions.

The committee's convener provided a comprehensive outline of our recommendations, but it is worth recapping the report's main themes. A key theme is that national and local elections should be separated, a view that seems to be shared almost across the chamber. In that context, I make a mental note not to quote out of context and cheaply at any point in the future Mr McLetchie, who said that separation is desirable. National and local elections need to be separated, and not just for practical reasons, although such reasons are considerable. The committee's report clearly shows, as Mr Hepburn said, that there is a growing feeling that councils deserve to be assessed by the voters on their merits.

The committee agreed with Mr Gould's recommendations on the fractured nature of election administration in Scotland and supported

the creation of a single chief returning officer post for all elections in Scotland. It also recommended that, if practicable, sub-ward level information on the 2007 local government elections should be released. Members will know that when the Scotland Office released equivalent information on the Scottish parliamentary elections, it proved to be veritable meat and drink for the many political anoraks in Scotland, to whom Michael McMahon referred.

Mr Kelly mentioned voter confusion. Like many members, I have spoken to many voters who failed to fill out half of their parliamentary ballot papers simply because they read at the top of their paper that they should make one mark. That illustrates the confusion that reigned in many parts of the country.

The committee also recommended that the Scottish Government explore the greater use of postal voting, and it is keen to hear more about the Government's proposals on personal identifiers.

It is difficult to talk here, as it was in the committee, about any of the recommendations that I have mentioned and stick within the Parliament's own responsibilities—that is, it is difficult to consider only local government elections. Believe me, I am straining every politically consensual sinew that I have not to stray into a debate about reserved powers, but Gould, the committee and the minister have all said that there must be far more cohesion in the organisation of different elections in Scotland. That means that the Scottish Parliament must have more of a role in running Scottish parliamentary elections. Numerous members have made that point.

The committee was content with a motion that the Parliament passed on 10 January, which stated:

"That the Parliament welcomes the Gould report, including the recommendation calling for the further devolution of executive and legislative powers to the Scottish Government and the Parliament for the administration of its own elections".

The committee thought that there could be no clearer view of the Parliament's position than that. The Parliament did not open up such tempting questions as whether it should have increased powers over its own composition, the extent of the franchise or the use of STV—Mr McNulty colourfully raised that issue. It simply said that, like any normal Parliament, the Scottish Parliament should be able to administer the operation of the election process, and that to do that, there should be an increase in the relevant executive and legislative powers available to it in Scotland. The committee was content to associate itself with that sentiment because it recognised that council and parliamentary elections in Scotland must be seen

as a single democratic process to some extent and that they should certainly be administered as such.

It is clear that it is now time to move on and ensure that we get things right the next time round. The report shows that there is the will in all the parties that are represented in the Parliament to do just that. In that spirit, I commend the report's findings to the Parliament.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Her Majesty's Inspectorate of Education

**1. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Government whether it is satisfied with the independence and robustness of school inspections by Her Majesty's Inspectorate of Education. (S3O-4552)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** Yes. HMIE's work is the subject of a significant amount of independent review as part of the Organisation for Economic Co-operation and Development study and the Crerar review, through scrutiny by Audit Scotland and the Parliament, and as part of the assessment for prestigious awards such as the charter mark. The strong body of published evidence from those independent sources gives ministers confidence in the work of HMIE and the contribution that it makes.

The inspectorate also commissions regular external, independent research; it did so most recently in March 2007. I am aware that it is commissioning an independent evaluation of the new inspection models that have just been implemented. That work will involve a range of stakeholders and is a signal of HMIE's openness and commitment to the independent evaluation of the services that it provides.

**Alex Neil:** I thank the cabinet secretary for her comprehensive reply but draw her attention to the recent inspection of John Paul II primary school in Viewpark, Uddingston. Only 36 per cent of parents were invited to reply to a questionnaire, and only 16 per cent did so, which means that 84 per cent did not reply. The Scottish Public Services Ombudsman's recent report on the headteacher's activities and the complaints by parents that were brought to the inspectorate's attention were ignored. Will the cabinet secretary ask the inspectorate to revisit that inspection and take those factors into account?

**Fiona Hyslop:** The member raises serious issues, and I note his concerns. I suggest that he write to me about the case that he has asked about, so that I can pursue the matter further.

#### National Health Service (Value for Money)

**2. Derek Brownlee (South of Scotland) (Con):** To ask the Scottish Executive what measures are

planned to increase the level of value for money achieved in the national health service. (S3O-4481)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Value for money is a fundamental principle in the NHS and a key theme of "Better Health, Better Care". A range of initiatives and programmes to support the continuous improvement of efficiency and productivity are in place, including the efficient government initiative and the health improvement, efficiency, access and treatment performance framework for NHS boards.

**Derek Brownlee:** Of course, when the efficient government initiative was put in place, everyone expected a much lower rate of inflation. This week, Dumfries and Galloway NHS Board announced that its fuel bills are rising twice as fast as they were forecast to rise. What measures can the Government take to get better value for money and release funds to ensure that patient services do not suffer, particularly in areas in which health board allocations are fixed in real terms as a result of the new allocation methodology?

**Nicola Sturgeon:** I am sure that Derek Brownlee understands that, in times of financial pressure and increasing costs, it becomes more rather than less important to ensure that we get as many efficiency savings as possible, because all efficiency savings are, of course, reinvested in front-line patient care. Over the past three years, the efficient government programme has yielded £610 million for the NHS for reinvestment in front-line care. Over the three years of this comprehensive spending review period, the target is to have nearly £650 million of resources freed up to be reinvested to support patients.

A range of work is under way in the NHS. We have established an efficiency and productivity programme to assist boards in identifying local improvements and efficiency savings, and we will continue to work as hard as possible to ensure that we get the best value for money and maximum efficiency savings in everything that the NHS does.

**Ian McKee (Lothians) (SNP):** Will the cabinet secretary explain what part she thinks the private sector should play in achieving value for money in the national health service?

**Nicola Sturgeon:** Ian McKee knows my view on private sector involvement in the NHS. Such involvement exists at the margins for use by NHS boards in delivering front-line patient care. I do not want that involvement to be extended, and I think that the majority of people in Scotland back that view. In addition, the NHS, like other public bodies, procures a range of goods and services

from the private sector. It is vital that, in doing so, it maximises efficiency and achieves value for money. Boards are assisted in ensuring that they get value for money by a national procurement programme that is run by NHS National Services Scotland.

## Housing

**3. Roseanna Cunningham (Perth) (SNP):** To ask the Scottish Government when it last held discussions with the house building industry and the Convention of Scottish Local Authorities about the current housing situation. (S3O-4537)

**The Minister for Communities and Sport (Stewart Maxwell):** The Scottish Government has regular on-going discussions with Homes for Scotland and COSLA about the current housing situation. The Cabinet Secretary for Health and Wellbeing met representatives of Homes for Scotland on Tuesday 7 October. She also discussed housing issues with the president of COSLA on that day.

**Roseanna Cunningham:** The minister may be aware that, although national homelessness figures are going down, the opposite is the case for some local authorities, such as Perth and Kinross Council. Homelessness in Perth and Kinross has increased by 19 per cent on last year. Because of the limited housing stock, that creates huge pressures on the general waiting lists. Given the present housing market, the situation will only get worse. Can he offer any specific assistance to authorities that are experiencing such serious problems, for example by enabling the purchase of completed or part-completed housing stock? Will he ensure that the money that he has provided to be spent on affordable housing is directed to the areas of greatest need?

**Stewart Maxwell:** We have made it clear that we aim to prioritise local authority areas with the greatest housing shortages and homelessness pressures in allocating the money in the accelerated affordable housing investment programme. I agree with Roseanna Cunningham that the Perth area clearly falls into that category. This week, we announced the allocation of the first £9 million of that additional funding and further opportunities throughout Scotland will be announced in due course. They are being considered and we plan to announce them as soon as we can. However, I confirm that the opportunities that are being considered include the purchase of unsold properties from developers.

The underlying problem of homelessness that the member mentions is difficult and complex. The Government's fundamental aim is to work on prevention rather than cure but, when homelessness occurs, we aim to have enough housing throughout Scotland to deal with the

problem. The fundamental problem is the undersupply of housing in Scotland to deal with the difficulty.

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Affordable housing is a huge issue in the Highlands. When will the first part of the £100 million that has been announced hit the pockets of those in the building trade in my constituency?

**Stewart Maxwell:** As the member is probably aware, the first tranche of £9 million was announced this week. I am sure that he will welcome the fact that the £9 million includes funding for five acquisitions of land for future development in the Highlands—in Inverness, Fort William, Culbokie, Munloch and Kyleakin. That announcement was on the first tranche of the £100 million, and many other announcements will be made in due course. Homes for Scotland and builders have welcomed the fact that we have moved quickly to deal with the problem. The first announcement contained accelerated funding for land purchases and site starts but, beyond that, we are considering off-the-shelf purchases, too.

**Bob Doris (Glasgow) (SNP):** The Scottish Federation of Housing Associations has welcomed the Scottish Government's attempts to put cash liquidity into the construction industry in Scotland. Has the Government discussed with the building industry the possibility of the United Kingdom Government doing likewise UK-wide? That is supported by the National Housing Federation in England and the SFHA is sympathetic to it.

**Stewart Maxwell:** We have on-going discussions with a range of stakeholders, including the SFHA, and we always consider seriously any suggestions that are made. I hope that the member is aware that, in our discussions with the SFHA, we have taken into account its request for off-the-shelf purchases to be made to help in the current difficult situation. Beyond that, we will also consider any suggestion that the SFHA and others make on how to maximise the number of houses that we can get over the period.

I must point out that the amount of money that the Government has brought forward is, pro rata, twice as much as the UK Government has brought forward. I am sure that that will be welcomed throughout the Parliament.

**Mary Mulligan (Linlithgow) (Lab):** In the minister's discussions with COSLA representatives, did they say which local authorities will contribute to the £40 million that is part of the First Minister's much-heralded announcement?

**Stewart Maxwell:** Discussions are on-going on the £40 million investment that is required as part of the £100 million package. We work closely with

COSLA and in partnership with local authorities; as the member will be aware, that is different from the situation under the previous Executive. We are working in partnership to ensure that the maximum amount of money is available to housing associations and others to help the construction industry and to help people to keep their jobs this year and next. We will continue to press to ensure that that happens as quickly as possible.

### Young Carers (Education)

**4. Alasdair Morgan (South of Scotland) (SNP):** To ask the Scottish Government what concerns in relation to their education were raised by young carers at the recent young carers festival in West Linton. (S3O-4474)

**The Minister for Children and Early Years (Adam Ingram):** I was delighted to attend the festival along with the Minister for Public Health and other members, including Mr Morgan, to hear at first hand young carers' views on the issues affecting them. The young carers who attended expressed their views on a wide range of issues, including concerns about their education. It was encouraging to hear that some of the young carers felt that their school was supportive. However, some highlighted difficulties in getting their needs recognised within their school setting. Indeed, many felt that teachers' awareness of young carers and their specific needs could be improved. Some young carers at the event also called for better joint working between teaching staff and social workers to aid teachers' understanding of the young carer's home situation. We will take into account those concerns and all the other issues that were raised at the festival as we develop our revised carers strategy next year.

**Alasdair Morgan:** I am glad that the minister is aware that many teachers lack an appreciation of carers' home circumstances, as that was a common theme among the carers to whom I spoke. That manifests itself in a lack of sympathy for carers' difficulties in meeting assignment or homework deadlines, for example. Will the minister ensure that all schools and teachers are made aware of the difficulties that young carers face so that appropriate allowance is always made for carers' difficulties in meeting school schedules and so that schools do not just pay lip service to that?

**Adam Ingram:** Our current young carers policy is to balance young carer-specific initiatives with the inclusion of young carer issues in mainstream policy and guidance for all children and young people. The Education (Additional Support for Learning) (Scotland) Act 2004 identifies young carers as a group who may require additional support from education authorities. That could include, for example, different homework, extra

time with a teacher or support from social work services to participate in homework clubs. The getting it right for every child programme promotes a culture of joint working in which professionals put the child's needs at the centre. The curriculum for excellence promotes individualised teaching and learning that recognise the child's needs and learning styles. I expect teachers to be able to support individual children and I hope that those programmes will help to achieve that.

**The Presiding Officer (Alex Fergusson):** Question 5 has been withdrawn.

### **Flooding (Glasgow)**

**6. Mr Frank McAveety (Glasgow Shettleston) (Lab):** To ask the Scottish Executive what investment plans it has to address issues relating to flooding in the east end of Glasgow. (S3O-4511)

**The Minister for Environment (Michael Russell):** Investment plans to address issues relating to flooding in the east end of Glasgow are matters for the local authorities, Scottish Water and the Scottish Environment Protection Agency. I have visited the metropolitan Glasgow strategic drainage partnership and I welcome the progress that those bodies are making by working together to solve the problems.

**Mr McAveety:** The minister will be aware of the impact of flooding in the east end of Glasgow in early 2002. My constituents are particularly concerned that work that we assumed would be done in the Sandyhills area of the east end by Scottish Water in partnership with others has not been done and that, at a recent meeting with Scottish Water, it referred to resource limitations. Is the minister willing to receive a submission from my constituents about their need for investments? Will he examine whether he can encourage Scottish Water and the other partners to invest in the appropriate infrastructure to ensure that the fear and alarm that my constituents felt in 2002 are not repeated whenever there is heavy rainfall in future?

**Michael Russell:** Everybody who has any knowledge of flooding is aware of the fear and alarm that the member rightly draws attention to. The work to be done in the east end of Glasgow is major work, which is why the draft national planning framework has identified it as a national priority. The challenge of addressing issues of flooding and water quality in the greater Glasgow area is immense, reflecting the lack of investment in infrastructure over many generations.

I would be happy to meet the member and his constituents to discuss how we can continue to support the necessary changes.

### **Tissue Donation**

**7. Malcolm Chisholm (Edinburgh North and Leith) (Lab):** To ask the Scottish Executive whether it will issue an instruction to national health service boards requiring them to give patients the opportunity to donate tissue for research purposes provided proper consent is granted. (S3O-4496)

**The Minister for Public Health (Shona Robison):** NHS boards can currently extend that opportunity to living patients when the tissue may have value for research purposes. The importance of having such a policy in place will be included in forthcoming guidance to NHS boards on the collection, storage and use of human tissue for research.

**Malcolm Chisholm:** NHS boards can do that, but it does not normally happen. I welcome the Scottish Government's emphasis on patients' rights, but a patient also has a right to ensure that tissue samples from routine tests, procedures or operations are donated for research, if that is what the patient wishes. Why does the Scottish Government not instruct NHS boards to give patients that opportunity?

**Shona Robison:** It is recognised that the current procedures relating to the storage and use of tissue in Scotland for research purposes are not all of the same standard; some procedures may fall short of the Human Tissue Authority standards. It would not be prudent to issue guidance on the collection of tissue before the guidance on its storage and use is ready.

As I suggested in my previous answer, discussions on some issues are continuing. I hope that draft guidance for consultation might be circulated among the research community within the next few months. I hope that that offers some reassurance to Malcolm Chisholm.

### **Private Housing (Modernisation)**

**8. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Executive how it plans to ensure that private housing sector modernisation is delivered effectively. (S3O-4516)

**The Minister for Communities and Sport (Stewart Maxwell):** Local authorities are required by law to create local housing strategies, which set out the authorities' strategic priorities. The Housing (Scotland) Act 2006 updates that requirement in terms of private housing quality, and enhances the powers of local authorities to take cost-effective action to maintain the quality of private housing stock.

Local authorities are assisted through the ring-fenced private sector housing grant. In addition, there is a range of Scottish Government initiatives,

such as private landlord registration, to help to modernise and improve private sector housing.

**Duncan McNeil:** Does the minister acknowledge that, despite the availability of grant support to home owners, an issue remains with regard to people who are unable to take advantage of the grant programme, especially in poorer areas? The issue affects the elderly in particular. Does he have in mind any measures that may address it?

**Stewart Maxwell:** The member will know that we are about to introduce regulations on the scheme of assistance, which was part of the Housing (Scotland) Act 2006. The scheme of assistance will, of course, change the way in which things operate. More use will be made of loans based on equity in property, although local authorities will still be allowed to provide grants. The scheme will also ensure that disabled people receive even greater support by means of automatic grants and increased funding for adaptations to allow them to stay in their own home. The work relating to the scheme of assistance regulations will be of great help to many home owners.

### **Fire Service (Meetings)**

**9. Michael Matheson (Falkirk West) (SNP):** To ask the Scottish Government when it last met representatives of the fire service. (S3O-4548)

**The Minister for Community Safety (Fergus Ewing):** My officials and I meet representatives of the fire service regularly. The meetings cover a wide range of issues.

**Michael Matheson:** The minister will know that the Treasury in London provided extra funding to cover changes to the pension arrangements for the fire service and the police service in England and Wales. Does he agree that it was wrong of the Treasury not to ensure that additional funding was provided to the pension schemes for firefighters and police officers in Scotland? That demonstrated a lack of respect for Scottish firefighters and police officers. What progress is being made on securing Scotland's share of the additional funding?

**Fergus Ewing:** I acknowledge Michael Matheson's work in this field. This morning, I met representatives of the Fire Brigades Union. They were delighted that, on Tuesday, the Government reached a deal with our colleagues and partners in the Convention of Scottish Local Authorities not only to fund in full the additional cost arising from the increase in pension commutation factors for firefighters and police—that decision was taken at the United Kingdom level and it is right that it should be implemented—but to provide extra funding to meet the extra costs arising from the

retirement bulge: the growth in the number of firefighters and police who are coming up to their normal retirement date. I agree with Michael Matheson that, as the UK Government said that the cost of the increased commutation factors should be paid for and met that cost in full for firefighters and police in England and Wales, money for that should also have been provided to this place. We will continue to make representations for equity and parity of treatment, perhaps including representations to Mr Murphy shortly.

## First Minister's Question Time

### Engagements

**1. Iain Gray (East Lothian) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S3F-1086)

**The First Minister (Alex Salmond):** Later today, I will have meetings to take forward the Government's programme for Scotland.

**Iain Gray:** I welcome yesterday's decisive action by the Prime Minister and the Chancellor of the Exchequer, when they launched what the First Minister called a "substantial package of stabilisation." Nonetheless, Scots are still worried about what the effects of the current crisis will be. We must consider in this Parliament what we can do in that respect. The First Minister has talked of the importance of using

"Scotland's financial resources fully to help reflate our economy."

What are his plans in that respect?

**The First Minister:** I also welcomed the package yesterday. There is an increasing awareness that the impact of the financial crisis is now prevailing on the real economy. The forecasts from the International Monetary Fund, which have come out today, indicate how serious that could be. I therefore hope that further action can be taken. On the financial sector, I still think that an underlying guarantee for all deposits would be a great boost to the confidence of consumers. Crucially, for the real economy, I think that further cuts in interest rates would be welcome.

On the Scottish Government's action, our economic committee meets every Tuesday at Cabinet and we bring in other ministers. We have brought forward £100 million of affordable housing investment, we have set new criteria for housing associations to purchase unsold stock and we are accelerating the European structural fund programme in order to try to move those funds into the economy. Those and a range of other measures are fundamental to ensuring that the Scottish economy shows maximum resistance to the international downturn.

**Iain Gray:** I agree that accelerating investment in infrastructure is vital at this time. We welcome the bringing forward of £100 million from the affordable housing investment programme, but only £9 million of that has been allocated and £40 million of it depends on local authorities, whose budgets are under pressure. Is the councils' £40 million agreed yet? How will the Scottish Government quickly move to allocate the remaining £91 million to actual development in order to protect jobs and boost the economy?

**The First Minister:** Convention of Scottish Local Authorities leaders have agreed to the £40 million and we are in discussions about how to apply it. I am glad that there is agreement on the importance of getting maximum impact from the capital investment budget in Scotland. Housing is certainly one way to do that, and other capital infrastructure projects are another.

We must also acknowledge that the small business community is now under particular pressure. In addition to the small business bonus, which is proving to be so helpful to many of our small businesses throughout Scotland, I am delighted to be able to announce that this Government will aspire to the 10-day target for paying bills to small businesses in Scotland.

