

MEETING OF THE PARLIAMENT

Wednesday 26 November 2008

Session 3

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SCOTTISH MINISTERS AND LAW OFFICERS

Office of the First Minister

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MINISTER FOR EUROPE, EXTERNAL AFFAIRS AND CULTURE—Linda Fabiani MSP
MINISTER FOR PARLIAMENTARY BUSINESS—Bruce Crawford MSP

Health and Wellbeing

DEPUTY FIRST MINISTER AND CABINET SECRETARY—Nicola Sturgeon MSP
MINISTER FOR PUBLIC HEALTH—Shona Robison MSP
MINISTER FOR COMMUNITIES AND SPORT—Stewart Maxwell MSP

Finance and Sustainable Growth

CABINET SECRETARY—John Swinney MSP
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MINISTER FOR TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE—Stewart Stevenson MSP

Education and Lifelong Learning

CABINET SECRETARY—Fiona Hyslop MSP
MINISTER FOR SCHOOLS AND SKILLS—Maureen Watt MSP
MINISTER FOR CHILDREN AND EARLY YEARS—Adam Ingram MSP

Justice

CABINET SECRETARY—Kenny MacAskill MSP
MINISTER FOR COMMUNITY SAFETY—Fergus Ewing MSP

Rural Affairs and the Environment

CABINET SECRETARY—Richard Lochhead MSP
MINISTER FOR ENVIRONMENT—Michael Russell MSP

Law Officers

LORD ADVOCATE—Right hon Elish Angiolini QC
SOLICITOR GENERAL FOR SCOTLAND—Frank Mulholland QC

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PRESIDING OFFICER—Alex Fergusson MSP
DEPUTY PRESIDING OFFICERS—Alasdair Morgan MSP, Trish Godman MSP

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26 November 2008

Scottish Parliament

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[THE PRESIDING OFFICER *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Alex Fergusson):

Good afternoon. As always, the first item of business is time for reflection, for which our leader is the Rev David Whiteman from Coylton parish church linked with Drongan the Schaw kirk.

The Rev David Whiteman (Coylton Parish Church linked with Drongan the Schaw Kirk):

Good afternoon. I recently saw one of the funniest films that I have seen for a long time. It is called "Evan Almighty"; I do not know whether members have seen it. In the film, God, who is played by Morgan Freeman, tells Evan to build an ark in the middle of the desert and, of course, Evan—like Noah—refuses. However, with some cajoling, Evan—like Noah—eventually completes the ark and saves the people from the coming flood. The film is about how Evan makes a difference in the lives of the people around him.

At the end of the film, there is a little thought-provoking twist to the story on which I want us to reflect. It is about making a difference. At the end, Evan feels good about himself but, in talking to God, he realises that he was so caught up in the big project of building the ark and in completing the task that was set for him that he forgot about the important things in life, such as family, friends and home. God explains to Evan that each one of us builds in our own lives an ark that is about how we treat those who are around us—those who are nearest and dearest to us. In the film, "ark" stands for "acts of random kindness"—those little things that we do for each other every day, which Evan had forgotten all about.

The film reminded me very much of an old Buddhist story about a man on a beach. Thousands of starfish are lying on the beach and are dying because the tide is going out. The man picks up the starfish one by one and throws them into the sea. Another man comes along, watches for a while and says, "What's the point of what you're doing? It's an impossible task. What difference can you make?" In reply, the man picks up a starfish, throws it into the sea and says, "Well, it made a difference to that one."

Jesus said, "Love the Lord your God with all your heart and all your soul and all your mind," and, "Love your neighbour as yourself." It is in loving our neighbours as ourselves that we build

the ark in our lives, through acts of random kindness.

That makes a difference. The great philosopher James T Kirk, captain of the Starship Enterprise, once said, "As long as you sit in that chair, you can make a difference." I encourage you all in your work in the Scottish Parliament—both in the big things and in the small things—because as long as you sit in that chair, you do and can make a difference to the lives of the people in this, our great nation. Thank you.

Pre-budget Report (Scottish Government Response)

The Presiding Officer (Alex Fergusson): The next item of business is a statement by John Swinney on the Scottish Government's response to the pre-budget report. The cabinet secretary will take questions at the end of his statement and there should therefore be no interventions or interruptions.

14:05

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I welcome the opportunity to present the Scottish Government's response to the pre-budget report that was announced by the Chancellor of the Exchequer on Monday. Before I do that, I want to set the response in the context of what the Scottish Government is already doing to help businesses and households in these challenging economic times.