**Iain Gray:** I welcome that announcement. The other night, the First Minister made the point that, as far as this issue is concerned, it would be a good idea to suspend normal interparty politics. He also reserved the right to make suggestions constructively. In that spirit, will he now act decisively to bring forward other projects, such as trunk-road maintenance programmes, Scottish Water improvements and the Bishopbriggs prison? Will he act quickly now to boost investment in reskilling and retraining in order to prepare for any job losses that we may face soon?

Last week, the Economy, Energy and Tourism Committee heard powerful evidence that delays in the development of the Scottish Futures Trust are creating a black hole in infrastructure investment. This week, Homes for Scotland told us that 100,000 construction jobs are at risk. In the national interest, will the First Minister set aside the Scottish Futures Trust for the moment to release funding for schools, hospitals and transport?

**The First Minister:** In the national interest in these troubled times, we should get the maximum value for money for the £14 billion that is being invested in capital infrastructure over the spending review period.

As Iain Gray knows, capital expenditure is constrained to within one year. Given the urgency of the situation, it would be entirely appropriate for Parliament to ask the Treasury for the flexibility to accelerate the capital budget from the three-year programme and to front-load it into the coming year. That would be of enormous help to our construction sector, which is currently working on the M74 completion project at a cost of £500 million. It is also looking forward to completion of the Southern general hospital in Glasgow at a cost of £842 million. That hospital is being built within the public sector and within the national health service.

I am grateful to Iain Gray for his suspension of

party politics, even if his question hinted at a little doubt. We will ensure that we meet our housing targets and not do as the previous Administration did. On 21 August 2008, Iain Gray said that that Administration had passed the best homelessness legislation in the world but we did not build the housing to make it work.

**Iain Gray:** The problem with the First Minister's reply is that the construction sector has made it clear that the hold-up in infrastructure investments is because of the lack of detail around the mechanism for funding those investments. The economist Keynes said:

"When the facts change, I change my mind. What do you do, sir?"

The facts have changed and Governments are changing their minds. The chancellor did not expect to be nationalising banks, but he has done what had to be done.

The First Minister, too, must know that the economic facts have changed. The models to which he has looked no longer work: Ireland is in recession, Iceland has been bailed out by Russia and Norway has effected an emergency draw-down of billions of dollars from the United States federal reserve. The price of oil is as volatile as bank shares and now sits at about \$85 a barrel. The First Minister should be prepared to change his mind. Will he rethink his economic strategy, restart investment in infrastructure and begin to reskill Scotland to meet the challenges of the difficult days ahead?

**The First Minister:** Much as I welcome parts of the chancellor's initiative yesterday, I think he will be surprised to find out that he is proposing "nationalising" the banking sector as opposed to offering the recapitalisation and medium-term lending that are in his package.

It is dangerous for Iain Gray not to acknowledge the extent of the recession that is being forecast across the western world, which will affect everybody in the chamber. The International Monetary Fund projects that the UK economy will this year go into recession by almost 1 per cent. That will mean a huge challenge for us in Parliament to produce policies that will give people the confidence to take forward our economy.

There are two problems with the private finance initiative—as Iain Gray should well know. First, the Treasury says that, under international financial accounting practice, PFI will be brought on to the balance sheet as of next year. Secondly, because it is credit-card finance—perhaps it was part of the age of irresponsibility—it will cost the Government and Parliament £600 million in revenue this year. That figure will rise to £1 billion a year in the next few years. Labour says that it built schools. However, it did not pay for them; instead, they are

being paid for from the Parliament's budget now at exorbitant rates.

As we accelerate the capital investment programme and seek to keep the Scottish economy from the deepening recession that is forecast, we must obtain maximum value for every pound in the public purse. That is what the Scottish Futures Trust intends to do and that is what all members should support.

## **Secretary of State for Scotland (Meetings)**

### **2. Annabel Goldie (West of Scotland) (Con):**

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-1087)

**The First Minister (Alex Salmond):** I have had two amicable conversations with the secretary of state. I hope to meet him on Tuesday 21 October in St Andrew's house.

**Annabel Goldie:** I hope that the fact that the conversations were amicable has not bowled over the new Secretary of State for Scotland. May that conciliatory mood continue.

All political parties support the action that the United Kingdom Government has taken in the past 24 hours to restore confidence to the markets and in our banking system. However, everyone—whether lender, investor or taxpayer—recognises that life will never be the same again, particularly in relation to borrowing. The First Minister has referred to that.

The Scottish Government is contemplating several significant capital projects. One of the most vital is the new Forth bridge, which has a price tag of £4 billion. The Cabinet Secretary for Finance and Sustainable Growth, Mr Swinney, confirmed last month that he expects to make a decision on funding before the end of the year. Given recent events, will the First Minister confirm that the project will go ahead as scheduled and that an announcement on funding will be made to Parliament in the next two months?

**The First Minister:** I answer yes to both parts of Annabel Goldie's question. She is right to refer to the impact of recent events on the real economy. All of us should accord importance to moving away from the previous strictures on setting interest rates. As every member should be aware from their constituents, the real interest rate has increased sharply for consumers and small businesses as people's facilities have been renegotiated. I hope that, in addition to supporting the measures that were taken yesterday, Annabel Goldie joins me in supporting further interest rate cuts, so that the real economy is not hit by the cosh of the financial crisis.

**Annabel Goldie:** I must confine my comments to matters that Parliament and I are competent to

deal with. Interest rates are for others to determine.

We all agree that when times are hard, charity begins at home. In Scotland, 93 per cent of firms have 10 employees or fewer. The First Minister has shown his support for small businesses by adopting the Scottish Conservative policy of providing additional rates relief to small businesses from next April. I was delighted to hear today his commitment that the Scottish Government will assist those businesses by paying bills timeously, but I noticed his phrasing. I understood him to say that the commitment was restricted to money that the Government owes to those businesses. Will he confirm that that welcome dictate extends to Scottish Government agencies?

**The First Minister:** Yes—we will certainly advise Government agencies to follow the Government in trying to meet the target that I described, which is particularly important at this time.

I welcome the support of Annabel Goldie's party for the small business bonus scheme. I doubt that any of us foresaw the extent of the financial whirlwind of the past few weeks. Nonetheless, whether or not we forecast the situation, it was exactly the right policy to have. Small businesses the length and breadth of Scotland are benefiting from the small business bonus. As every single bill for energy and everything else goes up, the small business bonus has given vital relief from business rates. It is a key aspect of keeping small businesses going on the high streets of Scotland.

### Cabinet (Meetings)

**3. Tavish Scott (Shetland) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-1088)

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

**Tavish Scott:** Yesterday's enormous financial package will be judged on what it does in the real economy: its impact on personal lending, individual deposits, bank credit to business, and jobs around the country. HBOS will now be a taxpayer-supported institution. When the First Minister said three weeks ago that the Lloyds TBS merger with HBOS was

"the only game in town",

he was right, but that is no longer the case, is it?

**The First Minister:** I have made it clear that my preferred position for HBOS would be for it to remain as an independent bank. We can speculate that, if the measures that were announced yesterday had been in place some

weeks ago, perhaps different decisions would have been made. However, the reality is that there is an offer to shareholders, which the Government supports. The offer will therefore be decided on by the shareholders of both banks.

**Tavish Scott:** I return to the point about shareholders. Things have moved on, so there is a chance to say, "We want our bank to stay in Scotland. We want to keep the Bank of Scotland's independence, its headquarters and branches on every high street, and jobs that otherwise would be lost." That would protect competition for customers, which is also important for the long-term interests of Scottish business.

Will the First Minister negotiate to get Treasury and Bank of England support to HBOS? Will he take that argument to the Treasury? The rescue package creates taxpayer-supported institutions. Does he agree that the package gives Bank of Scotland shareholders another option? Will he take those fresh steps to keep HBOS in Scotland and to keep it independent?

**The First Minister:** HBOS has already been designated as one of the financial institutions that has available to it the measures that the Treasury announced. The point is already made. The key issue in terms of the Treasury and UK Government decision is whether the Government will introduce the statutory instrument to waive competition laws, which it shows every sign of doing. If that is done, the offer will be placed before the shareholders of HBOS and, indeed, Lloyds TSB. They will make the decision.

None of us can forecast—indeed, under the circumstances of the past few weeks, it would be extraordinary if we tried to—the exact circumstances that will prevail over the next few weeks. However, right now, the merger is the only offer on the table. Right now, it will be judged by the HBOS shareholders. No doubt they will, when they take that judgment, do so in the light of the events and circumstances that prevail at the time.

### Youth Offending (Links to Alcohol)

**4. Michael Matheson (Falkirk West) (SNP):** To ask the First Minister what steps the Scottish Government will take to address the link between youth offending and alcohol. (S3F-1108)

**The First Minister (Alex Salmond):** The Scottish Government is committed to addressing the causes and effects of offending by young people. We are taking action on a number of fronts to address the link between youth offending and alcohol. Through "Preventing Offending by Young People: A Framework for Action", we are committed to developing evidence-based interventions for young people whose offending is linked to alcohol misuse.

In June, we published a robust package of measures, which we believe can positively change for the better all Scots'—including young people—attitude to and relationship with alcohol. We have made record investment in prevention, treatment and support services by almost tripling investment to a total of £120 million over the next three years. In all those ways, the Government is committed to addressing the link between youth offending and alcohol.

**Michael Matheson:** I draw the First Minister's attention to research that Glasgow Caledonian University published this week that demonstrates that the number of young offenders who blame alcohol for their crimes has almost doubled in the past 30 years. Does he agree that that evidence further demonstrates the scale of the problem that our nation faces in its relationship with alcohol, and that it illustrates why we need a strategy that tries to change that relationship using bold ideas and effective solutions to ensure that change happens?

**The First Minister:** I fully agree that a bold and radical approach to tackling alcohol misuse is necessary.

The study that Michael Matheson mentioned suggests that almost 57 per cent of 16 to 21-year-old males blame their offences on alcohol, which is nearly double the figure from only 30 years ago. Members are welcome to disagree with some aspects of the programme of the Cabinet Secretary for Justice and to say that one or other measure does not fit their party's circumstances. However, I appeal to Parliament: for goodness' sake, understand that this country has a real crisis with alcohol, not just among young people, but in the population in general. There is public support for the action that the cabinet secretary proposes. It is high time that it was reflected in Parliament.

**Ross Finnie (West of Scotland) (LD):** It appears that the First Minister does not recognise that members accept, probably unanimously, that there is a link between youth offending and alcohol. However, we have seen no evidence that such offences are committed by people aged 18 to 21. Given that Parliament has decisively rejected the principle of raising the minimum age for off-sales from 18 to 21, why does the First Minister intend to ignore its will?

**The First Minister:** When we introduce legislation containing a range of powerful proposals to address the problem, Parliament will decide which, if any, of the measures it is prepared to support. I make to Ross Finnie the point that I made generally; I do not mind his disagreeing with one aspect of the proposals, but the difficulty is that neither he nor his party is prepared to identify which measures they support, or to suggest alternatives. The great virtue of our

introducing the legislation is that it will enable Ross Finnie to lodge amendments that can be judged on their merits, just as the bold proposals of the Cabinet Secretary for Justice will be.

**Bill Aitken (Glasgow) (Con):** The First Minister will accept that there is general consensus in the chamber that there is a problem. The question is how we deal with it. Does he agree that the core age group that is causing the difficulty is 16 to 18-year-olds? Does he find it surprising that so few people in that age group have been prosecuted for purchasing or attempting to purchase alcohol while underage? Will he undertake to ensure that there is more rigorous prosecution of the existing law?

**The First Minister:** As Bill Aitken must know, we are seeking much more rigorous implementation of the legislation governing retail outlets that supply alcohol to underage users. The rising incidence of alcohol misuse in Scotland stretches back at least a generation. Our consumption of alcohol has doubled and has gone out of line even with that of our friends south of the border, whose consumption of alcohol has risen out of line with that of the rest of Europe. The issue is not just the total absence of positive proposals from the other parties that are represented here in the chamber—we also need to reflect on what they were doing in government when the problem was staring everyone in the face but no action was taken to do anything about it.

**Richard Baker (North East Scotland) (Lab):** Does the First Minister not realise that the most effective way of tackling alcohol misuse by young people is strong local policing and proper implementation of existing laws—passed during the previous session—rather than the gimmick of banning off-sales to under-21s? Will he look at the impact of high caffeine content in some alcoholic drinks?

**The First Minister:** I agree with Richard Baker's first point—so do people on the ground. Lillian Forsyth, who runs one of the Stenhousemuir shops that are taking part in the current pilot, said:

"I think it's been a big success—thanks to the local shops, police and councillors working together."

The pilot has shown a dramatic decrease in offending behaviour and incidents at weekends. In the light of the substantial evidence in support of the measures that have been taken in Stenhousemuir, which do not include additional police resources, when will Richard Baker and everyone else accept that there may be something in co-operation among people such as the shopkeeper whom I mentioned, the police and others, who have made the pilot such a significant part of what is being done to face down Scotland's

problem with alcohol?

### Free School Meals

**5. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the First Minister how many local authorities have indicated that they can afford to implement the Scottish Government's policy of free school meals for all primary 1 to 3 pupils without a reduction in any other services. (S3F-1107)

**The First Minister (Alex Salmond):** All local authorities signed the concordat that was agreed between the Scottish Government and the Convention of Scottish Local Authorities, under which sufficient funding is included in the settlement to enable all local authorities to provide P1 to P3 pupils with free school meals from August 2010.

**Karen Whitefield:** As the First Minister is well aware, more than half Scotland's councils have publicly said that they cannot afford to provide free school meals within their existing resources.

Which education services will be axed to pay for free school meals? How can Scottish councils have sufficient funds to implement the policy, given that a Scottish Government report said that the costs of implementing the policy are variable and depend on local circumstances? First Minister, what makes you think that you are right—

**The Presiding Officer (Alex Fergusson):** Please speak through the chair.

**Karen Whitefield:** Scottish National Party-run councils are telling the First Minister that they are right. Who is right, the councils or the First Minister?

**The First Minister:** I am delighted to tell Karen Whitefield that all SNP-led councils are committed to and will implement the free school meals policy. However, I want to take a cross-party approach. Not just SNP councils but the cross-party leadership of the Convention of Scottish Local Authorities are enthusiastic about the policy. Independent councils such as Orkney Islands Council and Shetland Islands Council are committed to and substantially support the free school meals programme. Even among the ranks of the Liberal Democrats there are enthusiasts. The deputy leader of Renfrewshire Council, Councillor Eileen McCartin said:

"Free school meals is in the concordat and councils should be working towards delivering it."

Given that cross-party enthusiasm, I would not like the Labour Party to be the only party in Scotland that tries to take the meals from the mouths of Scotland's children in 2010.

**Alex Neil (Central Scotland) (SNP):** I bring

more good news to the First Minister on that front. This morning, Labour-led Falkirk Council confirmed that the Scottish Government has made the money available without cutting any other service.

**The Presiding Officer:** Ask a question, please.

**Alex Neil:** Does the First Minister realise that North Lanarkshire Council failed to count its houses properly and underestimated its council tax revenue by £4 million, which would pay for free school meals in Lanarkshire for four years?

**The First Minister:** We should all be grateful to Alex Neil, not just for announcing the amity that has broken out in Falkirk Council but for identifying on behalf of North Lanarkshire Council how it will pay for a commitment that leaders of councils throughout Scotland signed up to.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Will the First Minister answer a simple question? If the money for free school meals is included in the local government settlement—I hope it is—why was it necessary to give additional millions of pounds to the local authorities that were involved in the pilots? Should those local authorities have received additional money? What was it used for?

**The First Minister:** The concordat introduces free school meals from 2010, whereas the pilots took place in the previous academic year. The answer to the question—I hope that this is simple—is three years. First we had the pilots, which the Government funded. Secondly, the policy will be rolled out throughout Scotland. That is in the concordat. Was that reasonably simple?

### Fuel Poverty (Pensioners)

**6. Margaret Mitchell (Central Scotland) (Con):** To ask the First Minister what action the Scottish Government is taking to alleviate fuel poverty for pensioners. (S3F-1103)

**The First Minister (Alex Salmond):** Last year, we installed a record number of central heating systems in the private sector. So far this year, we have installed over 1,000 more than at this time last year. That will ensure that more fuel-poor pensioners will have heating systems before the winter. We have re-established the Scottish fuel poverty forum to advise on the future of the central heating and warm deal programmes and we look forward to the forum's final report, which is due to be published imminently.

**Margaret Mitchell:** Given that the central heating programme has proved to be an excellent way to ensure that pensioners have efficient and cost-effective heating systems, does the First Minister share my concern that, following the announcement by the Cabinet Secretary for

Health and Wellbeing on 22 May, which changed the eligibility criteria but received little publicity, Scottish Gas says that pensioners are now at best uncertain whether they qualify or are, at worst, under the misapprehension that the scheme is no longer available? If he does share that concern, what does he suggest should be done to raise awareness about the new criteria to ensure that, in these difficult times, pensioners take up the offer of heating to which they are entitled?

**The First Minister:** The facts indicate that there is plenty of demand to take up the offer of heating. In the last year of the Labour-Liberal Administration, 10,238 heating systems were installed. Last year—the first year of the Scottish National Party Administration—with the additional budget that was committed by the Deputy First Minister, 14,371 heating systems were installed. The good news on installations does not stop there, because the figures for the first six months of this year are 1,000 greater than even last year's figures. In the light of the facts—that are chieftains that winna ding—I hope that Margaret Mitchell will agree that there is no shortage of demand and that there is plenty more supply of the heating schemes coming through.

12:31

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Finance and Sustainable Growth

##### Housing Investment (North Lanarkshire)

**1. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive what action it is taking to support delivery of national outcome 10 in North Lanarkshire Council's single outcome agreement. (S3O-4497)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The Scottish Government continues to work closely with all councils, including North Lanarkshire, to support them in the delivery of their single outcome agreements.

**Cathie Craigie:** I ask the First Minister—*[Laughter.]* That was an instant promotion for John Swinney.

The Cabinet Secretary for Finance and Sustainable Growth knows that I represent the new town of Cumbernauld as part of my constituency. National outcome agreement 10 states:

"Scottish Government to work with Council to recognise and address the exceptional investment requirements of former Cumbernauld Development Corporation housing stock."

I have corresponded with the minister who is responsible for housing and highlighted the serious need for investment in the high-rise flats in Cumbernauld. Will the Government, in recognition of the exceptional investment that is required, support North Lanarkshire Council with additional funding to remedy that and meet the needs relating to those high-rise flats?

**John Swinney:** I am grateful to Cathie Craigie for my almost instant promotion, but I am sure that it will not have reverberated well upstairs, to put it gently.

I acknowledge the seriousness of the member's point, and I understand that the Government's housing investment division has discussed with North Lanarkshire Council the challenges that it faces in relation to the housing stock of the former Cumbernauld Development Corporation. The Government has been supporting the council and exploring new ways to use the new, more flexible enforcement and financial assistance powers under the Housing (Scotland) Act 2006. The

Government will, of course, continue discussions with the council in that respect.

We recently supported the Cumbernauld Housing Partnership in employing consultants to assess the condition of its stock and to work towards determining solutions, and the Government remains ready to have further discussions with the council in that regard.

### **Capital City Status (Funding)**

**2. Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive what progress has been made in efforts to acknowledge the funding implications of Edinburgh's capital city status. (S3O-4570)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The City of Edinburgh Council formally submitted a business case to the Scottish Government at the end of September. I am considering its case and will confirm my decision in time to inform the local government settlement announcement for 2009-10.

**Margaret Smith:** I thank the cabinet secretary for his answer, and for his support for Edinburgh to date on this important issue. As he knows, the case for a capital city supplement has cross-party support among all local MSPs and parties in the council.

I will highlight two issues that have a direct impact on our economy and which affect the capital city in particular. Edinburgh accounts for 75 per cent of the country's overall need for affordable housing, but it secures only 15 per cent of funding support in the south-east of Scotland.

With regard to inward migration—an issue that I have raised a couple of times in the chamber—our local schools are struggling to cope with the language needs of children who are coming into Scotland. Will the cabinet secretary examine those two issues positively, given Edinburgh's unique position in relation to its capital city status and as a generator for our economy?

**John Swinney:** The Government is involved in discussions with the City of Edinburgh Council on the question of a capital city supplement. The issue was raised during the process of agreeing the Government's budget last year. I agreed to come back to Parliament after we had considered a business case from the council, and that is exactly what the Government will do.

On the specific points that Margaret Smith raised, it is clear that there is a significant challenge in relation to affordable housing. The Government has made support available to the City of Edinburgh Council to develop its housing stock and we will continue to assess that position

in future spending decisions. The minister who is responsible for housing is, of course, aware of the representations that Margaret Smith has made on the matter and will take decisions accordingly.

**Margo MacDonald (Lothians) (Ind):** Can the minister assure me that the fact that we have a capital city supplement will not militate against Edinburgh's receiving any extra money for which it might come looking? I will not outline the particular difficulties that have arisen in Edinburgh as a result of the current financial turmoil, because the minister knows them better than I do, but it may be that I will come looking for more money. I would not want that to be thought of as greedy; it would just be a necessity. I would like an assurance that the capital city supplement will not be held against Edinburgh.

**John Swinney:** Margo MacDonald, of course, advanced the argument for a capital city supplement, and I was happy to confirm in my answer to Margaret Smith that the Government has received the business case that we requested from the City of Edinburgh Council. We will take decisions in time to inform the announcement of the local government settlement for 2009-10.

I understand the issue that Margo MacDonald raises, which is common to a range of public authorities in Scotland and to the Scottish Government into the bargain. We must meet the financial challenges of the period in which we are operating. The Government will consider the matter, but I cannot give Margo MacDonald a commitment on any other provisions that might or might not be available. The Government will take decisions in the course of its budget process.

**Gil Paterson (West of Scotland) (SNP):** What impact would cutting income tax in Scotland by 2p in the pound, as the Liberal Democrats propose, have on the cabinet secretary's ability to allocate resources to Scotland's cities?

**The Presiding Officer (Alex Fergusson):** I am not sure that that really relates to Edinburgh's capital city status, but if the cabinet secretary would like to make a brief comment, I will allow it.

**John Swinney:** I simply point out that, if I was required to find £800 million of savings in the Government's budget, there would be significant implications for Scotland's public services. I therefore look forward with interest to reading the amendments that the Liberal Democrats lodge during the parliamentary budget process to substantiate their bold and imaginative policy announcement.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I support the general case for capital city status for Edinburgh, not least because of its unique capital city functions, but I re-emphasise that it needs more money for affordable housing,

not least because the population is increasing more rapidly and the need for affordable housing is far greater than it is elsewhere in Scotland. I point out to the cabinet secretary that, because land prices are lower at the moment, there is an opportunity to buy land for affordable housing at a much cheaper price. Extra money for that would be particularly helpful and opportune.

**John Swinney:** Mr Chisholm makes the entirely reasonable point that an opportunity exists to substantially expand the supply of affordable housing in Scotland because of the changes in the housing market. It is for that reason that the Government has already changed its capital programme and is working with local authorities to accelerate investment in affordable housing.

However, as Mr Chisholm knows from his experience as a minister, we operate within a fixed capital budget. At a time when the private economy is facing such challenges, there is certainly a compelling case for expanding that budget to allow investment in infrastructure to support economic development. I therefore hope that we can count on Mr Chisholm's support—and that of his colleagues—in making representations to the United Kingdom Government and asking it to expand the capital budgets that are available to the devolved Administrations. That will ensure that we can meet the challenges of the economic climate and also deliver the advantage of making more aggressive progress in delivering more affordable housing in Scotland.

### **Scottish Futures Trust (School Building)**

**3. Ken Macintosh (Eastwood) (Lab):** To ask the Scottish Executive whether the Scottish Futures Trust will first be used in the commissioning of a new school building in 2008-09, 2009-10 or 2010-11. (S3O-4514)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The Scottish Futures Trust is taking forward the work that is needed to deliver the objectives in the business case that was published in May, and it is engaging with delivery and funding issues across a wide range of infrastructure sectors including schools.

The Scottish Futures Trust will be used in the commissioning of a new school building during 2009.

**Ken Macintosh:** I thank the minister for that reply; I will study its exact wording. He said that the Scottish Futures Trust will be used during 2009. Does that mean that a school will be commissioned next year? If so, I am delighted to finally have a date for what should be the Scottish Executive's flagship school building programme.

Is the cabinet secretary aware not only of pupils' concern that the state of their school estate be addressed, but of the concern in Scotland's financial community and construction industry that programmes in the pipeline be introduced and accelerated for the sake of the whole economy? Will he promise to consider making a commitment to Parliament that within a year from today the first school under the SFT will be delivered?

**John Swinney:** I respectfully suggest to Mr Macintosh that he decides which questions he wishes to ask and uses the responses to develop any other questions that he might have. My response made it quite clear that the commissioning of the first school building under the SFT would be during 2009. Indeed, I do not think that that could be clearer.

Mr Macintosh must stop going round telling people that no construction activity is going on in Scotland. In community after community, plenty of activity is taking place in the building of schools, hospitals, health care facilities and major motorways such as the M74, the route of which is not terribly far away from the member's constituency.

I point out into the bargain that I have very much enjoyed my discussions with East Renfrewshire Council on its involvement in the Scottish Futures Trust. The council is led ably by Councillor Fletcher, who is engaging with this issue in a much more constructive way than Mr Macintosh has been able to summon up so far in the course of parliamentary proceedings.

**Keith Brown (Ochil) (SNP):** Are the projects that were commissioned under public-private partnerships prior to the introduction of the SFT putting pressure on council and health board budgets because of higher than expected interest payments and inflation?

**John Swinney:** The private finance initiative schemes that have been implemented over the years are putting pressure on budgets in a number of different ways. For a start, there has been a significant increase in the volume of revenue resource that we need to support the payment streams that are set out in the contracts. In some contracts, increased inflation will have to be taken into account, and the higher interest payments will have to be met by the public purse.

Mr Brown has certainly raised a substantive issue. It highlights the challenge of maximising value for money in investment in our capital infrastructure that the Government is determined to address through the Scottish Futures Trust.

**Andy Kerr (East Kilbride) (Lab):** The cabinet secretary's mock indignation cannot disguise the fact that the projects that he refers to were started under the previous Labour Administration.

[*Interruption.*] I am coming to my question, Presiding Officer.

I am interested in—and surprised by—the cabinet secretary's comment that there will be a project under the SFT in the reasonably near future. What is the expected rate of return to the private sector of projects under the SFT and how does that figure compare with the rate of return under the non-profit-distributing model that Argyll and Bute used in commissioning schools?

**John Swinney:** First of all, Mr Kerr cannot have it both ways. He cannot on the one hand say that no construction activity is going on in Scotland and, on the other, claim that there is construction activity but that it was all commissioned by the Labour Party. As usual, Mr Kerr makes two statements that cannot be true at the same time.

During this Government's term in office, a host of projects in communities around Scotland is in final negotiation, is being built, is reaching financial close and is being delivered. If we had taken Mr Kerr's view of the world, we would have stopped all those projects. However, we took the mature approach and allowed them to go ahead. We have invested in Scotland's infrastructure.

As for the rate of return, Mr Kerr knows that all the financing arrangements will be the subject of active negotiation. However, this Government will ensure that, in those negotiations, we protect Scotland's public purse much more effectively than Mr Kerr and his colleagues ever did and deliver value for money for the people of Scotland.

## China

**4. Hugh O'Donnell (Central Scotland) (LD):** To ask the Scottish Executive what financial issues were discussed during the Cabinet Secretary for Finance and Sustainable Growth's recent visit to China. (S3O-4565)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The financial issues that were discussed centred around increasing sustainable economic growth in Scotland, our intention to make Scotland a more attractive destination for overseas investment, and Government backing for Scotland-based companies, to develop trade activities and partnerships outside Scotland.

I engaged with potential inward investors and senior officials in Shanghai, to promote Scotland's strength in financial services and to demonstrate Scotland's willingness to be a collaborative partner in Shanghai's further development in the sector, as the city seeks to develop as an asset management centre.

I outlined Scotland's renowned expertise in finance and advised that we have much to bring to

China in terms of knowledge, talents, business partners and educational programmes. I discussed those factors and highlighted Scotland as a strong partner and a leading European centre for asset management, which is actively seeking to explore further opportunities.

I sought support from the financial services regulatory bodies in China and the Shanghai Financial Services Office for the work of Scottish Development International in Shanghai, when I emphasised the Government's strong commitment to work with the industry to ensure continuing prosperity.

I apologise for the length of my answer, but I thought that it was important to share the information with the Parliament.

**Hugh O'Donnell:** I thank the cabinet secretary for his comprehensive answer. During his discussions on finance, when did he refer to human rights, in accordance with paragraph 14 of "The Scottish Government's Plan for Engagement with China"?

**John Swinney:** In the course of my discussions with individuals who were involved in the programme, I made clear the Government's commitment to human rights. I was not involved in diplomatic discussions with officials of the Chinese Government—during such discussions the Government would of course make clear its view on human rights in China. However, I made representations on occasions when it was appropriate to do so.

## Infrastructure and Transport Projects

**5. Rob Gibson (Highlands and Islands) (SNP):** To ask the Scottish Government how it is planning to ensure that major economic opportunities of national importance, located in geographically dispersed areas, are underpinned by modern infrastructure and transport improvements. (S3O-4542)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** The national planning framework takes forward the spatial aspects of the Scottish Government's policy commitments on sustainable economic growth. A draft NPF2 was published in January and a final NPF2 will be published early in 2009.

NPF2 will focus strongly on priorities for the improvement of infrastructure to support Scotland's long-term development. For transport infrastructure, it will support the strategic outcomes that are set out in the national transport strategy and draw on the work that is being undertaken on the strategic transport projects review.

**Rob Gibson:** I thank the minister for his detailed answer. As infrastructure development is considered during this period of prolonged global monetary instability, will he ensure that consideration is given to projects that meet climate change adaptation requirements, for example by ensuring that buildings are climate proofed?

The minister mentioned transport projects. Will he also ensure that consideration is given to the infrastructure that is required to support the economic potential of the Pentland Firth?

**Stewart Stevenson:** The recent announcements on the Pentland Firth are encouraging in the context of Scotland's future contribution to the climate change agenda. It will be important to ensure that the major structures and building materials that must go to the Pentland Firth have the transport infrastructure that will support them.

The member asked about building standards. We are making progress to raise the standards that apply to new buildings and we are carefully considering how we will deal with the substantial stock that has been built over many years.

Finally, on infrastructure projects generally in these troubled financial times, it is clear that, as markets open up and interbank trading returns, there will initially be a flight to quality as investors look for projects in which to invest. There are no better-quality projects than those that the Government will want to take forward in Scotland.

#### **Local Income Tax (Glasgow)**

**6. Bob Doris (Glasgow) (SNP):** To ask the Scottish Executive what recent discussions it has had with Glasgow City Council about the implementation of a local income tax based on ability to pay. (S30-4539)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** We have had no recent discussions with Glasgow City Council about implementing a local income tax, but I was grateful to the council for its response to our local income tax consultation in July. That is being considered alongside all the other responses that we received, and we will have discussions with a range of stakeholders once we have completed our consideration of that information.

**Bob Doris:** Several hundred households in north Glasgow have been rebanded, and I am led to believe that the council is struggling to cope with processing efficiently the repayment of money to the hard-working families who have overpaid. That is another financial and administrative liability on Glasgow City Council as a result of the council tax. When the cabinet secretary next meets the council, will he raise the issue with it and try to

persuade it of the powerful case for abolishing the council tax and introducing a fair local income tax?

**John Swinney:** As Mr Doris knows, the Government is committed to introducing a local income tax based on the ability to pay. There are many problems with the council tax, not least the fact that it bears no relation to the ability to pay. The Government will continue to make that point in all discussions about the implementation of the local income tax.

#### **Scottish Futures Trust (School Building)**

##### **7. Ms Wendy Alexander (Paisley North) (Lab):**

To ask the Scottish Executive when it expects the Scottish Futures Trust to be fully operational and when it is anticipated that it will be used in the commissioning of a new school building. (S30-4489)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The Scottish Futures Trust is moving forward the work needed to deliver the objectives set out in the business case published in May, and it is now engaging with delivery and funding issues across a wide range of infrastructure sectors, including schools. It is expected that the trust will become fully operational over the course of 2008-09.

The Scottish Futures Trust will be used in the commissioning of a new school building during 2009. The member will wish to note that the first public-private partnership school project given initial project approval under devolution was in the financial year 2001-02, two years into the first term of the previous Administration and on a similar timescale to the one proposed for the SFT's commissioning of a new school building.

**Ms Alexander:** Will the cabinet secretary tell us when the board of the Scottish Futures Trust will be appointed, when the chief executive will be appointed, and when the promised management statement—which in the cabinet secretary's own words will "set the trust's objectives"—will be in place? Can he guarantee that all three—board, chief executive and management statement—will be in place by the end of November?

**John Swinney:** I am currently involved in discussions about the membership of the board and I expect to make announcements shortly. The recruitment of the chief executive will be a matter for the board, but progress has also been made on that. The management statement is under active development in taking forward our expectations for the Scottish Futures Trust as demonstrated by the business case. We are making good progress on all the issues, and I will keep Parliament informed about the timescale for delivery.

**Andy Kerr (East Kilbride) (Lab):** I hope that the cabinet secretary will read the *Official Report*

and reflect on his previous answer and how it related to the question that was asked.

Will the cabinet secretary comment on the fact that, in the non-profit-distributing model that has been used in Argyll and Bute, the rate of return for the private sector is 15 per cent, which is the same return for the private sector as in the traditional PPP model? Will he also comment on the fact that current research advises that the non-profit-distributing model may be more expensive to the taxpayer and more profitable to the private sector?

**John Swinney:** I related my answer to the question the last time Mr Kerr tried to make his point.

On the NPD model, I simply reiterate the point that I have made to Mr Kerr on numerous occasions: the Government is determined to secure greater value for the taxpayer's resources.

Mr Kerr cited an NPD project that his Administration pursued and compared it to a public finance initiative project that his Administration also pursued; I leave him to draw his own conclusions about the connections that exist between them. I will implement a process that provides much better value for money for the people of Scotland, and delivers on people's expectations of a school estate and infrastructure programme that is supported by a more effective means of delivery than the one over which he presided.

### **National Planning Framework (Consultation Response)**

**8. Willie Coffey (Kilmarnock and Loudoun) (SNP):** To ask the Scottish Executive when it will reply to the responses submitted to the consultation on the second national planning framework. (S3O-4535)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** An analysis report of the consultation responses that were received on "National Planning Framework for Scotland 2: Discussion Draft" will be published later in the autumn at the same time as the proposed national planning framework is laid before Parliament for consideration.

**Willie Coffey:** The minister will be aware that Ayrshire has experienced population and economic decline over recent years. Therefore, it is not surprising that responses to the draft framework called for greater recognition of the area's strategic importance to Scotland. Will he ensure that the revised framework sets out how improvements to Ayrshire's transport links can act as a catalyst for economic growth within the region, rather than simply provide a faster commute to Glasgow and beyond?

**Stewart Stevenson:** We have recently announced significant investments in new rolling stock for the railways, which will benefit Ayrshire in particular. The national planning framework is a planning document; it is proceeding and will be subject to parliamentary review for 60 days. We also have the strategic transport projects review, which will be published later this autumn and directly reflects the Government's future plans for transport. In its new form, the national planning framework will undoubtedly reflect more of the needs of wider Scotland, including private sector projects as well as Government projects. It truly represents planning for the future to 2030.

**Patrick Harvie (Glasgow) (Green):** In the light of the collapse of some airlines and the withdrawal of others, the growing momentum for high-speed rail services, the Government's own recognition of the phenomenon of peak oil and the recommendation from the United Kingdom committee on climate change that aviation emissions must be included within climate change targets, is it possible that the Government's ambitions for aviation growth are misconceived and unrealistic? If so, should it cut capacity expansion at Glasgow and Edinburgh airports from the national planning framework?

**Stewart Stevenson:** Patrick Harvie raised the subject of high-speed rail. Our ambitions, of course, do not stop at Leeds but continue all the way to Edinburgh. It is interesting that British Airways has a share of the equity in some rail companies, which indicates a willingness to engage in improved surface transport. However, aviation is an important part of our economy and we should envisage domestic aviation being augmented by high-speed rail. That is the way of the future. This Government is determined to ensure that Westminster lives up to its responsibilities for cross-border rail activity and the financing that it retains in its budgets to support that activity.

**The Presiding Officer:** Question 9 has been withdrawn.

### **Volunteering**

**10. Gavin Brown (Lothians) (Con):** To ask the Scottish Executive what plans it has for the promotion of volunteering in Scotland. (S3O-4483)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** We made it clear in our economic strategy that we place a high value on the contribution that the third sector makes to creating a more successful Scotland, and we reinforced that with funding of £93 million over the spending period. Volunteering is central to that contribution, whether it is people working as charity trustees, being involved in organising youth clubs, being involved in befriending or working in

partnership with public services such as the national health service, or as part of an informal community group. We will invest £11.5 million in the network of volunteer centres over the spending review period and are in positive discussions with Volunteer Development Scotland about the funding of its role as the Scottish centre for excellence in volunteering.

**Gavin Brown:** I asked the question because there is a sense that volunteering specifically—as opposed to the third sector in general—has moved down the agenda somewhat. Will the minister agree today to engage further with the relevant organisations to address that concern?

Community Service Volunteers Scotland will hold its big make a difference day towards the end of October. Will the minister encourage those who are under his wing to support that initiative?

**Jim Mather:** I can go further and say that such engagement is already under way—at the CSV conference last week, people got a clear understanding of what is being done. The Government is providing 32 pots of money across the country to fund volunteering activity. Voluntary organisations have been invited to operate together to shape with local community planning partnerships plans that will be part of single outcome agreements.

The message is clear—the power is in organisations' hands and they must get involved. That is beginning to happen across Scotland. I encourage any organisation that Mr Brown comes across to become part of that process and to work together closely to ensure that we get maximum value out of volunteering and the £11.5 million that will be spent on volunteer centres over the spending review period.

**Robert Brown (Glasgow) (LD):** I listened with care to the minister's previous answer. Does it represent a policy change in the Government's approach to the voluntary sector, especially headquarters functions of national bodies, which do not fit so well into the community planning framework at local level? Does he accept that some of us find the Government's statements of support for the voluntary sector slightly difficult to swallow after engaging with ministers on the funding of project Scotland and hearing of significant cuts to good projects—run by organisations such as CSV, to which Gavin Brown referred—that support volunteers. Does the minister recognise the importance of those organisations? My question relates to their headquarters and central functions, as well as to their involvement in community planning arrangements.

**Jim Mather:** We recognise the importance of voluntary organisations—that is why we have run

two sessions that have brought third sector organisations together to have the fullest possible debate and why we have included Martin Sime and the Scottish Council for Voluntary Organisations in the national economic forum. We regard the third sector as a very important part of our economy.

We note with great interest that in Finland the third sector represents 21 per cent of gross domestic product, compared with only 4 per cent in Scotland. We see massive scope for development and are working with everyone involved, including on headquarters functions, to make that happen.

### Co-operative Development Scotland

**12. Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive whether it intends to fund Co-operative Development Scotland after March 2009. (S3O-4520)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** Co-operative Development Scotland is a subsidiary of Scottish Enterprise and was established back in April 2006. Future funding decisions will be an operational matter for Scottish Enterprise. An evaluation is under way and will inform the decision on future funding.

**Elaine Murray:** I agree with Gavin Brown and Robert Brown that the voluntary sector is not simply a subsector of the social enterprise sector. I hope that the Government appreciates that and that it will put pressure on Scottish Enterprise to support a successful innovation by the previous Scottish Executive. The minister will be aware of the wide variety of co-operatives and mutuals that exist across Scotland. Does he agree that, at a time when international capitalism is in turmoil, the alternative economic and financial models of co-operation, mutualism and credit unions should enjoy a much deserved resurgence? What further action can the Government take to ensure that that happens?

**Jim Mather:** We regard the third sector as a key part of the totality of services that are delivered in Scotland. With community planning partnerships, the opportunity has been created at local level for the sector to reconnect and to play a full part. The momentum for CDS is there. The evaluation began in January and we expect it to be completed shortly—probably around December this year. The decision on funding that will be made at that time will be an operational matter for Scottish Enterprise, which will take firmly on board the data from the evaluation.