As we heard in our debate on the economy on 12 November, for many people in Scotland this is the most difficult economic climate that they have faced for more than a generation. For other people, particularly our young people, these are the hardest economic times that they have experienced. Rising commodity prices and the credit crunch have weakened advanced economies throughout the world and there is every likelihood that the United Kingdom is already in recession.

The Scottish Government might not be able to prevent recession, but it is doing everything in its power to lessen the financial pain on Scottish households and businesses. Increasing sustainable economic growth has been the Government's overarching purpose since it was established. In these challenging economic times, that mission assumes even greater importance and requires us to help businesses and communities across Scotland through the downturn, while investing for a strong and sustained recovery.

Through our Scottish budget, which was agreed by Parliament earlier this year, we have already invested more than £30 billion of public funds to deliver our purpose of increasing sustainable economic growth. We have taken measures to ease the pressures on tight household budgets by working with local authorities to freeze council tax, and we will provide funding to allow councils to implement further freezes for the next two years. That represents a real-terms cut in costs for families, compared with the average council tax increase of 3.9 per cent south of the border. We have introduced beneficial measures to reduce

business rates through the small business bonus scheme, which is benefiting thousands of Scottish businesses.

Of course, that action was taken before the global economic downturn took effect and, long before the current downturn, we took other action into the bargain. By progressively abolishing prescription charges, removing bridge tolls and scrapping the graduate endowment fee, we are putting more money into the pockets of ordinary, hard-working Scots—much more than any Government before us has done.

However, in these exceptional economic circumstances, we have a duty to consider what more we can do. That is why, during the summer, we developed our economic recovery programme to boost Scotland's economy. Our programme includes a commitment to reshape capital expenditure to advance the investment of £100 million, this year and next, in affordable housing projects. We have already allocated £180 million of commitments from the European structural funds programme and we will take decisions to accelerate the commitment of finance from the remaining £385 million in the programme. I have indicated to Parliament that £50 million of investment in employment in Scotland has been undertaken and that it is expected that the programme will be expanded to tackle unemployment in these tough times.

In the current economic circumstances, our £35 billion, 10-year infrastructure investment plan is also delivering, with £14 billion being invested in schools, hospitals and transport during the current spending review period. We are reshaping our capital expenditure to invest £25 million in the home owners support fund, to help people who face the prospect of having their home repossessed. We are intensifying our support for homecoming 2009. Elsewhere in the Government, we continue to ensure that all our activity, including activity on planning and regulation, supports economic development. At the same time, we are building on our existing work on energy efficiency and fuel poverty and we are putting an extra £10 million into the free central heating programme this year. We are also increasing advice to businesses and individuals. We are doubling the size and capability of the Scottish manufacturing advisory service, to ensure that even more companies can access quality advice.

While taking that action, this Government will continue to stand up for Scotland, to ensure that we get a fair deal from the UK Government. We have been making the case for the UK Government to deliver a package of further tax cuts and increased public expenditure to respond to the current economic conditions. That is why we

welcome a number of elements of the direction that the UK Government has taken to get the economy moving. The spending plans that are outlined in the pre-budget report will have a beneficial effect on the construction sector and on a variety of other sectors in the Scottish economy.

In particular, we are pleased that the UK Government has provided the flexibility to allow for the acceleration of capital spending. The £260 million from 2010-11 that Scotland is able to bring forward into this year and next will help to boost our capital expenditure at a time when support for the construction and investment sectors is required the most. The Scottish Government intends to use the opportunity to accelerate capital spending further and the Cabinet has decided to use the facility to the maximum. We intend to give the highest priority to capital spending on new and improved school buildings, helping to create a 21st century environment in which Scottish children can learn and providing greater classroom capacity. We will look at accelerating investment in transport infrastructure and projects to boost fuel efficiency.

We will examine further opportunities to advance investment in housing regeneration and projects to address fuel poverty and energy efficiency. We will consider supporting improvements in the further education estate, again concentrating on energy efficiency, and in support of health service projects. We will also consider further options with a view to ensuring that we select capital spending projects that maximise a positive impact on jobs, business and the economy, promote excellent public services, and contribute to our sustainability objectives.

We will bring to Parliament soon our detailed proposals for allocating the Scottish consequential from the pre-budget report. We will do that once we have completed discussions on the practical steps to accelerate specific projects with our partners, particularly local authorities, which will have a major role in ensuring that we achieve maximum impact. We must also consider the proposals within the significant changes that we expect to the 2010-11 budget as a result of the pre-budget report. We will also seek Treasury support for our proposals.