### **Small Business Sector (Credit Crunch)**

**13. Gil Paterson (West of Scotland) (SNP):** To ask the Scottish Government whether it has data on the impact of the credit crunch on small businesses in Scotland. (S3O-4553)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** The Scottish Government holds a comprehensive range of data looking at small business sectors across Scotland. Examples of those data include the annual small business survey and the “Financing UK Small and Medium-sized Enterprises” survey. In addition, we also make use of information collected by the United Kingdom Government and the Bank of England.

More important, we maintain an on-going dialogue with the Scottish business community and representative organisations, such as the Federation of Small Businesses, chambers of commerce, the Confederation of British Industry, the Scottish Council for Development and Industry and the Institute of Directors, to gain a better understanding of the evolving issues surrounding businesses across Scotland. We have held specific discussions with those organisations to examine the impact of the credit crunch and to seek their views and input.

Through that regular engagement, we have identified business rates as an issue where we could act to ameliorate pressure on small Scottish businesses. The small business bonus scheme, which has given small Scottish businesses increased robustness, has been a function of that approach.

**Gil Paterson:** I thank the minister for that full answer; he has not left me with a lot to go on.

I am sure that the minister will be aware that a good number of small businesses are concerned that the credit crunch will cause them budgeting problems in the short and medium term. Will the Government keep an eye on the situation and gather the numbers with a view to continuing to be proactive in assisting small businesses during this difficult period?

**Jim Mather:** We are aware of the potential impact on the real economy, which dominated the debate yesterday at the national economic forum. The close monitoring will continue.

Meanwhile, this Government has demonstrated that, despite our limited economic powers, we can and will—as is referenced by the small business bonus—take decisive action to strengthen economic performance and help the small businesses that are suffering. If that requires us to make yet further representations to the UK Government, the member can be assured that we will do exactly that. Yesterday, the national economic forum was absolutely united in support

of that approach—we saw tangible evidence of that. I watched Grahame Smith of the Scottish Trades Union Congress sitting right next to Peter Hughes, both of whom made absolutely supportive statements about working together and ensuring that we do everything that we can to be on the forward foot, take decisive action locally and accentuate the positive, and there are many positives to accentuate.

**John Park (Mid Scotland and Fife) (Lab):** It is important to have data on these issues, so I am pleased that the minister gave quite a full response to the question. In Fife, we are seeing the real impact of the credit crunch unfold on small and medium-sized enterprises. It is reported in today’s newspapers that Cemtron has gone into administration because a loan has been pulled by HBOS. In the past day, 40 agency workers have been paid off and 150 other workers are now under threat of redundancy. I know that the minister has met the company previously. As part of the decisive action that he mentioned, will he perhaps seek to meet the company again to find out whether there is any way the Scottish Government could support it in its current predicament?

**Jim Mather:** The member highlights the absolute criticality of the expansion of liquidity, which we saw yesterday and which I hope will filter through into the system. I am always keen to meet companies in the context of the wider sectors in which they operate, to see what else we can do to make connections in their sectors that might help them to move forward. Confronting these difficulties is the hallmark of how we have to handle these things. We will take that on board. I look forward to receiving an overture from Mr Park to ensure that we get a meeting in the diary.

### **Capital City Status (Funding)**

**14. Ian McKee (Lothians) (SNP):** To ask the Scottish Executive what progress is being made with regard to the establishment of a capital city supplement to recognise Edinburgh’s role as capital and a main driver of the Scottish economy. (S3O-4549)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** Following my agreement to a study into the additional and unique costs to the City of Edinburgh Council as Scotland’s capital city’s council, I confirm that the council formally submitted a business case to the Government at the end of September. I will consider its case and confirm my decision in time to inform the local government settlement announcement for 2009-10.

**Ian McKee:** Does the cabinet secretary agree that highlighting Edinburgh’s need for a capital city supplement is motivated not by a desire to give it

an unfair advantage over other parts of Scotland but by a recognition that the supplement is required, in view of the capital city's role as a driver for increased inward investment and tourism, which are functions that benefit all Scotland, not just Edinburgh?

**John Swinney:** A number of the issues that Dr McKee raises are fundamental to the case for an Edinburgh capital city supplement. The capital city acts as a gateway for the country, and as a magnet for visitors to the country. The Government will consider those issues as it examines the study and the business case that has been produced by the City of Edinburgh Council.

## Secure Accommodation

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a statement by Fergus Ewing on strengthening Scotland's secure accommodation. The minister will take questions at the end of his statement. There should therefore be no interventions or interruptions.

14:56

**The Minister for Community Safety (Fergus Ewing):** I very much welcome the opportunity to tell members about the work that we are doing to improve the effectiveness of secure accommodation in Scotland. I will also draw the Parliament's attention to some of the challenges facing the sector. I will paint a rounded picture for members, highlighting both the strengths and the weaknesses in the secure estate. By making this statement, which has been agreed with the Convention of Scottish Local Authorities, I hope to get consensus across the chamber that we need to work together to ensure that Scotland's secure provision is fit for purpose. We need a secure estate that both helps to improve outcomes for the small number of high-risk young people who require it and protects the public.

I hardly need to remind members of Scotland's long and proud tradition of taking a child-centred approach when it comes to services for young people. The focus of the Scottish children's hearings system on needs as well as deeds is unique. Scotland's secure estate is located firmly within that welfare framework. It provides high-quality care and education for young people up to the age of 18 who have been deemed by children's hearings to pose a serious risk to themselves and/or others or who are required to be detained by the court. Young people are placed in secure care by local authorities or, in the case of those who are sentenced by the court, on the authority of Scottish ministers.

Scotland has seven secure units, offering 124 places. Five of them are owned and operated by independent charities: St Mary's Kenmure in Bishopbriggs, East Dunbartonshire; St Philip's in Airdrie, North Lanarkshire; Kibble in Paisley, Renfrewshire; Rossie in Montrose, Angus; and the Good Shepherd centre in Bishopton, Renfrewshire. Two units are owned and operated by local authorities: the Elms in Dundee; and Edinburgh secure services in Edinburgh.

Staff in secure units work daily with some of Scotland's most challenging, and yet most powerless, young people. During my visit to Kibble secure unit in Paisley earlier this week, I was impressed again by the fierce commitment of staff

to the young people in their care. I am sure that members will agree that the work that secure care staff carry out to help stabilise lives, protect youngsters and make our communities safer is invaluable—although, I regret to say, it is too infrequently recognised or celebrated. I therefore take this opportunity to thank all those who work in secure accommodation for what they do for our young people.

In March we saw only too clearly how challenging that work can be. St Mary's Kenmure in Bishopbriggs, near Glasgow, was forced to close temporarily following a serious disturbance, during which a number of young people absconded from the unit. Although that was a unique incident in Scotland's secure care history, it gave the whole secure estate occasion to reflect on the difficulties associated with caring for young people. A number of important lessons have been learned, particularly in relation to staffing and security.

I visited St Mary's Kenmure on 29 July, shortly before it reopened. David Whitton MSP, in whose constituency St Mary's is located, joined me on the visit. I spoke to staff and was reassured by the measures that the board of managers has taken to address the factors that contributed to the incident and to minimise the risk of such an incident happening again.

Immediately following the events in March, the board of managers of St Mary's appointed an independent expert to lead a thorough investigation. Managers and staff at St Mary's have worked incredibly hard over the past four months, and I am delighted to report that they have successfully implemented the recommendations set out in the internal report as well as those made in the inspection report from the Scottish Commission for the Regulation of Care. Improvements include stronger and more effective leadership; a revised management and staffing structure; better staff induction; replacement and reinforcement of external windows; training for staff in the new security procedures; and repair and redecoration of damaged areas.

St Mary's Kenmure has now reopened, and I am pleased by how responsibly the unit, which has a long history of positive inspection reports, has acted in facing up to the issues that led to the crisis. I am also confident that others in the sector, through the well-established secure forum, will become wiser as a result of that traumatic experience.

Moving on to the strategic issues facing the estate, I acknowledge the very significant programme of investment in the secure estate that was made by the previous Administration, which we are committed to completing. The investment

of more than £20 million increased the total number and geographical spread of secure places, and improved specialist provision, with the creation of a dedicated unit for girls and young women and better support for those with mental health problems. The final stage of the redevelopment will be completed shortly, with Rossie due to open its refurbished unit near Montrose early in 2009.

However, the improvements to the estate have come at a cost. The increase in demand that was projected when the programme was planned has not come to pass. At a time when our prisons are bursting at the seams, secure units have experienced difficulties in maintaining capacity. Let us be clear: a reduced number of young people in secure care would be something to celebrate. There are strong signs that more young people are being kept safely in their communities as a result of the increased availability of alternatives to secure accommodation. One such alternative is intensive support and monitoring, which this Government has rolled out to all areas of Scotland.

Intensive support and monitoring services—ISMS—provide local partners with a robust alternative to secure accommodation and show how the combination of support and control can keep young people and communities safe in a more cost-effective way. Early evidence shows that that community-based alternative is having a real impact, with reduced reoffending and improved outcomes. No wonder practitioners prefer ISMS to under-16 antisocial behaviour orders, which are designed in a way that risks doing little more than setting children up to fail.

However, the providers of secure accommodation cannot sustain a position in which costs exceed income and which is already threatening outcomes for young people. Does Scotland want to lose in an unplanned manner what is arguably world-class provision? Do we want a situation in which increasing costs mean that purchasers are forced to make decisions on a financial rather than a child-centred basis? I am sure that members in the chamber this afternoon will share my concern about those issues. Our priority must be to work in partnership to ensure that Scotland has the right range of services to keep young people and the public safe, while maintaining youngsters in their communities wherever possible.

We have therefore made a commitment with COSLA to work with secure providers to find a sustainable way forward that makes the best use of the estate and meets the needs of vulnerable young people and their communities. That work will include looking at the opportunities afforded by

capacity in the secure estate to address the needs of other vulnerable young people.

This Government is committed to the provisions of the United Nations Convention on the Rights of the Child and we are working to keep children out of prison. That is why we will legislate next year to abolish the unruly certificate, which enables children to be remanded to adult prisons. A short-life working group, the securing our future initiative—SOFI—has been tasked with considering how best to meet the nation's need for secure accommodation over the short to medium term. The group will produce recommendations for the Government and COSLA by spring next year. That work is being undertaken as part of the national residential child care initiative that was announced by the Minister for Children and Early Years, Adam Ingram, in February. The initiative is aimed at shaping the future direction of services to suit the needs of children and young people, in order to ensure that residential placements are the best choice for those children who need to live away from home. Both pieces of work are being independently led on the Government's behalf by the Scottish institute for residential child care.

Members will surely agree that the young person's best interests must be at the very heart of future policy direction. Our secure estate must reflect the needs of troubled young people rather than society's inability to provide alternative care. To repeat Adam Ingram's recent message, we want every care home, including secure care homes, to be the first and best choice for those children and young people, rather than a place of last resort. That is why it is vital that we work in partnership—including with local authorities, providers of secure care, young people who stay in secure care, their families and communities—to ensure that our secure accommodation estate is fit for purpose for today and for where Scotland wants to be in future.

**The Deputy Presiding Officer:** The minister will take questions on the issues raised in his statement. I intend to allow around 30 minutes for questions.

**Richard Baker (North East Scotland) (Lab):** I thank the minister for the advance copy of his statement.

We agree that it is vital that the secure accommodation estate is fit for purpose and that the right lessons are learned from the events of March this year at St Mary's Kenmure. There are lessons for communities, for staff—some of whom, unfortunately, were the victims of assault—and for young people who are in secure accommodation either because they are vulnerable or because their behaviour needs to be addressed effectively. Can the minister assure us that Parliament will be able to debate fully the recommendations of the

working group on secure accommodation that he has asked to report by spring?

Given that the report on St Mary's highlights capacity issues and the relationship between staff and local police, will the working group focus on how effective joint working might be achieved to ensure the smooth running of the estate? Will ministers continue to be involved in securing that?

If unruly certificates are abolished, might that not be expected to lead to greater demand for places in secure accommodation? In that context, does the minister agree that it would be short-sighted to reduce capacity in the estate? If the proposal goes ahead, what contingencies will be put in place for the few young people who are dealt with in that part of the system because their behaviour is simply too challenging or poses too serious a risk to themselves or others for them to be handled within the community or within secure accommodation?

Finally, although the report focuses on what was a troubling and disturbing incident, the minister also mentioned the need to celebrate good work. How will the Scottish Government ensure that the excellent practice that takes place in secure accommodation is shared across the estate, particularly through staff training?

**Fergus Ewing:** I welcome Richard Baker's general approach to the issue. I will try to answer as best I can each of his questions in turn.

First, it seems to us entirely reasonable that there should be a debate in the Parliament in due course. My view is that we should wait until we and COSLA have digested and considered the SOFI report, which we expect to have received by spring 2009. Thereafter, members should most certainly have an opportunity to debate the report's findings, once they have had a chance to consider the issues. I confirm that there should be a debate—subject to the usual channels being able to organise that—which I suggest should happen next spring.

Secondly, the short-life working group to which I referred—SOFI—has been tasked with considering how best to meet the nation's needs for secure accommodation over the short to medium term. I want to share with the Parliament SOFI's membership, which shows—this might influence members' thinking—that we have the right people, with a broad range of expertise, to address the problem. Romy Langland is SOFI's independent chair. The group's membership includes representatives from: social work; the care commission; the Scottish Government; COSLA; various of the secure establishments; academia; Includem; ISMS; and the Scottish Prison Service. A broad range of people are included on the group. It would be wrong for me to

pre-empt SOFI's decisions, but with an average cost of £4,500 per person per week, we all acknowledge that the costs of the estate are extremely high.

I pay tribute to the previous Administration's work to increase the number of secure places, which we supported. However, our expectations that demand for places would rise inexorably, perhaps to as high as 200, have not been realised. Perhaps that is good news. No one wants to see a child in one of these institutions if there is a better and safer way. During my visit to Kibble last week, I saw some very troubled youngsters. If there are better ways of helping them, it is our duty as a society to find them.

On 21 February, the cabinet secretary announced plans to abolish unruly certificates, which allow children aged 14 or 15 who appear before a criminal court on a charge to be remanded in prison custody. Prison is no place for children. There are no children in prison in Scotland as I speak; that is as it should be. I believe that the governor of Polmont takes a similar view, and, as far as I am aware, it is a unanimously held view in the chamber. Next year, we will legislate to abolish unruly certificates.

Plainly, we want best practice to be used throughout Scotland. Those who work in secure units are often exposed to the risk of attack or assault in a way that is unparalleled in most other lines of work. We should acknowledge the professionalism of those people in using their character and skills in managing the most challenging and difficult of youngsters, and in doing so successfully so that the youngsters emerge on the other side.

**Bill Aitken (Glasgow) (Con):** I thank the minister for early sight of his statement, which I find to be measured and realistic, in contrast to some of the statements that he made earlier this week.

We all agree that prison is simply not an option for the detention of youngsters. At the same time, we have to provide a safe and secure environment for troubled youngsters who cause difficulties to society and who are frequently a danger to themselves.

The minister talked about a commitment being made with COSLA to work with secure accommodation providers to make the estate sustainable. However, I suggest that that means that there will be a loss of capacity. Although the number in residence at the moment is fewer than is provided for, will he confirm that there will always be the facility to ensure that any troubled youngster who needs residential accommodation will have it?

Will the minister explain more fully the meaning of having

"capacity in the secure estate to address the needs of other vulnerable young people"?

An approach that puts vulnerable young people alongside those who are potentially dangerous seems inconsistent and dangerous.

**Fergus Ewing:** The secure units are considerably aware of the need to treat separately youngsters who are in secure units for different reasons. When I visited the new, ultra-secure unit at Kibble this week, I saw that youngsters were kept in separate wings: those who had been sexually aggressive were dealt with in one area; those who were there on welfare grounds were held in another; and those who were remanded or convicted were held in another. That may not be the practice in every secure unit, but I hope that those who manage the secure estate are extremely aware of that practice.

Bill Aitken's first, and perhaps main, question was whether we can guarantee that every child who needs a place will have one. Plainly, there has been investment in the secure estate of around £20 million, much of which was put in by our predecessors; we have put in around £3 million. It does not really matter who spends the money, as we all agree that it should be spent. The number of places in secure units is being brought up to 124. That capacity will be reached as St Mary's capacity increases—St Mary's is being reopened in a phased fashion and has not yet reached its full capacity. I believe that it will do so by the end of this month. Its present capacity is 15, which will increase to 24. When that happens, we will reach the figure of 124.

The main problem, which SOFI is grappling with in a focused way, is that most of the secure units require to be operating at or near full capacity to break even. In other words, unless they are full or nearly full, they will sustain a revenue loss. That creates an extremely difficult challenge for them, to which I wanted to alert Parliament formally. That is why we want any closure not to be driven by financial considerations but to arise in a planned way, and why SOFI has been charged to do such work, which we will bring back to Parliament for discussion in due course.

The problems are very real. Given that the average cost per week per child is £4,500, we are talking about a very large sum of money to look after a group whose members include some of the most challenged and vulnerable children in Scotland, as well as children who have committed crimes and who present a real safety risk to the public.

I am not in the business of being a guarantor. I am a Government minister; I am not undertaking

the somewhat fixed and absolute role of a guarantor. By working together across parties with everyone involved, we can at least reach the best solution so that a substantial number of secure places will continue to be available in Scotland, which I hope will be adequate for the purpose—although, as Bill Aitken will understand, it is a demand-led service.

**Robert Brown (Glasgow) (LD):** I, too, welcome much of what the minister said in his statement—with the possible exception of the addition to the language of two new acronyms, which we could perhaps have done without. I welcome, in particular, the absence of children from the adult estate. Will the minister clarify the steps that are being taken, beyond the introduction of ISMS, to allow the legislation that is planned for next year to be effective? Is ISMS the only such mechanism, or have other steps been taken?

I would also like the minister to give the Parliament a flavour of the level of underoccupancy at the last count. Is it geographically varied? How is it measured? What options is he considering? For example, I am aware that Kibble, which he visited last week, has quite a number of facilities other than the secure unit for dealing with young people who are at various stages and in various situations, therefore it has flexibility that might be lacking elsewhere. Is there scope to use the secure estate for suitable young people of 17 or 18 years of age who would otherwise be in young offenders institutions? I am talking about young people other than those who already come under the aegis of the children's panel. Can he give us a flavour of those issues?

**Fergus Ewing:** We intend to introduce the criminal justice bill next year, through which we will abolish unruly certificates.

I fully agree that Kibble provides many facilities in addition to the secure unit. Its day centre has been particularly successful in guiding youngsters towards work. It has a great connection with various local businesses, which have engaged and played a part. Given that Kibble is possibly unique in providing an additional day centre facility that offers work-based approaches to providing boys with training, particularly in the construction trades, it could play a part in the expansion of our policy on community sentencing and non-custodial disposals. That issue was raised with me at Kibble in the course of my visit. Robert Brown seems to be so well acquainted with my visit that I am surprised that he was not in the room at the time.

In general, intensive support and monitoring services, which were introduced by the Antisocial Behaviour etc (Scotland) Act 2004, allow people who are at risk of offending or of harming themselves to be monitored and supported in the community. Evidence from the case studies and

local evaluation exercises indicates that those services have been effective for a significant number of young people in reducing offending. I saw that for myself in Inverness when I went to see the work of Action for Children. Other charities have done similarly good work across Scotland.

The youngster builds up a bond of support and trust with a social worker or other professional person, which is key. That relationship is geared towards the provision of mentoring, support and counselling, and can divert the youngster from antisocial behaviour. The early, positive signs of the success of the intensive support approach are evident. If that prevents children from being sent to secure units, so much the better for them and for us all.

**Joe FitzPatrick (Dundee West) (SNP):** When I visited the Elms in Dundee, I was incredibly impressed by the commitment and dedication of the staff. Secure units such as the Elms have an important role to play, but they are no substitute for early intervention. Tackling drink, drugs and deprivation is vital to reducing the number of young people who are sent to secure units. What measures is the Government taking to ensure that fewer of our youngsters end up in secure units?

**Fergus Ewing:** I join Joe FitzPatrick in acknowledging the work that is carried out by the Elms in Dundee. I believe that it caters for boys and girls and that it is managed by Dundee City Council.

This Government wants as many people as possible to be diverted from antisocial behaviour and offending. Our approach to that task involves a variety of methods. In that task, we are greatly assisted by the excellent work that is done by the police and the fire service, as well as by the third sector. The work that is being done to divert youngsters away from crime and antisocial behaviour is not generally recognised or understood in Scotland. It is not reported by the media, perhaps because it is good news not bad news. Particularly after the antisocial behaviour review is completed next year, I want to focus on the good work that is being done and harness cross-party support to ensure that there is more of it. That will mean more children being directed away from crime and antisocial behaviour and given more choices and chances to take part in sport, leisure and other pursuits, which, once they have tried them, will help to turn them away from temptation.

**Paul Martin (Glasgow Springburn) (Lab):** I concur with the minister's consensual vision of how we can take secure accommodation forward. However, I would like him to assure us that the resources that are provided for the 124 places will continue to be provided. He said that he wants to find a sustainable way forward. Does that mean

that there will be no reduction in resources and that those places will continue to be provided?

**Fergus Ewing:** I can provide an assurance that we want to continue to see the funding of those places. Part of the funding is from the Scottish Government and part is from local authorities. As I have mentioned, five of the secure units are charities that are not owned or run by the Government, but they play a part.

The costs of secure units are extremely high. Plainly, if alternatives can be made to work without jeopardising public safety or disadvantaging the children concerned, we would all like those children not to be sent to those units, otherwise they will end up looking as frightened and alone as some of the youngsters whom I saw this week.

We all want to achieve the same objective. We have absolutely no plans to cut anyone's funding, but we are aware that the institutions and secure units face difficult financial challenges. One reason why I am on my feet today is to share that news with MSPs and to encourage them to visit the units, as Mr FitzPatrick, Mr Whitton and Mr Brown have done, and find out for themselves what the problems are, so that they can contribute more effectively to the debate about how we can devise the best solutions.

**John Wilson (Central Scotland) (SNP):** I welcome the minister's statement, particularly his reference to the incident at St Mary's at the beginning of the year. What discussions are taking place and what measures are being put in place to ensure that there is no repeat of such incidents in secure accommodation elsewhere in Scotland?

**Fergus Ewing:** I should say that St Mary's operated for 32 years without incident and received extremely positive reports. The staff there have done an excellent job. Problems arose that have been the subject of two reports, but I have been advised that they have been dealt with and that the board of managers at St Mary's has successfully implemented all the recommendations that resulted from the expert inquiry. Perhaps the whole experience has been a sign to everyone in the secure estate to reconsider what they do and how they do it. I am sure that that has happened.

I have asked for the owners of secure units to be involved in SOFI's work and to have an opportunity to consider SOFI's recommendations before they are implemented. That will be done. After all, the owners must pay the bill if there is a deficit in their funding, and it is correct that they should be involved in the discussions on how we can progress in a planned fashion.

I believe that the lessons from St Mary's have been learned. The episode was extremely difficult and bruising for many of those who were involved.

Plainly, we want to see engagements between secure units and the communities in which they lie, and we want to see the best possible relations between employers, staff and owners of the establishments. I believe that those objectives are being met.

**David Whitton (Strathkelvin and Bearsden) (Lab):** I welcome the minister's statement, particularly as Mr Ewing's boss, Mr MacAskill, wrote to me on 17 September to say that he did not think that a statement would be appropriate. However, a statement has now been given. I also thank the minister for inviting me to accompany him on the visit to St Mary's, particularly as the management had forgotten to invite me.

Has the minister had any further talks with St Mary's management about the unit's operating at below care commission-approved staff levels and about what it is doing to tackle long-term staff absences that are due to illnesses and injuries? Does he believe—I say this with genuine concern—that now is the time to consider whether charitable organisations should continue to be allowed to manage units such as St Mary's?

**Fergus Ewing:** I am pleased to have made my statement. It was right to make one today, and members have welcomed it.

Mr Whitton and I met St Mary's managers, and had a thorough discussion in an extremely long meeting about the problems that St Mary's has faced. The internal summary report to which I alluded earlier, which was commissioned by the owners and prepared by an independent third party, was made available to staff on request, and it has been made available to Mr Whitton and the MP for the area. The care commission's report is publicly available on its website. I have read those documents and the recommendations that have been made, and have been advised that the recommendations have been adopted in their entirety, which is a very good result. Indeed, St Mary's was allowed to reopen only after the care commission's recommendations were largely implemented, as Mr Whitton knows. The unit is being reopened in a phased way to ensure that it meets all the appropriate requirements and, like all secure units, it is subject to quite extensive regulation by the care commission.

Incidentally, that is why such high staff complements are needed in units. Indeed, they are probably the most labour-intensive institutions in the land, because such staffing levels are required to protect the staff and the children, but particularly the staff, who are at risk of assault. Their strength of character prevents them from being assaulted more frequently than they are.

The work of secure units is extremely difficult. There will be incidents, as the units deal with the

most challenging children in Scotland. To suggest that staff will not have to face incidents that none of us would want to, or could, face is risible. Incidents will happen. The staff have an extremely difficult task. I am pleased that the recommendations of both reports have been implemented. I hope that we will all work together to ensure that our secure estate serves us well in the future, as it has done in the past and does now.

**Jackson Carlaw (West of Scotland) (Con):** We are all relieved that the actions that the St Mary's board of management has taken have resolved the crisis of earlier this year. However, I want to press the minister a bit further. He said that other establishments have been requested to

"become wiser as a result of that traumatic experience".

However, have they been given a ministerial steer that they should establish whether it would be useful for them to adopt proactively any of the lessons from St Mary's or the practical actions that have been taken, rather than risk a similar incident to the one that happened in Bishopbriggs in the spring?

**Fergus Ewing:** Plainly, the incident at St Mary's was unique. The member appears to suggest that other incidents of young people absconding from secure units have occurred that we somehow have not noticed. Unless he specifies what he means in his question—which suggests that other units are not performing properly or even in accordance with the law—I cannot answer the question. I cannot answer a question about unspecified allegations of unknown charges—that is for Franz Kafka to write about, not for me to reply to.

We have every confidence in the people whom Mr FitzPatrick and I have met, the other people who are involved in the institutions and the good work that they do. I hope that all members will unite behind that. The institutions are policed strongly by the care commission and others, so if anything is not being done as it should be, it will most certainly be picked up. The care commission inspections continue at St Mary's and some of them are not heralded—they are unannounced inspections. The units are rigorously policed and inspected and they do a good job. We should support them, not undermine them.

**Mike Pringle (Edinburgh South) (LD):** The minister is concerned about overcapacity. Can he give the Parliament a flavour of that? What was the level of underoccupancy at the last count, and is it geographically varied? What options is he considering to make use of it? If there is undercapacity, could some of the more vulnerable 17 and 18-year-olds be kept out of young offenders institutions?

**Fergus Ewing:** I stress that youngsters are sent to secure units only as a very last resort. No youngster is sent there unless other options have been considered and tried. Most of the youngsters who end up in secure units have difficult family circumstances. There may be no parents around, and perhaps not even any family. I totally agree with Mike Pringle's approach, but we should recognise that any child who is sent to a secure unit is sent there as a last resort and that we are talking about a small number of young people.

The most common age of young people in secure units is about 14 or 15, although sadly some are even younger. Occupancy levels vary. It would probably be more fruitful if I wrote to Mr Pringle, rather than give a rough and perhaps misleading figure. The key factor to bear in mind is that, unless the institutions operate at or near their full capacity, they are loss making. If they are making losses, there is a problem that we need to acknowledge and tackle. I understand that, of late, the occupancy levels have been fairly high, but they might fall off when St Mary's reopens to its full capacity, which will be fairly soon. I can write to the member with more information. For the information to be valid, it will need to show the occupancy levels of each establishment, because they are different.

Today, we have had a good opportunity for members to gain a better understanding of an issue that I do not think has ever been discussed or debated fully in the Parliament in the past nine years.

**Christina McKelvie (Central Scotland) (SNP):** I am sure that every member welcomes the minister's commitment to the United Nations Convention on the Rights of the Child. Will he seek to write the convention into domestic legislation at the earliest opportunity?

**Fergus Ewing:** We certainly respect and acknowledge the UN Convention on the Rights of the Child, and we wish to ensure that the practical imports of its provisions are fully observed in our legal system.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I welcome the minister's acknowledgement that, because of overcapacity in the system, there are serious issues in relation to the future of secure accommodation. Is the minister satisfied that councils are making referrals to secure accommodation without being influenced in any way by how much it will cost? When will he announce the full membership of the short-life working group—which I welcome—its remit and the timescale to which it will work? As the minister appeared to suggest that he will ask the group to consider allowing secure accommodation to be used for referrals by others, can he confirm who

they will be? We may even have to consider the closure of one of the seven units.

**Fergus Ewing:** I can share details of SOFI's membership with members. I thought that it was publicly available anyway, but I will ensure that the Scottish Parliament information centre is given a list of the members. I alluded earlier to SOFI's members' areas of expertise. It is no secret—we will show who they are. I do not want, in my answers today, to prejudge or restrict SOFI in its deliberations. There is no point in it carrying out its task if I pre-empt it with an extemporary, unscripted remark.

The member's first question was about local authority funding. I have mentioned the figures: £4,500 is the average cost per week of keeping a child in one of the institutions. That is more than £200,000 a year—the figure for prisons is around £40,000 a year. The reason for that is that the institutions require so many staff to run them safely and properly.

The member asks whether local authorities take account of finance. Local authorities must, of course, run their budgets properly, but they have, as I understand it, received a record budget settlement—that is a matter of record. I am working closely with Isabel Hutton, the COSLA spokesperson on the issue, to find a solution. I hope that all parties can work together to seek consensus on this difficult topic.

**Gil Paterson (West of Scotland) (SNP):** I lived directly opposite the St Mary's unit in Bishopbriggs for a number of years, and I had the experience of dealing with some of the young people from the institution. I never felt threatened at any time by their presence, but my experience tells me that some of the young people would have benefited by not being in the institution.

**The Deputy Presiding Officer:** Does the member have a question?

**Gil Paterson:** I have a question.

Will the minister examine the use of intensive support and monitoring services? That would benefit some young people, such as those whom I believe should not have been in that institution in the first place, and it would also benefit Scottish society.

**Fergus Ewing:** Intensive support and monitoring services were introduced in 2004, as an alternative to secure accommodation for young people aged between 12 and 17 who are being dealt with by the children's hearings system. The services consist of a wraparound package of 24-hour crisis-responsive intensive support and, in some cases, an electronic monitoring device—a tag—to help to provide structure and boundaries in a young person's life.

I acknowledge Gil Paterson's long-standing interest in campaigning on these issues. He is absolutely right to say that intensive support is an extremely useful way of helping those young people. Personally, I would prefer to avoid tagging, where possible. Tagging is pretty demeaning. If it is possible for intensive support to be provided without tagging, as it has been in Inverness, so much the better. I have seen that for myself, and I have discussed with young people how they found the experience. It only works if they build up a bond of trust with those who provide the support, counselling and monitoring—if that bond does not exist, the support does not work.

Gil Paterson is right. He spent many years working in the field, so it does not surprise me that he put his finger on one of the key ways forward for Scotland.

## Business Motion

15:40

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is consideration of business motion S3M-2683, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Scottish Register of Tartans Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Scottish Register of Tartans Bill, debate on amendment 1 shall, subject to Rule 9.8.4A, be brought to a close no later than 20 minutes after the Stage begins (excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress).—[Bruce Crawford.]

*Motion agreed to.*

## Scottish Register of Tartans Bill: Stage 3

15:41

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is stage 3 proceedings on the Scottish Register of Tartans Bill. In dealing with the amendment, members should have the bill as amended at stage 2—SP bill 8A—and the marshalled list. Should there be a division on the amendment, the division bell will sound. The period for voting will be 30 seconds.

### Section 9—Registration

**The Deputy Presiding Officer:** Amendment 1 is in the name of David Whitton.

**David Whitton (Strathkelvin and Bearsden) (Lab):** In the world of tartan, it is a great day to be a wovenist. I have to add that the modernists also have something to celebrate.

When the Scottish Register of Tartans Bill came before the Economy, Energy and Tourism Committee, there was a lively debate between the two factions. For the uninitiated—looking around the chamber, I see several of those—I point out that the wovenists, of which I am definitely one, argued that tartan is a woven cloth and that an application for a design to appear in the new national register of tartans must be accompanied by a piece of woven cloth, to illustrate the fact that the design could indeed be turned into tartan.

Who would have thought that I could use the words “modernists” and “Jamie McGrigor” in the same sentence? However, I believe that Mr McGrigor falls into the category of the modernists, who maintain that, as long as a design fulfils the criterion that it is capable of being woven, it passes the eligibility test. Happily, I can report to the Parliament that Mr McGrigor and I have been able to reach a compromise, in much the same way as the formerly opposed factions of the Scottish Tartans World Register and the Scottish Tartans Authority did.

I will briefly explain the difference between this amendment and those that I lodged at stage 2. As with everything, the key is in the timing. Earlier, I suggested that any application to the national register must—I emphasise the word “must”—be accompanied by a piece of woven cloth that proved the design. People in several quarters urged me to accept that that was too severe. They pointed out that some designs that were submitted might fail the application test and that in such circumstances the applicant would have gone to the expense of having their design woven for nothing.

Indeed, we heard of an example from America—where else?—in which a society had a tartan designed and turned into smart kilts only to discover that its tartan was a direct copy of one that already existed. Clearly, no one wants to put applicants to unnecessary expense, as the whole point of the register is to boost the tartan industry, not to put unhelpful barriers in its way.

I thank the clerks to the Economy, Energy and Tourism Committee and their legal advisers for helping me to come up with what I believe to be a suitable solution to the conundrum. I hope that new applicants to the register will have done enough research and will be confident enough to have had their design turned into tartan cloth, or at least to have commissioned a sample. However, the key point is that that will not be an absolute requirement for registration. My amendment states:

“Where an application did not include a woven textile sample ... the Keeper may”—

I emphasise the word “may”—

“when sending a certificate of registration to an applicant or at any later time, request the applicant to submit such a sample.”

Under the terms of the amendment, if 20 new applications were submitted, 10 of which came with samples and 10 of which did not, the keeper would at some stage contact the applicants who had not provided a sample to find out whether they had since turned their design into tartan cloth and, if so, to ask them to provide a sample.

I am also persuaded by the argument that those who register designs will find that, after some time, weaving companies will approach them anyway to find out whether their design is now ready to be woven into tartan cloth. That is what happened with the golfer Colin Montgomerie, who commissioned a tartan design for his company and liked it so much that he had some cloth made up. Indeed, I believe that he wore a kilt of his own tartan at his recent wedding.

As Mr McGrigor has indicated that he will accept my amendment, wovenists and modernists can now come together to celebrate the creation of the first official national tartan register.

I move amendment 1.

15:45

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I want to speak about the general merits of the bill as well as amendment 1, which I believe will be accepted by Mr McGrigor.

**The Deputy Presiding Officer:** The debate is on amendment 1, Mr Stone.

**Jamie Stone:** I am so sorry; I have been called at the wrong time.

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** We seem to be on the verge of a welcome outbreak of political harmony, with all members supporting amendment 1 and, I hope, the bill. Like Jamie McGrigor in his debates with Mr Whitton, I welcome amendment 1, which is better than a compromise. Indeed, I believe that it will be welcomed by the wovenists and the modernists as a win-win amendment.

From our first day in office, the Government has shown willing to work across political lines on areas where there is a genuine meeting of minds. In supporting the bill we are firmly delivering on our commitment to work with back-bench MSPs on developing good ideas, wherever they come from in the chamber.

I have welcomed the interest that has been shown in the bill and the joint working by and consensus among parliamentary colleagues that have brought it to its current shape. The contributions of the Economy, Energy and Tourism Committee and its members have been and will continue to be incisive and ever helpful. Debates such as that between the modernists and wovenists, and anything else that draws more attention to tartan, must be a good thing.

As Mr Whitton made clear, amendment 1 will give the keeper of the register of tartans scope to seek a woven sample once a tartan has been registered. In cases where a woven sample has not been provided, the keeper can flag up an opportunity for it to be woven. Such an approach can only help to create commercial opportunities for Scottish weavers to weave from designs registered by the keeper, and I understand that close and efficient communications between the register and the Scottish tartan industry will help that to happen.

This genuinely sound suggestion can only help the tartan weaving industry in Scotland and I understand that it has the unanimous support of the tartan industry's stakeholder group. On that basis, I am pleased to indicate the Government's support for amendment 1.

**Jamie McGrigor (Highlands and Islands) (Con):** I am grateful to Mr Whitton for lodging his amendment. I have to say that I prefer to sing from the wovenist and modernist hymn book.

During the bill's passage, the Parliament has heard passionately held and diverging views on tartan, its genesis, its production and how it is worn and used. Those issues have generated and will continue—for ever, I hope—to generate much debate and discussion.

Members might have been surprised by that. However, having worked for a number of years with tartan experts, I am not. I have learned that those long-held and wide-ranging views are immensely valuable to deepening awareness of and debate about tartan. I want those views to continue to contribute, to raise debate, to inform, to educate and to challenge as the register and the keeper become, I hope, operational.

Central to the debate has been the significant discussion on the importance of woven tartan, not only to the industry but in history. Historically, tartan has been defined by the fact that it can be—and is—woven. Mr Whitton and I differ on many varied and important issues, but I believe that there is much common ground between what I am trying to achieve with the bill and what Mr Whitton is trying to achieve with his amendment. We agree on the importance of working to promote and grow the Scottish tartan industry, on acting in the interests of the industry as far as we can and on the importance of woven tartan.

Indeed, as the Economy, Energy and Tourism Committee suggested, I strengthened section 2 of the bill by including in the definition of tartan the words, “capable of being woven”, to establish the importance of the woven tartan fabric. It was clear to me from the outset that I wanted to introduce the best possible bill to establish a statutory Scottish register of tartans. However, it is fair to say that I have been willing to take on board views that improve what was already a good bill. I listened to the committee’s advice and lodged an amendment on the matter.

The committee did not agree to the amendments that Mr Whitton lodged at stage 2, but amendment 1 is differently worded and would give the keeper discretion to seek a woven tartan sample in support of an application for entry on the register, if such a sample had not been provided. I can think of instances where such discretion might be useful. Amendment 1 would give prominence to the importance of woven tartan, as did the amendment that I lodged at stage 2, and it would provide helpful clarification to the keeper and to applicants that a woven sample is important, although not essential, when an application is made. The proposal is workable and will be beneficial. I am happy to accept amendment 1.

**David Whitton:** I am grateful to Mr McGrigor. We had an amicable discussion about the matter in his office and I am delighted that he accepts amendment 1.

*Amendment 1 agreed to.*

**The Deputy Presiding Officer:** That concludes consideration of amendments.

## Scottish Register of Tartans Bill

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-2656, in the name of Jamie McGrigor, on the Scottish Register of Tartans Bill.

15:51

**Jamie McGrigor (Highlands and Islands) (Con):** I very much welcome this stage 3 debate and it gives me great pleasure to present my bill on a Scottish register of tartans for its final round of parliamentary scrutiny.

I welcomed the Economy, Energy and Tourism Committee’s detailed and thoughtful scrutiny of the bill. Members will have gleaned from Mr Whitton’s eloquent and incisive remarks when he moved amendment 1 that debates in the committee were lively, thoughtful and informed. In particular, the debate about tartan’s importance from the perspectives of wovenists, modernists and pragmatists caught the attention of not only the committee, but the Parliament during the stage 1 debate and during the debate on the stage 3 amendment.

The committee’s input helped to shape, improve and enhance the bill. I can say with confidence that the support of members of all parties has helped to improve what was already a good bill. In that spirit, I welcomed Mr Whitton’s stage 3 amendment, although the committee and I opposed the amendments that Mr Whitton lodged on the matter at stage 2. It is nice that David Whitton has returned from his previously elitist stance to embrace good, old-fashioned egalitarianism. I thank him.

I wanted to introduce the best possible bill for a statutory Scottish register of tartans that would be most useful to Scotland, the tartan industry and ancestral tourism. I said from the outset that I wanted my bill to encourage and promote interest in tartan, to take tartan to a national level and to make tartan accessible in ways that have not been possible in the past.