Although the acceleration of capital spending is welcome, other elements of the pre-budget report give us cause for concern. First, although the measures to help companies that the chancellor announced on Monday will provide some assistance for our small businesses, many small businesses will continue to pay more in corporation tax than they did two years ago.

Scottish businesses are still feeling the impact of measures that were announced in previous budgets. Since 2007, the small company corporation tax rate has increased from 19 to 21

per cent. That is having a negative effect on many small and medium-sized companies that are vital to our constituencies and the Scottish economy as a whole. It is a UK Government policy that cuts across the Scottish Government's efforts to support our SMEs through the reductions in business rates this year and, for many in the coming year, the removal of business rates entirely.

Our second concern relates to VAT and energy costs. Although the cut in VAT is welcome, it could have been more focused. We have seen from the initial public reaction that there is a widespread sense that the cut is not enough to impact on public confidence and spending in our high streets. We will continue to monitor retail activity in that respect.

The Scottish Government believes that targeted action on VAT to help people struggling with fuel bills and to boost the housing sector was required, but the chancellor's announcement on Monday did nothing to address those issues. At a time when fuel bills have increased by 38 per cent since the start of the year, we need decisive action to help households. Removing VAT on domestic heating this winter would have been a better and more effective choice.

Our third concern relates to duties. This Government opposes the 2p increase in fuel duty and the unwelcome increase in duty on Scotch whisky. The fuel duty increase will be offset by the reduction in VAT in the short term but, in the long term, the increase will have serious consequences for Scotland, particularly for our rural and island communities. It is a classic case of giving with one hand and taking away with the other. The hardship that is being placed on those communities is unacceptable, particularly as the chancellor announced on the same day record revenues from oil and gas off our shores.

The record duty on Scotch whisky is a significant tax blow to an industry that generates export income and delivers jobs across our country. I welcome reports that the chancellor is to think again on the duty hike—he may in fact be making remarks to that effect in the House of Commons as I speak—and I await with interest the details of any changes to his pre-budget plans.

This Government recognises the specific needs of rural Scotland, the pressures on our hauliers and the interests of our more important industries. Events overnight suggest that it is possible to force a change of direction, which should encourage all members to highlight even more strongly the impact of fuel duty increases on rural Scotland.

I will make one further point about the chancellor's announcement on Monday. It cannot

have escaped even the most enthusiastic supporters of the UK Government that the plans that he set out will mean a significant reduction in Scotland's public spending in 2010-11 and beyond. In fact, they mean the biggest cut in Scottish spending since devolution at the same time as the Treasury confirmed record oil revenues of £13.2 billion for this year and forecast a North Sea income of £55 billion over the next six years.

On Monday, the chancellor announced his plan to reduce capital spending on health in England and Wales, which will, through the Barnett formula, reduce Scotland's baseline by £129 million in 2010-11. At the same time, he announced that he was top slicing £5 billion from public spending programmes across the UK in 2010-11. His intention is to let the Treasury keep those savings. Taken together, those measures mean that the UK Government proposes a cut in Scottish spending of up to £500 million in financial year 2010-11 and approaching £1 billion over the next two years.

Members have spent some time in recent months focusing on the 2 per cent efficiency savings that the Scottish Government proposes. Those are real efficiency savings. They must pass stringent tests to be acceptable, and we reinvest them in public services in Scotland. I hope that members will now spend as much time focusing on the impact on vital public services that will follow from a crude cut in Scotland's budget by the UK Treasury. What was already the tightest settlement from Westminster since devolution has just become tighter still. We remain deeply concerned that the chancellor's proposals could cause difficulty for Scotland when we are trying to get the economy to recover. Clearly, that is unsustainable. This Government will do all that it can to overturn the UK Government's decision—a decision that will put at risk projects in every part of Scotland. I hope that the Parliament will support us in our efforts.

We are working hard for Scotland, using all the levers at our disposal. That is reflected in our programme to support Scottish economic recovery. We acted early, have set a clear course and will work continuously to refocus and retune our activities to maximise their impact. We also welcome many of the steps that the UK Government has taken and pledge to make use of the full extent of the facility for capital flexibility. I will continue to press the UK Government on more targeted action as we look towards the budget next year.

I have made it clear to Parliament that the decision to remove up to £500 million of spending in 2010-11 and approaching £1 billion over two years poses a real threat to vital public services in

Scotland. This Government will work tirelessly to reverse that decision.