Today we stand on the brink of achieving those aspirations. We have the opportunity to deliver a tartans register on a statutory and sustainable basis. There will be the first ever statutory definition of tartan. The National Archives of Scotland will oversee the register and facilitate public access to it. A range of stringent criteria and quality assurance measures will be applied before a new tartan can be included. I hope that the keeper of the records of Scotland, George MacKenzie, will be the new keeper of tartans. He will be a referee for the register.

The register will help to raise interest in and awareness of tartan and will become a focal point for tartan and tartan research. Over time, it will become the authoritative source on one of Scotland's definitive products.

The register will have practical and effective linkages to the Scottish tartan industry, with the dual benefit of helping the Scottish industry both to capitalise on the increased interest in tartan that the register will bring and to pursue new commercial opportunities from questions about where and by whom in Scotland tartan can be designed, woven or produced.

I have long believed that it is inherently right that we should have a publicly held, statutory register of tartans in Scotland to preserve and promote one of our national iconic products. I also believe that it is inherently right that the register should be independent, publicly held, accessible and sustainable—established permanently and in perpetuity for the Scottish nation.

The register will create and preserve a unique archive of tartan designs and, in doing so, preserve an important part of Scotland's national identity and cultural architecture. It will embed that unique archive in Scotland's national archive and open up access to tartan records in ways that were previously not possible while also removing any risk that access to tartan records will be lost or restricted. It will also raise interest in tartan, helping to keep tartan alive and vibrant and to build economic value from what has been a latent brand to date. It will also, I hope, provide a focus for academic, family and genealogical research. I know that the National Archives of Scotland is keen to encourage academic research into tartan and is exploring ways of doing that.

The bill is the culmination of long and assiduous work by many in the tartan industry in Scotland and among tartan experts and enthusiasts. I am grateful to them all for their splendid efforts. It will help to promote and preserve tartan as an iconic Scottish product, deeply interwoven with our proud national identity.

I move,

That the Parliament agrees that the Scottish Register of Tartans Bill be passed.

15:56

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** I am pleased to welcome the final parliamentary stage of Jamie McGrigor's bill for a Scottish register of tartans. It is a particular delight to see a member of clan Gregor do the right thing by all tartans when others in previous generations have done the wrong thing by his clan, his name and his tartan.

When the possibility of a register was first discussed by the Parliament in February 2007, it was no surprise that my colleague, now the Cabinet Secretary for Finance and Sustainable Growth, spoke with his usual accurate foresight of the need to build consensus to ensure that practical action resulted from the thinking about a register. That has now happened. Throughout the work on developing a register, I have been genuinely impressed by the joint working among tartan experts and the tartan industry on the way forward. We stand today with a consensus delivered and a shared determination in the tartan industry to continue to work collectively.

Scotland's tartan experts will work with the keeper of the tartans to enhance, inform and guide the register. The Lord Lyon also stands ready to play a role, and I understand that the standing council of clan chiefs is willing to add its unique expertise to the register, thereby further increasing its standing.

That depth of knowledge, the experience that those views will bring, the expertise of the National Archives of Scotland in preserving and promoting Scotland's historical and cultural archives, and the standing of the Lord Lyon will all help to augment the credibility of the Scottish register of tartans. We welcome that. The register's credibility will come from its status as the definitive Scottish register, and it can become the spiritual home of one of Scotland's iconic products, thereby elevating the relevance, awareness and commercial potential of tartan.

We are uniquely placed to deliver a register that is undeniably Scottish, and we are able to draw on some of Scotland's longest-standing, most respected and expert sources. We alone can ensure that the register becomes a valuable asset in working to promote one of Scotland's iconic products and in leveraging the enormous latent commercial advantage for our tartan industry.

In the stage 1 debate, I mentioned Professor Michael Porter's description of Scotland as one of the 15 or 16 countries on the planet with a truly vivid national brand—I think that he found that 98 per cent of the planet had an awareness of the brand. Tartan is an inextricable and important part of the brand: high quality, unique, evocative, warm, compelling and recognisable throughout the world.

I also mentioned Simon Anholt, who runs the nations brand index and is an authority on national brands. He highlights the psychological and economic importance of national image to a country and talks about the value of the national brand and all that it conveys. He also suggests that development of the brand needs new projects and innovations that are consistent with what has gone on in the past but are also new and

interesting—he says that we cannot hang on the coat tails of our predecessors.

Our textile and tartan industries, and the designers who work within and with them, have a track record of innovation, quality and interesting new variants on traditional themes. We welcome that and believe that the register of tartans can help them to develop it by making tartan more widely accessible; helping to raise awareness of, and interest in, tartan; and getting more people involved.

The register can also help in the wider branding and promotion of Scotland by encouraging interest in the country from people from outside it who have an affinity with our proud nation, even if it is only a latent affinity at the moment. Scotland's diaspora is among the best resources that we have and provides a great reservoir of potential ambassadors for Scotland. We are working to develop communications with diaspora Scots on areas of common interest and for mutual benefit—we have been involved in that activity just this week. We should not underestimate the potential of that: Ancestral Scotland estimates that as many as 100 million people around the world could claim Scottish ancestry. The potential from ancestral tourism is huge and the market is captive and unique. People with Scottish roots all have a latent or active desire to return to Scotland and to wear tartan. We should encourage that, and the bill will take that encouragement to another level.

We are also experiencing exponential growth in family history research, as Mr McGrigor and I saw when we were at the General Registers of Scotland earlier today. The ScotlandsPeople phenomenon is moving on at great pace. We can build on that genealogical archive and use it to draw more people to Scotland. We can make much more of that.

That recognition is timely because, next year, we have the year of homecoming and the potential to invite people to the biggest possible celebration of our common roots, whether they simply love Scotland, have an ancestral connection or simply like wearing tartan. That special year for us will create a huge opportunity to ensure that Mr McGrigor's bill will help people to come back to Scotland wrapped in the tartan plaid.

I am pleased to confirm that the Government will support Mr McGrigor's motion that the bill be agreed to. I urge members to do likewise to show Scotland's Parliament united in supporting tartan, the register of tartans and our heritage.

16:02

**David Whitton (Strathkelvin and Bearsden) (Lab):** I am delighted to take part in the debate and to support the motion on the bill to establish a

national register of tartans. It is, indeed, a good day to be Scottish. I congratulate Jamie McGrigor on his determination, patience and perseverance in getting his bill to this stage. Apart from anything else, it has educated me about the origins of tartan, which is as iconic to Scotland as haggis, whisky and golf.

As an experiment, I typed the single word "tartan" into an internet search engine this morning. Some colourful results came up. According to Wikipedia, the free encyclopaedia, tartan

"is a pattern consisting of criss-crossed horizontal and vertical bands in multiple colours".

That is a bit different from the description in the bill, and Mr McGrigor may want to send his definition to Wikipedia to update it.

Here we stray into the now famous wovenist versus modernist debate that we have enjoyed on several occasions. Wovenists believe tartan is a woven cloth; modernists believe it to be a pattern or design. I pay tribute to Keith Lumsden of the Scottish Tartans World Register, who is the de facto leader of the wovenist tradition, and Brian Wilton of the Scottish Tartans Authority, who is an unashamed modernist. I am pleased to see that both men are in the public gallery. They both deserve Parliament's gratitude for keeping the flame of a register of tartans alive. The STWR has a register of some 3,000-plus designs, and the STA has a register of around 3,500. Both organisations have provided, and continue to provide, excellent and valuable databases of tartan designs. Their records will be at the heart of the new national register. Both gentlemen and their organisations are to be congratulated on setting aside their differences in the national interest, to co-operate with Mr McGrigor's bill.

Since I have become involved with the bill, pursuing various amendments, people have asked me why it is so important. To quote a well-known phrase—not a book, as Mr Mather would have it—"It's the economy, stupid." We have heard from various parts of the tartan industry that there are 7,000-plus jobs in the industry—about 0.5 per cent of all employment in Scotland. That figure may be small but it is significant because it equates to 3 per cent of manufacturing jobs—the type of jobs that all economies want. The industry makes a contribution to Scottish gross domestic product of £350 million. In these troubled times, anything that can be done to boost the Scottish economy, especially in manufacturing jobs, is to be welcomed. Like Mr McGrigor, I believe that the new national register will do just that. It will give authenticity to tartans and, as we discussed when Parliament agreed to my amendment, it will also give a boost to the weaving industry, I hope. I believe firmly that if someone goes to the length of

having a tartan designed, they will eventually want to see it turned into the real thing, in the shape of a tie, a shawl, a kilt or, dare I say it, even a miniskirt.

To celebrate this event, I am wearing my city of Dundee tartan tie. I could just as easily have worn a tartan of the MacGregor or MacGregor clan; it may come as a surprise to Jamie McGrigor, but I am connected to the clan on my mother's side. I could also have worn the tartan of MacDonald of Clanranald, which is my wife's clan. It is worth noting that the naming and registration of clan tartans did not begin until 1815, when the Highland Society of London wrote to all clan chiefs asking them to send it a piece of tartan showing the pattern of their tartan and to authenticate that by attaching the tartan to a card bearing the chief's coat of arms. That sounded to me very like the application for our new national register, although I do not think that today we would have cases such as that of Alexander Macdonald, the second Baron Macdonald of Slate, who wrote to the society to confess that he did not know what his tartan looked like and to ask it to provide him with a pattern to which he could put his name.

I have good news for members who do not think they have a tartan: there are a number of general tartans that it is acceptable for all to wear, including the Black Watch tartan, the Stewart hunting tartan and the Royal Stewart tartan, which is the one that people are most likely to find on boxes of shortbread.

I would like to finish on a unionist note. Queen Anne affirmed that she was the clan chief of all Britons, be they Scots, Welsh, English or Irish, and that they could display allegiance to her by wearing the clan tartan of the United Kingdom—the Royal Stewart.

16:07

**Gavin Brown (Lothians) (Con):** I, too, congratulate Jamie McGrigor on getting the bill to stage 3 and, I hope, on seeing it passed at decision time tonight, so that for the first time we will have an authoritative register of tartans.

It was an enjoyable experience to be a member of the committee that considered the bill, both before the stage 1 debate and at stage 2. All members of the Economy, Energy and Tourism Committee learned a great deal about the history of tartan and the debates about it. The bill was very good to begin with but, as Mr McGrigor said, it has become even better during its passage.

The debate has been interesting so far. We seem to have brought together the modernists and the wovenists, which is no mean feat. We have had a couple of new book references from the minister, which always goes down well. I sense

that this is the beginning of a blossoming friendship between Jamie McGrigor and David Whitton, which may continue long after the day is finished. It is possibly the best example of cross-party co-operation and the bringing together of two sides that I have seen since I saw James Douglas-Hamilton walking down the Royal Mile with Tommy Sheridan a number of years ago.

I will focus on a number of things that the bill can do for Scotland. First, there are the tourism possibilities that it creates. The study of family history has been popular for some time and is growing more popular by the year. The bill presents us with a great opportunity to accelerate that process. We heard from the minister that in the region of 100 million people around the world may have some claim to Scottish ancestry. It is important that we get them to Scotland: an officially sanctioned register of tartans could help enormously with that. Tartan is very popular and iconic across the world, particularly in countries where large numbers of our tourists come from. If we discount tourists from south of the border, more tourists come to Scotland from the United States than from any other country. The bill presents us with an opportunity at a great time. It is apposite that it is being passed this year, given that next year is the year of homecoming 2009.

We had an interesting debate at stage 2, when Mr McGrigor, quite rightly, made changes to the definition of tartan. Although it was probably implicit before, adding the phrase "capable of being woven" sent to the industry and others who were watching the right message about what we were doing. The committee appreciated that, because it was the right thing to do.

The amendment that was passed today without division strengthens the bill, without adding in the element of compulsion, with which one or two committee members had difficulties.

A broad analysis shows that 20 per cent of the industry is non-woven. Therefore, the suggestion that Mr Whitton made today was right and it will satisfy both groups.

The bill gives us great opportunities from a tourism point of view. There are also great economic opportunities and ideas for what the sub-sector of tartan can do. At least 200 businesses in Scotland are what we might call tartan-oriented businesses and a whole lot more are involved in the supply chain.

Tartan is probably worth in the region of £500 million to the Scottish economy, which I think equates to about 0.5 per cent of gross domestic product. The bill will give the industry a boost. It will help us lift it to the higher end of the spectrum. It can be an excellent marketing tool for the

industry in Scotland and outside Scotland. I commend the bill to Parliament.

16:11

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I apologise for standing up too soon earlier on, having pushed my button a little sooner than I should have.

I support the bill. I apologise to John Farquhar Munro for what I am about to say. I was taught the little Gaelic that I know by the late John McIntyre from the island of Eriskay and one of the very first expressions he ever taught me was “Tha mi ag iarraidh briogais tartain”, which is the Gaelic for “I would like a pair of tartan trousers.” That does not get one hugely far in a bar in Stornoway, but at least it makes the connection.

As the minister said, tartan was proscribed after the 1745 rebellion. In 1788, when Jane Maxwell, the Duchess of Gordon, decided to try to end the feud between the Jacobite and Whig clan chiefs, she formed a society, which still exists today, called the Northern Meeting, a society for innocent pleasure and amusement. When the society got together in Inverness for its first meeting—it held a ball—nobody wore the kilt. In those days, they wore powdered wigs and tailcoats. By 1788, the use of the kilt had pretty well vanished under the rule of law.

I take on board entirely the points about 1815. In 1822, Sir Walter Scott persuaded George IV to come to Edinburgh where, as we all know, he wore a magnificent kilt. In his portrait, they toned the colours down, because they were perhaps a little strong. George IV also wore pink tights, because he was a little worried about the chilly breezes in Edinburgh. People fell over themselves to get invitations to the party for George IV and to get Highland dress to wear to it. Many a wee Highland—or perhaps lowland—laird tried to get a kilt made in double-quick time. Not only did Ebenezer Scroggie, the man who got the catering contract—and who was the inspiration for Dickens’s Ebenezer Scrooge—make money; all the tailors and kilt makers did extremely well out of it.

Doubt has been expressed in certain clans about the authenticity of their tartan—there is a certain vagueness. We heard the story about Macdonald of Slate. Some of the perhaps not-so-authentic tartans might have arisen through undue haste by the tailors who were making the wee lairdies’ kilts in 1822.

However, I do not think that it matters one wee bit. Tartan is iconic and represents an image of Scotland that the entire world understands. We are deeply fortunate to have such a wonderful image. I represent a Highland seat and I often say

that the word “Highland” is synonymous with clean air and a lovely environment. The word “tartan” is certainly synonymous with Scotland, believe you me.

I understand that our illustrious neighbour across the road, the Duke of Rothesay—as he likes to be known in Scotland—found a wee bit of tartan in an old press when he was scurrying about in Balmoral. Apparently, it had been designed by Prince Albert. It has recently been rewoven by Johnstons of Elgin. That, we might argue, is a new tartan.

This debate is about a celebration of Scotland, and I absolutely endorse the idea that tartan is part of our image. It sells Scotland, and it is about the homecoming, the Highland diaspora and the Scottish diaspora taking pride in and celebrating our culture. Mr McGrigor is to be complimented on his bill. I have no trouble whatever supporting it, as is true for all my party. I conclude where I began: Tha mi ag iarraidh briogais tartain. I would love a pair of tartan trousers—except for the fact that they are rather expensive these days.

16:15

**Stuart McMillan (West of Scotland) (SNP):** Having spoken at stage 1, I am pleased that the bill will probably pass its final stage today, leaving a positive legacy for future generations in Scotland. Parliaments do not always leave positive legacies—I can think of quite a few examples—but the Scottish Register of Tartans Bill will certainly help to preserve a section of Scottish heritage and culture for the benefit of the nation.

Parliament owes Jamie McGrigor its gratitude for pursuing the bill, both before and after the Scottish National Party came to power. I am delighted that the SNP Government has been happy to support him and his bill. As a proud Scot and a piper, I am keen to see a future secured for this part of our well-recognised national heritage.

Tartan has a massive global significance, and it is synonymous with Scotland. That being the case, I was surprised that there was no national register of tartan in the first place. I am sure that many members were not previously aware that there was none. I find it surprising that previous Governments, pre and post devolution, did not rectify that. Passing the bill and establishing the public repository of tartan rectifies the previous position. The benefits of a single national tartans register are clear for all to see. It will bring economic benefits and enhance tourism. In the future, members of the public will be able to access it with ease.

Tartan provides more than 7,000 jobs and about £350 million for Scotland’s economy. It is a major Scottish industry with a global appeal and we

should be proud of it. During the stage 1 debate—as well as today—the Minister for Enterprise, Energy and Tourism highlighted the claims of the management consultant, Professor Michael Porter. As the minister said previously,

“Professor Michael Porter ... noted that Scotland is one of only 15 or 16 countries on the planet that has a truly vivid national brand and a high standing that it owes, in great part, to tartan. Along with whisky and golf, tartan accounts for the fact that Scotland means something to 98 per cent of the world’s population.”—[*Official Report*, 19 June 2008; c 10059.]

As a piper, I politely suggest to the minister and Professor Porter that the great Highland bagpipe has been omitted from that 98 per cent. The great Highland bagpipe is also a fantastic global and national brand. We have some wonderful global brands for a country of just 5 million people, but we have not fully exploited them across the world. Tartan, piping, whisky, golf and—dare I say—the delicacy that is haggis are five brands that highlight Scottishness.

At another time, I will argue for sailing and the vast input into the Scottish economy that it brings. I would like sailing to be a global Scottish brand. It brings around £250 million into Scotland—£80 million from the Clyde alone. However, I will take that up another day.

The introduction of the new role of the keeper of the Scottish register of tartans to oversee the register is a positive aspect of the bill. The keeper will provide a single focal point for tartan, which will enhance the marketing of tartan globally. That can only be beneficial to the industry. An official definition of tartan, together with a keeper who will consider new designs against a range of criteria, will help to deepen people’s knowledge of tartan and encourage innovation in design.

I am sure that the bill will prove to be beneficial not just to tartan and to Scotland but to the Scottish global brand. I am only too delighted to support the bill.

16:19

**Lewis Macdonald (Aberdeen Central) (Lab):** I am delighted to congratulate Jamie McGrigor on his persistence in seeing the bill through and achieving consensus among those who are involved in the two existing registers of tartans. I congratulate, too, my colleague David Whitton on strengthening the link between the new register and the actual process of making tartan.

I was born in the Isle of Lewis and my father’s people are, and have been for generations, workers on land and sea in the Western Isles of Scotland. Like most crofting families in the Highlands and Islands, they have been, and remain, familiar with the crafts of spinning and

weaving, and all the other processes that go into the production of homespun cloth.

Lewis and Harris are, of course, more widely known today for tweeds than for tartan plaids. It is nonetheless important to all the rural craft workers of Scotland that the creation of a Scottish register of tartans should reflect the simple fact, which David Whitton has pursued so vigorously, that tartan is a distinctive pattern produced in the weaving of cloth.

The tartan that I am proud to wear today is that of the Macdonalds of the Isles. The register of tartans will protect and enhance the status of the tartans of the clans and districts of Scotland, whether they reflect patterns that can be found in early portraits of clan chiefs, as my tartan tie does, or are of more recent vintage.

For me and many other people of Highland descent in Scotland and beyond, it is important to assert that the heritage of clanship and kinship is not the property of clan chiefs and their closest relatives alone. For those who were cleared, as well as those who did the clearing, the badges of clanship are symbols of the common people’s ancient rights as possessors of the land, which were marvellously restored in many places thanks to the land reform legislation that was passed in the early days of the modern Scottish Parliament.

Earlier this year, my family and I were able to travel on the direct air service from Glasgow to Halifax—sadly, it has since been grounded—to visit Atlantic Canada. We discovered in Cape Breton, Nova Scotia and Prince Edward Island a Highland diaspora that still cherishes its links to home, holds the Gaelic language in the highest regard and remembers the story of how so many common people of the MacDonalds, MacLeods and MacNeills were forced to leave their home islands and cross the seas.

We met people from Glengarry County in Ontario and people from Toronto, British Columbia and the United States who share that same heritage. We visited St Francis Xavier University in Antigonish, the Highland Village at Iona and the Gaelic College at St Ann’s. Wherever we went, we were reminded that the Scottish Highland heritage, of which tartan is such an important part, is the rightful inheritance not of Scotland alone but of millions of people of Highland descent around the world.