The Presiding Officer: The cabinet secretary will now take questions on issues that were raised in his statement. I will allow around 30 minutes for such questions, after which we must move to the next item of business.

Andy Kerr (East Kilbride) (Lab): It is a pity that the Cabinet Secretary for Finance and Sustainable Growth's conclusion was not matched by any content and detail in his statement that would lead us to believe that the Government actually has a grip on the issues facing Scotland.

I thank the cabinet secretary for an advance copy of his statement. I welcome some of his supportive remarks regarding the UK Government's leading change and addressing key global economic crises not only in Europe but, of course, in the world. Can the cabinet secretary confirm, as he acknowledged in his letter to the Finance Committee, that his sole measure up to 18 November in response to the economic crisis was to bring forward £100 million from 2010-11, of which only £9 million had been committed? Does he agree that that is an inadequate response?

Talking of inadequate responses, today there is little that is new in the Scottish Government's strategy to address the global crisis. We have references to new money being made available to Scotland, but nothing further on the measures that the Scottish Government will take. We have a broad indication, but no detail, of the measures that are to be rolled out. Unbelievably, there is no list of projects that are ready for implementation—utter dithering by the Scottish Government. Indeed, the cabinet secretary has given us no detailed spending plans today. Why do we have to wait even longer? Does he not know that there is a global economic crisis?

Labour has been asking the Scottish National Party Government for weeks to bring forward capital projects, prioritised on the basis that they will protect Scottish businesses and jobs. For weeks, the Cabinet Secretary for Finance and Sustainable Growth has claimed that the Treasury will not let him do that. However, the Chancellor of the Exchequer has publicly stated:

“the Scottish Executive could re-profile their spending, if they wanted to. We have made that clear since September.”—[*Official Report, House of Commons*, 24 November 2008; Vol 483, c 518.]

I would hate to think that the cabinet secretary is playing politics with the global economic crisis and the situation that Scotland faces, so can he simply tell members when he wrote to the Treasury asking for agreement to bring forward capital spending from 2010-11 for immediate use?

Finally, will the cabinet secretary confirm that the £129 million of health spend that he referred to can and should be recouped by underspend over the next two years? Does he agree that, once that figure is removed, the required efficiency saving is less than 0.5 per cent? Of course, that must be balanced against a serious and substantial package of measures to protect the Scottish economy.

John Swinney: I thank Mr Kerr for his contribution and for the significant number of questions he asked, which I will endeavour to answer.

Mr Kerr has to recognise—like anyone who listened to my contributions to the Finance Committee when I appeared before it and to the debate in Parliament on the economic situation—that the Government has taken a variety of measures to ensure that Scotland is better equipped to deal with the economic downturn. Mr Kerr mentioned one of them, which is the acceleration of affordable housing expenditure. I referred in my statement to, for example, support for the planning regime, the expansion of the manufacturing advisory service, and a variety of other interventions that the Government has made. I mentioned that range of interventions in my statement to demonstrate that, since the summer, this Government has reflected on and changed its programme to ensure that we are equipped to do as much as we can to address the situation.

Mr Kerr asked why I have not outlined a list of capital projects to Parliament today. The reason is simple: we got the information from the chancellor only on Monday afternoon.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): So almost nothing new since the crisis started.

John Swinney: I will come to Dr Simpson in a second, if he waits patiently.

We do our business in a different fashion from that of the previous Administration: we talk to our partners in local authorities to get agreement on how we intend to proceed.

Mr Kerr asked me some specific questions, particularly about remarks that the chancellor put on the record last night about how we were given notice from September that we could reprofile capital expenditure. I will share with members information about that, because I think that the chancellor was in danger of misleading the public.

The chancellor is correct that we received a message from the UK Treasury in September, which said that, in response to changes to the profile of expenditure for the Department for Communities and Local Government in England, it

had advanced some affordable housing expenditure. A Treasury official wrote to my officials, saying:

“We would be prepared to consider recommending a consequential reprofiling to the Chief Secretary to the Treasury if justified ... However my understanding is that the Scottish Executive have already announced a housing package in August within your existing settlement, so it is not clear that a reprofiling is justified.”

Andy Kerr: Did the cabinet secretary justify it?

John Swinney: Just a second.

In that note, the Treasury said that the Scottish Government was ahead of the game in bringing forward affordable housing expenditure. What it says, Mr Kerr, is that we got there first. We planned the acceleration of affordable housing expenditure before the UK Government got anywhere near doing so.

In addition, on 21 October, the First Minister and I raised with the Secretary of State for Scotland our desire to accelerate capital expenditure. We reinforced that in a letter to the secretary of state on 11 November. We reinforced the point again in a letter to the Chancellor of the Exchequer on 20 October. I am delighted that the chancellor responded on Monday by reprofiling capital expenditure to allow us to take the action that we are taking. Far from my playing politics, I think that the UK Government and Mr Kerr are playing politics with the economic situation.

Mr Kerr also asked about the £129 million cut in the Scottish Government's budget as a consequence of the reduction in the budget of the Department of Health in England. He is correct that, if sufficient end-year flexibility is available, we will be entitled in the first year to match that £129 million cut with money that we have not spent, but that means that money that we would ordinarily be able to provide as additional public expenditure will be required to compensate for cuts from the UK Treasury. That is the reality of the position.

Finally, let me come to efficiency savings. In last week's debate, Cathy Jamieson and Richard Simpson—the duo are sitting together today—attacked the Scottish Government for its efficiency savings programme, which they said would lead to widespread cuts around the country. Today, they are defending a £0.5 billion cut in Scottish public expenditure. They should be ashamed of themselves.

Derek Brownlee (South of Scotland) (Con): I thank the cabinet secretary for the advance copy of his statement. It will be of no comfort to him that he now has something substantial in common with the Conservative party, in that he must pick up the pieces after a Labour Government has made a complete hash of things. The public will have an opportunity soon enough to cast their views on the

most expensive and incompetent Labour Government in history—which is saying something—so let me turn to what the Scottish Government can do.

The cabinet secretary stated that he will prioritise capital spending on the basis of three criteria. Should not the only criterion—or, at the very least, the main criterion—be the impact on jobs and economic growth? When he brings forward capital projects, will he also provide details of which projects will not be pursued and what impact they would have had, so that Parliament and the public can fully assess whether the impact on jobs, the economy and growth has been maximised?

John Swinney: In my statement, I said that we will consider programmes that maximise the positive impact on jobs and the economy. The right thing to do is to determine how we secure the greatest impact by accelerating expenditure. Clearly, in accelerating capital expenditure, what we spend in 2008-09 and 2009-10 must be recouped from 2010-11. The 2010-11 budget will be undermined by the scale of any consequential reductions in the Scottish Government budget that flow from the change to Department of Health funding and from the additional element of supposed efficiency savings that are to be applied by the UK Government. We will set out the details of our proposals so that Parliament can scrutinise them in the context of the budget. Any revisions to the budget in the spring or autumn, as well as scrutiny of the impact on the value of projects, will be able to take place within that context.

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD): I, too, thank the cabinet secretary for the advance notice of his statement. In these unprecedented and worrying times for people and businesses across Scotland, hopes that the Scottish Government and UK Government would work together have, I fear, proved to be in vain.

There was too much in the cabinet secretary's statement about SNP plans that were made in 2006, published in 2007 and repeated here in 2008. Why does the cabinet secretary's current budget differ by only 0.3 per cent from that which he published last year?

We needed primary colours from the chancellor on Monday, but we got 50 shades of grey, which the cabinet secretary has successfully blurred even further today.

I have three specific questions. First, does the cabinet secretary agree with Stewart Hosie, who complained on Monday's "Newsnight" that there was no mention of income tax reductions in the chancellor's statement because many businesses do not pay corporation tax?

Secondly, on the £260 million of capital spending that is being brought forward, will the cabinet secretary bring forward investment in the A82 action plan, which is ready to go and can be accelerated?

Thirdly, the cabinet secretary said that he talks to his local government colleagues, so he will be aware that Scottish Borders Council passed a cross-party resolution last week calling for the acceleration of the Borders railway project. Will the cabinet secretary meet representatives of the Scottish Borders Council to ensure that that project is accelerated?

John Swinney: We have accelerated expenditure on affordable housing within our capital allocations, but the Scottish Government's capital allocations in this financial year are fully deployed and being expended on projects that will increase employment and economic opportunities in Scotland. It would therefore be foolhardy to suggest that capital programme projects that are currently under way could easily be redeployed when we are spending the money to deliver maximum economic impact.

I am not sure what point Mr Purvis was making about Stewart Hosie MP. I did not see Mr Hosie's interview on Monday evening, but I will examine it to see whether there are points that I need to confirm. However, Mr Hosie articulates his points of view with great skill and effectiveness in the House of Commons and on the airwaves.

I am glad that Mr Purvis took a more mature approach to the capital programme choices that have to be made than Mr Kerr did. Clearly, the issues need to be discussed with our local authority partners. As it happens, I saw the leader of Scottish Borders Council, Councillor Parker, this morning, and I will see him again this evening, and I will, as always, listen carefully to the points that he raises on behalf of Scottish Borders Council. We will ensure that the changes that we make to our capital programme are designed to maximise economic impact, which I know the member would expect.

The Presiding Officer: We come to open questions. You all know the guidance by now.

Alex Neil (Central Scotland) (SNP): Does the Cabinet Secretary for Finance and Sustainable Growth agree that the measures that the chancellor announced on Monday demonstrate the dire financial consequences of managing the Scottish economy from London? Now that the UK has a credit rating second only to that of Italy, is it not the case that an independent Scotland would be far better off than it is under this miserable union with London?

John Swinney: Mr Neil knows that he and I agree that independence would be best for

Scotland. The fact that the Scottish Government has had to wait for so long to be in a position to deploy some of the capital flexibility that is needed to deal with the current economic situation illustrates why it is important for the Scottish Parliament to have a full range of economic and fiscal powers. That would allow us to make wise decisions on behalf of the people of Scotland.

John Park (Mid Scotland and Fife) (Lab): I am sure the cabinet secretary will acknowledge that, although unemployment is increasing in Scotland, there are almost 35,000 vacancies. His statement referred to the £180 million of European structural funding that will be used to sustain employment. The UK Government has made similar announcements and established a national employment partnership. Will the Scottish Government seek to engage with that partnership? Will the remainder of the European structural funding and the current funding be used specifically to sustain employment in Scotland?

John Swinney: On Mr Park's first point, the Scottish Government, through our various channels for providing support to people who seek employment and who face unemployment, is well connected to the UK network, particularly in relation to Jobcentre Plus. The fact that there is now an encouraging level of joint working to bring together some of the programmes that we as a Government deploy with programmes that the UK Government deploys means that when someone seeks to access employment, they can access a more integrated service—it would be in their best interests for it to be a fully integrated service—that meets their needs. We must maximise collaboration and co-operation in that respect, which must be focused on the interests of the person who is unemployed. Our colleagues in Skills Development Scotland take forward that work on the Government's behalf.

Mr Park asked about the deployment of European structural and social fund resources. As I outlined in my statement, we have a range of programmes, which total about £50 million. We funded in full the bids by different local consortia to give maximum support to employment, and the Government will continue to seek to advance projects that can be supported by and which meet the criteria of the European funding that is available to support employment. I have made the Government's position clear: we will bring forward as much of that European funding as we can. That resource needs to be spent now to maximise the impact on people in Scotland.

Brian Adam (Aberdeen North) (SNP): In the light of the chancellor's track record of going back on the taxation increase on whisky and his reversal of his plans to increase VAT to 18.5 per cent, does the finance secretary agree that all

members of the Parliament have an opportunity to force another retreat, on the plans to cut Scottish Government spending by as much as £500 million in the final year of the parliamentary session?

John Swinney: It is clear that an opportunity exists to influence UK Government thinking. If I pick up Mr Adam correctly, an announcement has been made on whisky duty; I will wait until I leave the chamber to hear the details of it. If that is the case, we can take the opportunity to persuade the UK Government of the very real difficulties that will be created for public services and public spending in Scotland if we have to remove £500 million from our budget in the third year of the spending review period. That is a highly significant sum of money, and its removal would have a significant effect on public services in Scotland.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Will the cabinet secretary ensure that the accelerated capital expenditure is deployed as quickly as possible, unlike the accelerated money for housing that was announced in August, which no local authority has yet heard about, far less seen? Will he also ensure that the housing money is distributed according to need and with the 2012 homelessness target in mind, so that Edinburgh, which has by far the greatest shortage of affordable rented housing in Scotland, is not overlooked?

John Swinney: The Government has already deployed the first tranche of the affordable housing resources, and announcements will be made shortly on the deployment of the next tranche. I give Malcolm Chisholm the assurance that I gave to the Parliament in my statement: we will work to utilise the full flexibility that has been made available to us following Monday's announcements by the Chancellor of the Exchequer.

As regards where the housing resources should be deployed, ministers will consider the proposals that are made by different areas and judgments will be made that take into account a variety of considerations. Housing need will be very much at the heart of the discussions and considerations on those issues.

Gavin Brown (Lothians) (Con): According to the Council of Mortgage Lenders, mortgage approvals fell by 18 per cent in the last quarter. As a way of assisting the housing market, which John Swinney