That is why today is, indeed, a day to celebrate. The amendment to the bill that was accepted today reflects the questions that we, as members of the Economy, Energy and Tourism Committee, raised during earlier stages of the bill. Labour members challenged the notion of tartan as unwoven design not out of elitism or, indeed, anti-modernism, but to ensure that the tartan brand

continues to remain unchallengeable and that its links with the weaver's craft are undiminished. I believe that the bill as it now stands achieves all those things, and I very much look forward to voting for it later tonight.

16:23

**Rob Gibson (Highlands and Islands) (SNP):** I speak as the deputy convener of the Economy, Energy and Tourism Committee and on behalf of the convener, Iain Smith, who cannot be with us. It is important at this stage to thank all the people who have been involved in getting us to the point at which we can pass this excellent bill. Further, we must pay tribute to the people from the previous Administration who sought the proper means of achieving the creation of a tartans register. Of course, the election got in the way, but the current Scottish Government carried on the work.

Discussion on the bill included many of the different bodies who are involved in tartan. For example, the Scottish Tartans Authority, the Scottish Tartans World Register, the Lord Lyon and the Registers of Scotland brought harmony to the subject that made it worthwhile for the previous Administration and the current one to create a bill that we can all agree will have a positive and beneficial effect.

We must also thank the clerks of the committees, the civil servants who helped to find information and the bill drafters and so on who helped Jamie McGrigor get to this stage. I also thank all the other supportive groups that gave evidence to the committee and I thank members who supported the bill. Having spoken in debates on the bill in the previous parliamentary session and at each of the bill's previous stages, I am now—as it happens—a member of the committee that dealt with most of the work. However, we owe thanks to the committee's previous members for allowing the bill to make the headway that it has.

I was interested in the debate on amendment 1. Further to the references to Harris and Lewis, I point out that, for the creation of Harris tweed, an act of Parliament in London ensures that the weaving of Harris tweed takes place in Harris and Lewis. Although amendment 1 does not stipulate that tartan must be woven in Scotland, the amendment attempts to encourage the industry to do that. Over the months that we have considered the bill, we have received evidence that quite a lot of tartan is woven in other countries. Indeed, after David Whitton cited the example of Mulbuie primary school, whose tartan ties had to be woven in the north of England, I was prompted to find out about that when—so that I could continue to wear it for another good number of years—I had to get my father's kilt repaired, turned round and washed

and so on. Many companies in the north of England are much better geared up to providing tartan because they have a more diverse output. We should note that, if we want the industry to be to the fore in Scotland, we need to ensure that the companies that produce authentic Scottish woven tartans are given every support to diversify to make that possible. We should encourage weaving in Scotland of the "woven textile samples" that are mentioned in the amendment. Although the word "may" was the means whereby amendment 1 was accepted, we all accept that that is a good principle to adopt.

With those few words, I fully support the bill and I thank all the people whom I mentioned earlier. In allowing the debate to commence, the bill is a step forward. It is great to see the Scottish Parliament doing something for what Stuart McMillan called an iconic brand of Scotland which I, too, wear—and not just in the form of a tie.

16:27

**Ken Macintosh (Eastwood) (Lab):** Members will be relieved to hear that I intend to make only a brief speech. As someone who has supported the bill at every stage through two parliamentary sessions, I feel obliged formally to add my congratulations to Jamie McGrigor and everyone involved in shaping and framing the bill. From my knowledge not just of the political path that the bill has followed but of my own member's bill on an entirely unrelated subject, I am aware how difficult it is for an individual MSP to promote legislation. Therefore, I thank not only Jamie McGrigor but the Minister for Enterprise, Energy and Tourism, Jim Mather; the previous minister, Allan Wilson; the keeper of the records of Scotland, Mr George MacKenzie; and—of course—Deirdre Kinloch Anderson. They are just some of the many individuals whose contribution has led to today's successful outcome.

As some members will know, Deirdre Kinloch Anderson is my mother-in-law but, for information, I should note that I have no commercial links to what is now a sixth-generation family kilt-making business. I say that I have no links, but I once discovered—about eight years ago now—a photograph of Claire and me on our wedding day that appeared in the magazine *Scottish Field* above the headline "What the well-dressed groom is wearing". However, that was a while back now.

What I have found fascinating about the bill is the way in which the Scottish Parliament has been able to respond to and accommodate a specific request from a discrete part of the Scottish business community. Make no mistake about it: the bill would not have been passed at Westminster, where I doubt that it would have been given debating time.

We should take pride in supporting the bill, but we should also be aware that the bill is only a step in the right direction. I hope that the minister will continue to work with those in retail, tourism and genealogy as well as in Scotland's much put-upon textile industry. At a time of economic uncertainty, it is up to us in the Scottish Parliament to take practical measures to support our indigenous business and industry. The bill is just such a practical measure, to which I am happy to give my support.

**The Deputy Presiding Officer (Trish Godman):** We move to winding-up speeches.

16:29

**Jamie Stone:** I will be very brief. I have enjoyed the debate enormously; it has been informative. I say again that we have a national treasure on which we can build and which, as has been said already, will ultimately add to that most precious of objectives: commercial sales putting money in Scottish pockets—perhaps I should say sporrans. I commend Jamie McGrigor for having brought the bill before us today.

16:30

**Gavin Brown:** The Scottish register of tartans will clearly form an important part of our heritage and culture in the future. It will be held publicly, which means that all will be able to see it at any time. It is utterly transparent. Because it will be publicly held, it will not rely on one or two operators to keep it going; the public can keep it going for generations. The two commercial registers that currently exist have done an outstanding job, but a publicly held repository is the safest way to protect our brand and heritage. There will be an authentic guarantee that any tartan that is held on the register has been processed by the keeper, which will provide the register with a degree of safety and maintain the strong brand that tartan has had for a long time.

The application process strikes the right balance between its being too easy and too hard to get on to the register. Because of the guidance that the keeper will issue, we will not have any vexatious people applying who ought not to be applying to register a tartan. That was an important point for the committee.

There are strong economic, tourism and cultural reasons for the register. That is why I hope that the bill will be passed this afternoon without division. If it is, the Parliament will show that it is behind the register and will send out the right message about how important tartan is to Scotland today and, more significantly, how important it will be to Scotland tomorrow.

16:32

**David Whitton:** As I suspected it would be, this has been an enjoyable debate and we have heard some good speeches. I got rid of the stigma of being labelled “elitist” by Mr McGrigor the last time we spoke about the bill—a baron who owns a large chunk of Scotland calling me “elitist” is taking a bit of a liberty. I was therefore relieved to hear his new description of me as “eloquent and incisive”. I now have a new slogan for my election leaflets well before we get to 2011, and I thank Mr McGrigor for that.

We also had an interesting speech from Jamie Stone. I would be really interested to know why he was asking for a pair of tartan trousers in Gaelic in a bar on Eriskay, but perhaps that is a story for another day.

We also heard a nice historical contribution from Lewis Macdonald that reminded us of the history of Scotland and added to what the minister said in his opening speech about the importance of tartan to Scotland at home and around the world wherever the Scots diaspora has spread. It is probably true to say that anyone who lives in Australia, Canada, America or wherever else that Scots have been sent or have gone over the centuries might have a stronger affinity with all things Scottish than we do here. Sometimes we take some of these things for granted and, if nothing else, Mr Stone's bill has served to remind us—[*Interruption.*] I am sorry; I meant to say Mr McGrigor—it was the thought of Jamie Stone in tartan trousers that put me off. Mr McGrigor's bill has reminded us how important these things are.

People have mentioned the background to the bill and how we got to where we are today. We have learned a lot from taking part in the debates on the bill, and the Scottish Parliament information centre provided a helpful briefing, which caused much amusement. However, I was intrigued to read in it that the first tartan that was discovered in Scotland dates from some time between the second and third centuries: the Falkirk tartan, or the Falkirk sett, as it is known, was discovered near the Antonine wall. It is interesting to note that my constituency has parts of the Antonine wall running through it, so Strathkelvin and Bearsden is quite near to where the original tartan was found.

We have heard that tartan is strongly associated with Scottish clans and Highland culture. The SPICe briefing states:

“Various testimonies from the 16th Century ... identify tartan as a fighting uniform of that era”.

What caused me most amusement was reading a description of

“several wild Scots following ... the Scottish army ... naked except for stained shirts, and a certain light covering made of various colours.”

I hesitate to suggest that that might happen on Saturday when Scotland play Norway but, given our weather, I suggest that any members of the tartan army should put on a blue shirt along with their light covering made of various colours.

I am indebted to Mr Gibson for reminding me that the tartan for the primary school that he mentioned was made in the north of England. Like him, I hope that when we agree to the passing of the bill—like Gavin Brown, I sincerely hope that the decision is unanimous—it acts as an incentive for the weaving industry here in Scotland. However, as a unionist, I believe that if someone in the north of England can produce a tartan, they should bid for the business. I am sure that the bill will boost the industry in Scotland, and I urge its passing to be supported.

16:36

**Jim Mather:** I have greatly enjoyed the debate, which has proved that there is always something fresh to say about tartan. I welcome the warm cross-party support for the bill and the industry-wide collaboration that has brought us to this stage. I acknowledge the fine work that has been done in committee and by civil servants to get us here.

I want to focus briefly on why we have asked the National Archives of Scotland to help to preserve Scotland's tartan heritage. I doubt that any member would disagree that our national identity and cultural heritage are important and help to define Scotland, our sense of history and our sense of self. In that context, the National Archives of Scotland has three practical and important qualifications for running the new register.

First and foremost, as well as being a guardian of our collective memory and our historic and cultural sense of who we are, it is a vital permanent repository for what is important in our past. That is exactly what we need to underpin the tartan register. Secondly, the National Archives is about storing information and making it publicly and universally available, which is precisely what the tartan register will do. Thirdly, the National Archives is about running online systems that connect databases with web access. The tartan register will do that, too.

The National Archives is therefore well placed to take on its new role. It has the skills, the expertise and the infrastructure to set up and run the register. It is important that, by using existing public sector expertise, we are minimising the cost of establishing and running the register from Scotland.

There is another important reason why the fit between the new tartan register and the National Archives is a particularly good one. The National

Archives has been working with the registrar general and the Lord Lyon to create a new service for family history, ScotlandsPeople, which I mentioned earlier. That web service has been fully operational for a year and the new centre in Register house, which opened its doors last month and will be fully operational by St Andrew's day, is already proving to be a big attraction, as Jamie McGrigor and I saw today—all the available desks were occupied by people who were working away. I am sure that if we had stopped to talk to those people, we would have been answered either in Gaelic or in a Canadian accent—on which subject, I recognise Lewis Macdonald's useful speech.

ScotlandsPeople feeds the hunger of many people in Scotland, elsewhere in the UK and abroad to find out about their ancestors, and it connects generations. It is big business. I have checked the number and there are now some 650,000—two thirds of a million—registered users of the paying web service. The potential to reach an even bigger number is huge.

In the run-up to the year of homecoming in 2009, ScotlandsPeople will become even more important. Many thousands of customers of ScotlandsPeople will also be interested in finding out about the tartans that their ancestors or their families wore and what the tradition was. They will be able to speak as well as members have done today on the provenance of their own tartans. That will lead to commercial opportunities, as the growing ancestry market is a natural market for tourism in Scotland and for tartan.

The message is clear. We want more and more people around the world to search for their ancestors, walk in their footsteps, visit the places that were important to them and find out more about their family and clan tartan. The thread is clear and strong. It is the thread of identity at an individual family and community level. It is a thread that proves the resilience of Highland culture, in particular, the resilience of Scotland and the resilience of the Scottish brand and the positive values that we cherish still.

The bill will add to the array of public services that are geared towards helping all of what I have been talking about to happen. The economic case for working to support and promote Scotland's tartan industry has been well made in the chamber and in the Economy, Energy and Tourism Committee. In the wider sense, the bill will also help to promote Scotland on the world stage. I look forward to that happening in the months and years to come.

This is an important piece of legislation. The Government is proud and pleased to support Mr McGrigor and his bill.

16:40

**Jamie McGrigor:** I am grateful to members for their speeches, the scope and quality of which have shown just how strongly we Scots feel about tartan. Love them or loathe them, the plaid and the philabeg always provoke debate and, often, argument, and long may they do so. I should say that I consider praise from David Whitton to be of great quality.

I have worked with the tartan experts on the options for a Scottish register of tartans since 2001, and the road has indeed been a long and winding one. It has also been educational and, on occasion, extremely rocky. Now, at last, we stand on the cusp of achieving the shared and long-held ambition of tartan experts, enthusiasts and the tartan industry of taking tartan to a new national level for the benefit of all. I therefore urge members to support my bill at stage 3, including Mr Whitton's helpful late addition.

I am delighted that the Scottish Government will link the register to its wider plans for the homecoming in 2009, which will mark the 250<sup>th</sup> anniversary of the birth of one of the greatest Scots, Robert Burns. I understand that the homecoming year will not only celebrate the work of Burns and Scotland's impressive heritage but look to the future, taking pride in the creativity and energy of modern Scotland.

Of course, although he was a lowlander, Burns made references to tartan in poems such as, "My Nanie, O", "Highland laddie" and "The Jolly Beggars". In the last of those, Burns writes:

"With his Philabeg an' tartan Plaid,  
An' guid claymore down by his side,  
The ladies' hearts he did trepan,  
My gallant, braw John Highlandman."

I am convinced that the tartan register can add value to the wider effort that is being undertaken with regard to the year of homecoming by helping to preserve an important part of our historic and cultural identity while working to promote tartan and our tartan industry in today's Scotland.

When the first version of the bill was debated in February 2007, I indicated to the Parliament that an industry steering group had approached me some years before about such a bill. That group involved key players who have helped me to get the bill to this point. They are still working with us, and I am glad to see that some of them are in the public gallery today, monitoring the bill's progress—they are not prepared to leave me alone. They are the holders of the existing private registers. In particular, mention needs to be made of Brian Wilton, of the Scottish Tartans Authority, and Keith Lumsden, of the Scottish Tartans World Register, who have shared their tartan records with the new register. Those gentlemen, and

others with them, are owed a debt of gratitude for their vision and their generosity of spirit. They have donated their life's work for the public good, and I thank them.

I must also thank the former Lord Lyon King of Arms, Robin Blair, who has passed the heraldic torch to the current Lord Lyon King of Arms, David Sellar, both of whom have provided invaluable support for the register proposals along with Alistair Campbell of Airds, the previous Unicorn Pursuivant.

There has been immense and constant support from representatives of the Scottish tartan industry, particularly from Deirdre Kinloch Anderson of Kinloch Anderson of Leith and Nick Fiddes of Scotweb. I thank the Urquharts and the late James Scarlett for their contributions, and my wife, Emma, my mother, Mary, and my former assistant, Joanna Mowat, for their research.

In my first attempt at a bill, I was ably helped by David Cullum, Rodger Evans and Alison Wilson of the Parliament's non-Executive bills unit. Latterly, I have received outstanding support from Mike McElhinney, who is a remarkable civil servant. He is head of the Scottish Government's manufacturing policy branch; he used to be private secretary to the previous First Minister, Jack McConnell. Is he not lucky to have spent such a productive spell with the Conservatives? That will certainly have done him a lot of good; his work certainly did me a lot of good. It is an achievement that his gift for diplomacy has helped to produce a Conservative member's bill that will, I hope, achieve the support not only of the Government but of all the other parties that are represented in the Parliament.

I also thank the former Deputy Minister for Enterprise and Lifelong Learning, Allan Wilson, of the Labour Party, without whom the bill might never have happened, and, of course, the Minister for Enterprise, Energy and Tourism, Jim Mather, who has been utterly supportive from the outset and throughout the process; he has made a lot possible for me. I am sure that I have missed out many other people who have been supportive, but they are too numerous to mention. They know who they are.

We had long discussions about the bill. Sometimes those discussions were animated, but they were always informed and reasoned. I was struck by the genuine willingness of the people involved to work through issues in order to find common ground and to set out a workable set of proposals for a register. That is where we stand now. I am grateful to them for supporting my bill. The collective efforts of those individuals and others are the foundations on which the register will be built. The collective input of so many people will help the register to become a definitive

repository of expertise and knowledge on, and a focal point for, tartan.

I have said before that tartan belongs to Scotland. Its roots are in Scotland, but its branches spread worldwide. Scotland is the Mecca for tartan, and the bill will keep it so. Tartan is an immediately recognisable symbol of identity—it is the sort of symbol for which any other country would give its eye teeth. We must not—indeed, I believe that we will not—underestimate the importance of tartan as our Scottish brand.

However, we cannot and must not stop at that. If members agree to pass my bill, as I hope they will, we will have given the industry the very thing that it has wished for for so long. Parliament will have done its bit, and public sector partners in the National Archives of Scotland stand ready to do their bit. The challenge now is for the Scottish tartan industry to do its bit—to seize the opportunities that the register will create to promote Scottish tartans and to market tartans that are designed, produced and owned in Scotland as authentic, high-quality products.

Our tartan heritage rightly instils great pride. Many people have died for their tartans in bloody battles in clan wars and the two world wars in recent times. The magnificence and splendour and the colour and grace of Highland dress make me grateful to characters of the past such as Sir Walter Scott, who recognised the importance of tartan and promoted it at a crucial time. The bill is another chapter in the Scottish tartan story. I hope that there will be many spin-offs, including perhaps a world-class tartan museum with tartan artefacts and manuscripts, of which there are many. Amusingly, one of them is the tartan underwear that was worn by Queen Victoria's famous consort, John Brown—known as John Brown's underpants—which I believe are now in Keith.

I will again quote the words that are written in the excellent tartan section of the Kelvingrove art gallery and museum:

"When you see tartan, you immediately think of Scotland. It's a powerful symbol for the Scots—so powerful that Government"—

a Whig Government—

"once banned people from wearing tartan. Tartan is now a huge success story. It graces the catwalks of London and Paris, finding its way into the hearts (and the carrier bags) of most visitors to Scotland."

I hope that, today, the Parliament will go some way towards rectifying the banning of tartan by a Westminster Whig Government. Perhaps we will dress tomorrow with a slightly different perspective.

**The Deputy Presiding Officer:** As we have reached the end of the debate before the time that

is set out in the business programme for the next item of business, under rule 7.4.1(d), I suspend the meeting until 5 o'clock.

16:51

*Meeting suspended.*

## Decision Time

17:00

**The Presiding Officer (Alex Fergusson):** There are two questions to be put as a result of today's business. The first question is, that motion S3M-2667, in the name of Duncan McNeil, on behalf of the Local Government and Communities Committee, on its report on the elections in 2007, be agreed to.

*Motion agreed to.*

That the Parliament notes the conclusions and recommendations contained in the Local Government and Communities Committee's 8th Report, 2008 (Session 3): *Elections 2007* (SP Paper 120).

**The Presiding Officer:** The next question is, that motion S3M-2656, in the name of Jamie McGrigor, on the Scottish Register of Tartans Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Scottish Register of Tartans Bill be passed.

**The Presiding Officer:** I am delighted to say that the Scottish Register of Tartans Bill has been passed. *[Applause.]*

## Advanced Heart Failure

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business is a members' business debate on motion S3M-2137, in the name of Michael McMahon, on living and dying with advanced heart failure. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes the publication of *Living and dying with advanced heart failure: a palliative care approach*, by the Scottish Partnership for Palliative Care with the support of British Heart Foundation Scotland and the Scottish Government; notes that people with heart failure have a worse prognosis and poorer quality of life than many cancer patients and that 50% of advanced heart failure patients die within a year of diagnosis, many of them suddenly and unexpectedly, particularly in the west of Scotland; believes that uncertainty around prognosis should not be a barrier to people with advanced heart failure, or those with any other condition, receiving appropriate palliative care; is concerned that, despite the recommendations of the CHD and Stroke Task Force in 2001 that provision needed to be made for palliative care for advanced heart failure, too many of these vulnerable patients are still not getting the care they need at the time that they need it most, and believes that account should be taken of the report's recommendations and that the needs of patients with conditions other than cancer, like advanced heart failure, should be explicitly addressed in the forthcoming palliative care strategy and the refreshed CHD and Stroke Strategy.

17:02

**Michael McMahon (Hamilton North and Bellshill) (Lab):** Few people would disagree with the view that all patients who are reaching the end of their lives and who require a palliative approach to treatment should be able to get it regardless of their condition. That seems to me a fundamental human right. However, the unfortunate reality is that, for many conditions, especially non-cancer ones such as lymphoedema or Parkinson's disease, palliative care services are limited and do not reach many of the people who need them the most. My motion focuses on advanced heart failure, which fares particularly poorly in relation to palliative care services.

Premature mortality from heart disease has fallen significantly in the past 10 years. That is great news, which shows the impact that improved lifestyles, combined with new technological developments and well-organised national health service services, can have. However, one consequence of the decrease in premature mortality from heart disease and the fact that we have an ageing population is that more people than ever before are living with conditions such as heart failure. There are at least 5,500 to 6,000 new cases of heart failure each year in Scotland, but few of those patients receive adequate palliative care support.

There is a lot of misunderstanding about what heart failure is, so it is important to say a little about that. Advanced heart failure is a debilitating and life-threatening condition for which there is no cure. Just like any other muscle, the heart can be damaged by trauma such as that which is sustained during a heart attack. Heart failure is the term for when the heart is damaged to the extent that it cannot pump blood round the body properly. Heart failure patients often have distressing symptoms and a worse prognosis and quality of life than many cancer patients. Some patients say that the condition makes them feel as if they are drowning.

Studies have shown that heart failure is associated with worse long-term survival rates than bowel cancer in men and breast cancer in women. Half of patients with advanced heart failure die within a year of diagnosis and half of the remainder die within five years. In all settings, a significant issue is that many patients with advanced heart failure die suddenly and without having discussed their wishes and needs, as often they have not been advised that their condition is fatal.

Heart failure needs to be embedded in all initiatives for patients with chronic conditions. Advance care planning for all those with life-limiting illnesses is imperative in all care settings, and closer, collaborative approaches to planning a patient's journey result in care that is appropriate to the stages of their illness. Despite symptoms that are highly distressing for patients and carers, the vast majority of advanced heart failure patients do not get access to palliative care, partly because the likelihood of sudden death makes it difficult to predict individual prognosis.

Before the summer recess, the cross-party group in the Scottish Parliament on palliative care discussed the contents of the Scottish Partnership for Palliative Care report "Living and dying with advanced heart failure: a palliative care approach", which was part-funded by the British Heart Foundation Scotland. One question that emerged was why the palliative care needs of patients with advanced heart failure were often neglected. One reason was health professionals' uncertainty about the condition, especially with regard to the point at which a patient enters the terminal phase. The fact that that point is much more difficult to predict for heart failure patients than it is for those with other conditions, especially cancer, can leave health professionals unwilling to enter into the discussions with patients that are needed at the end-of-life stage. As in many other areas of health care, good communication is absolutely critical.

Another reason why so few advanced heart failure patients get palliative care is that services have traditionally focused on cancer patients'

needs. However, that expertise can be used to develop appropriate services for end-of-life care for non-cancer conditions. There are some great examples of such work already, especially in the voluntary sector.

Indeed, as convener of the cross party group on palliative care, I have been made aware of the fantastic proposal by the British Heart Foundation and Marie Curie Cancer Care to establish a centre of excellence in Glasgow that will provide a comprehensive palliative care service for advanced heart failure patients and their families. The organisations' combined expertise will not only create a gold standard in palliative care for advanced heart failure, but pioneer a model of care for patients in Scotland and throughout the United Kingdom. With Marie Curie's expertise in palliative care working in tandem with the BHF's cardiovascular expertise, that comprehensive service will benefit not only heart failure patients at the end of life but their families, especially in the west of Scotland, where the problem is prevalent.

The Scottish Government has acknowledged that the palliative care needs of patients with conditions other than cancer are not being adequately met. The Scottish intercollegiate guidelines network guideline 95 on heart failure specifically recommended that a palliative approach be adopted at the early stage of the disease and the recent consultation that was published on the coronary heart disease and stroke strategy has stated that the palliative care needs of advanced heart failure patients still require attention. As a result, I warmly welcome the new palliative care strategy, especially the ring-fenced £3 million of annual funding.

New approaches to palliative care will need to link up with established managed clinical networks, particularly those that work well for coronary heart disease and stroke services. Such an approach will permit continuity of care with, for example, the specialist heart failure nurses funded by the BHF, who are already working with many of these patients in every health board area. However, as the Royal College of Nursing has pointed out, that will pose a real challenge to the commitment of health boards and services in community, acute and care home settings to release staff for training. Although the University of the West of Scotland provides nurse education for most of the health board areas in the west of the country, shortages in the clinical area mean that nurses cannot be released for education and, as a result, many classes lie half empty.

I welcome the focus on non-cancer conditions, particularly organ failure, and the approach to care that is person centred and based on patient and carer needs rather than on diagnosis or prognosis. It is crucial that we maintain that focus, because

there is a danger that the new money could be diverted into cancer-specific services, where pathways are well established, when the most urgent and pressing need is a focus on non-cancer conditions such as advanced heart failure.

If ever there was an issue on which there should be a consensus across the political divide, it is this one. I hope that we all agree on one simple point: regardless of the diagnosis, everyone who needs palliative care should get it.

17:09

**Kenneth Gibson (Cunninghame North) (SNP):**

I whole-heartedly congratulate Michael McMahon on securing this important debate.

Although heart failure is a common clinical syndrome, especially in elderly people, a diagnosis is often missed. A detailed clinical history is crucial and should address not just signs and symptoms of current heart failure but signs that point to a cause of heart failure, such as coronary artery disease, hypertension or valvular heart disease.

It is estimated that heart failure affects 60,000 people in Scotland and that there are some 7,000 new cases each year. The syndrome is a frequent cause of hospitalisation among the elderly and is responsible for between 5 and 10 per cent of all hospital admissions.

The clinical syndrome of heart failure manifests when cellular respiration becomes impaired because the heart cannot pump enough blood to support the metabolic demands of the body or when normal cellular respiration can be maintained only with an elevated left ventricular filling pressure.

There are many approaches to the evaluation and medical treatment of heart failure. Treatment options include investigative drugs and devices, cardiac resynchronisation therapy using bi-ventricular pacemakers, implantable cardioverter defibrillators and cardiac transplantation.

However, there are issues to do with palliative care, as Michael McMahon said. Heart failure produces greater suffering and is associated with a worse prognosis than is the case with many cancers, but patients with heart failure find that little time is given to considering their quality of life. Palliative care for heart disease sufferers is an essential element of a holistic approach. We need to ensure that patients with heart failure are treated no worse than, and are given the same priority as, patients with cancer.

All patients with heart failure live with uncertainty and the possibility of sudden death. The opportunity to discuss such issues should be available at all stages of care. Communication

about heart failure can be even more complicated than communication about cancer, because most people with heart failure do not understand the causes or prognosis of the disease and rarely discuss end-of-life issues with their professional carers. Heart failure nurses need advanced communication skills training, because they have to communicate complex and distressing information. They also need the skill to judge how much information a patient wants and how to discuss sensitively end-of-life issues and patient care requirements. A study concluded:

"Patients with cardiac failure rarely recalled being given any written information, had a poor understanding of their condition, and, in the absence of chest pain, did not connect symptoms like breathlessness and oedema to their heart."

British and North American studies of patients with heart failure showed that patients' levels of psychological distress are comparable with those of patients with cancer. In one study, major depression was identified in 26 per cent of patients and minor depression in 32 per cent of patients. Another study showed that depression about heart failure was associated with a mortality rate that was two and a half times higher, and admission levels after one year that were three times higher, than was the case for patients who were not depressed.

General practitioners, cardiologists and other physicians play an important role in the assessment of psychological needs and the referral of patients and carers. They also have an important role in the prescription of appropriate antidepressant measures.

Palliative care involves the assessment of support needs of patients and carers, information for patients, co-ordination in and out of hours and across boundaries, basic levels of symptom control and open and sensitive communication. Patients with heart failure and their carers should have access to professionals in the heart failure team who have palliative care skills. Suboptimal care of the dying is thought to be due to the failure of staff to recognise or acknowledge impending death. It is also thought to be due to the lack of education and training on care of the dying. In heart failure, the dying phase is known to be difficult to recognise.

In 2004, the World Health Organization published guidance on the expansion of palliative care services. In its report, the WHO said:

"It is unrealistic to expect the wider emerging needs for palliative care to be met by expanding the workforce of specialists in palliative care. It is more likely that a solution will be found by expanding the knowledge and skills of health professionals generally."

There is a role for specialist care. However, it is important that more professional health care

workers, social workers, benefits advisers and people who support carers should be able to provide sympathetic support to patients who suffer from heart failure, which will affect many people in Scotland in the months and years to come.

17:14

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

As the convener of the cross-party group on palliative care, Michael McMahon has been a tireless campaigner for improved palliative care services in Scotland since 1999, and I welcome this debate on advanced heart failure and the equality of care that he seeks.

Before the debate, I looked through “Living and dying with advanced heart failure: a palliative care approach”, which was published in March, and at the more recent action plan for palliative care and end-of-life care, “Living and Dying Well”. On behalf of the Scottish Conservatives, I hope that the recommendations in the earlier report, which focused on advanced heart failure, are included in the September report. I also hope that the debate will bring clarity to the issues, as is requested in the motion.

Henry Dargie, the director of the Scottish advanced heart failure service, stated:

“Patients admitted to our hospitals with worsening heart failure still stand only a 60 per cent chance of being alive one year later”.

Compared with many cancer patients, those with heart failure have a worse prognosis, poorer quality of life and more limited access to social services and palliative care support. That is worrying, particularly given the number of patients involved.

I welcome the recommendation on when palliative care should be introduced. That is a key component. It is referred to in the third section of the report on advanced heart failure, and the severe symptoms are listed in the briefing from the British Heart Foundation. There is no doubt that palliative care used to focus mainly on end-of-life care, but in recent years it has broadened to include the time from diagnosis of a life-limiting condition.

Given that advanced heart failure is defined as the presence of severe symptoms and poor exercise tolerance and given that patients face recurrent episodes of hospitalisation, usually caused by worsening heart failure and its complications or by problems relating to medication or co-morbidity, I will speak about the Nairn anticipatory care project, which included patients with advanced heart failure.

The Scottish Government’s “Better Health, Better Care” action plan highlights the need for a

greater emphasis on anticipatory, rather than reactive, care to meet the challenges in shifting the balance of care. The Nairn project developed a local case-finder tool that did not require a previous hospital admission, so it identified patients before they were referred or admitted to the hospital system. It then targeted interventions to the patients who were at highest risk of hospital admission. The project also assessed local nursing and residential home patients. The toolkit consisted of a screening tool, a patient leaflet, an anticipatory care plan, identification of at-risk patients, evaluation forms and a web link to patient administration information. The project was able to call on the primary care team, including occupational therapists, physiotherapists, community nurses and health care assistants.

The evaluation conducted by the University of Stirling concluded that the reduction in bed day rates from admission rates was 61 per cent, and that the length of stay reduced by 39 per cent. That also reflected a transfer from Raigmore to the local community hospital in Nairn.

Although no attempt has been made to calculate the financial impact of the intervention or the net investment required to roll it out across the Highlands, we know that hospital bed days for the population in question are projected to increase. With the anticipatory care intervention, which allows people to stay in their own homes, hospital bed days are significantly reduced and there is better anticipatory, rather than reactive, care.

I raise awareness of the project as I feel that it is a uniquely patient-led service and that there is an opportunity in the model to include palliative care and the voluntary sector as appropriate. I hope that it will be considered with the other measures.

17:19

**Dr Richard Simpson (Mid Scotland and Fife)**

**(Lab):** I add my congratulations to Michael McMahon and acknowledge his long-term interest in heart failure.

Until now, palliative care has largely applied to cancer patients. The hospice movement took off in the 1970s, first with in-patient care, then with day care and finally with outreach, and it has radically changed the approach to the management of cancer care over the past 30 years. In my area—Forth Valley—that change included the appointment of an individual from a hospice whose job was to go round primary care units and assess their capacity and desire to be involved in the palliative care of their patients so that the hospice, the hospital and the primary care unit provided complementary services that were balanced according to the ability of each to provide the

service and according to the needs of the individual patient.

That, of course, is a vertically integrated managed network, which is what is needed for heart failure patients as well as other groups. Indeed, it could be expanded to many other groups—we have had correspondence on the motion from the Parkinson's Disease Society of the United Kingdom and other neuromuscular disorder groups. However, tonight we are talking about heart failure.

Heart failure has been underdiagnosed and usually significantly undermanaged. The amount of specialist care has been limited. As Mary Scanlon, who illustrated what needs to be done, said eloquently, the problem is that care has been largely reactive. We still need reactive care, and it is important that “Living and Dying Well” and other recent announcements mention the use of measures such as living care plans, living wills and electronic care plans, which can be transmitted to the other services that may be involved—such as NHS 24 or the specialist care hospital units—so that people are all singing from the same sheet.

One of the major problems that we face in the health service—this applies generally—is how to transmit appropriate information so that patients do not have to repeat it all the time. If a patient who has a chronic condition that is not life threatening goes into hospital, they might not mind repeating all the information that they have previously given, but uncertainty is an acute fact in heart failure, because patients tend to die suddenly and unexpectedly when we think things are going well. To prevent that in an acute situation, it is imperative that the appropriate information is available to the people who are looking after them, whether that is NHS 24 or a specialist care unit.

Patients with brittle asthma—very acute asthma—face the same sort of uncertainty, as an attack might mean death and almost certainly means admission. In Forth Valley, we established direct links between such patients and the hospital ward. They did not have to go through NHS 24 or any practice; they phoned the unit and were admitted immediately. That would be appropriate for some patients with advanced heart failure.

Kenneth Gibson referred to the sensitive sharing of information. That is fundamental. It is important that the staff are well trained, understand the condition and know what they are dealing with. Having specialist nurses support generic community nurses provides that possibility for key workers—close support from the community nurse backed up by the specialist nurse.

How information is shared and at what point will depend upon the family and the individual. Those two do not always coincide, because patients with heart failure may well be in denial just as cancer patients can be. In fact, one of the hardest cases I had was a patient whom I tried to persuade that his condition was so serious that he required a heart transplant. We got him to the hospital and began to get the transplant organised but, having accepted it, he went back into denial. Movement in and out of denial is a problem. The distress that it caused that man's family was enormous and, I am sad to say, he died without getting his transplant because he would not accept that he needed that treatment.

The topic is important not only for its own sake, but in the context of “Living and Dying Well”. We have moved a long way as a community, but a recent survey suggested that 70 per cent of Scots feel that we still do not discuss death enough. Although the movement has been significant, we have some way to go. Heart failure should be one of the issues to which quality and outcomes framework targets apply; I do not know whether it is, although the matter has been discussed. There should be local enhanced service contracts with practices that are able to provide enhanced, more specialist services, which should be supported.

I thank Michael McMahon for securing this debate. I welcome the funding moves that the Government has already made in recognition of the Audit Scotland review of palliative care services, which we do not have time to go into today, but much more needs to be done.

17:25

**The Minister for Public Health (Shona Robison):** We all owe Michael McMahon special thanks for securing a debate on an important subject that does not get as much attention as it deserves. I strongly support the motion and pay tribute to Marie Curie Cancer Care, the British Heart Foundation and others in this important area for the work that they have done.

At the moment, probably about 100,000 people in Scotland are living with a diagnosis of heart failure. With people living longer, the prevalence of heart failure is set to increase markedly, so it is a matter of concern that we are not doing well even now for people who have advanced heart failure. The Scottish audit of surgical mortality raised that issue at least 10 years ago. In a series of reports, it drew attention to the plight of people with end-stage heart failure who were dying in acute hospitals and had a worse prognosis and poorer quality of life than many patients with cancer. To make their situation even worse, those people and their families had no access to the benefits of palliative care.

SASM's work was taken up by the CHD and stroke task force in its report of 2001. The CHD and stroke strategy that was published the following year noted that the Scottish Partnership for Palliative Care had set up a working group to address the issue of ensuring that people with end-stage heart failure had access to palliative care.

The Scottish Government and its predecessors have made clear that we want to move beyond the traditional association between palliative care and cancer. We firmly believe that palliative care, both general and specialist, should be available to anyone suffering from a progressive, incurable condition. As the motion says,

"uncertainty around prognosis should not be a barrier to people with advanced heart failure"

getting appropriate palliative care. We are now well placed to heed that call.

The report "Living and dying with advanced heart failure: a palliative care approach" was published by the Scottish Partnership for Palliative Care and the British Heart Foundation Scotland in March. I record my thanks to both organisations for the work that they put into it. The report's recommendations set out a clear way ahead. As the motion mentions, that is recognised in the consultation on our revised CHD and stroke strategy.

That work is supported by SIGN guideline 95, on the management of chronic heart failure, which contains a valuable section on palliative care. The key recommendation is that a palliative care approach should be adopted in the early stages of chronic heart failure by all clinicians who are managing people with the disease. The introduction of palliative care from the time of diagnosis, not just in the final stages of the illness, is especially important in the context of heart failure, given the uncertainties about the course of the condition and the ever-present risk of sudden death, to which members have referred.

NHS Quality Improvement Scotland is considering how best to implement the recommendations in the SIGN guideline. I hope that the clinical standards on heart disease that NHS QIS is developing will include a standard dealing with palliative care for people with heart failure.

Work on broadening the availability of palliative care beyond cancer has also been boosted by the Audit Scotland review of palliative care services. The section of its report that reflects the views of patients contains some quotes that make clear the importance that people attach to the role of the heart failure specialist nurse. That echoes a finding of recent research by the British Heart Foundation. Having one person with whom they

can build up a relationship of trust and understanding bolsters people's confidence in being able to cope with their condition. The voluntary sector has made a hugely important contribution to the provision of heart failure specialist nurses.

The number of such nurses has grown considerably in response to the growing evidence that their intervention not only improves quality of life but reduces admissions to hospital, and possibly even mortality rates. The Scottish heart failure specialist nurses forum plays an important part in developing nurses' role. It has highlighted the importance of integration with other services, such as palliative care, including the need to develop formal protocols for referral.

On palliative care more generally, we have just published our national plan for palliative and end-of-life care in Scotland, "Living and Dying Well", to which members have referred. The thinking in that action plan and the additional investment that we are making available will create a positive context in which to take forward the work on palliative care for end-stage heart failure.

Approaches such as the introduction of the Liverpool care pathway for the dying patient have been developed to transfer the hospice model of care into other care settings. I hope that its wider adoption will help to ease the plight of those with end-stage heart failure who die in acute hospitals.

Michael McMahon raised the issue of nurses not being released for palliative care education. The action plan recognises the importance of education, training and workforce development. I believe that implementation of the plan will address Michael McMahon's concerns. NHS Education for Scotland and the Scottish Government will work to develop an educational infrastructure for palliative care.

I say to Mary Scanlon that the Nairn anticipatory care project, which she highlighted in her speech, is included in "Living and Dying Well" as an example of good practice.

Our general work on long-term conditions is providing a favourable climate. "Living and dying with advanced heart failure" tells us that people with heart failure and their carers feel uninformed about their condition, feel excluded from decision making and feel that control of their lives is taken away from them. That could not be in greater contrast to the approach that we are trying to encourage.

I assure members that the revised CHD and stroke strategy will, as the motion requests, seek to pull together all the initiatives that I have mentioned. In our managed clinical networks for cardiac services and palliative care, we have the best possible vehicles for taking forward that

important and long-overdue work. I hope that Michael McMahon and others are reassured by that commitment. I am happy to keep them informed of progress.

*Meeting closed at 17:33.*



Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 16 October 2008**

#### PRICES AND SUBSCRIPTION RATES

##### OFFICIAL REPORT daily editions

*Single copies: £5.00*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

##### WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

#### **Blackwell's Bookshop**

**53 South Bridge  
Edinburgh EH1 1YS  
0131 622 8222**

**Blackwell's Bookshops:**  
243-244 High Holborn  
London WC1 7DZ  
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

**Blackwell's Scottish Parliament Documentation**  
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

**Telephone orders and inquiries**  
**0131 622 8283 or**  
**0131 622 8258**

**Fax orders**  
**0131 557 8149**

**E-mail orders**  
**business.edinburgh@blackwell.co.uk**

**Subscriptions & Standing Orders**  
**business.edinburgh@blackwell.co.uk**

#### **Scottish Parliament**

**RNID Typetalk calls welcome on**  
**18001 0131 348 5000**  
**Textphone 0845 270 0152**

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers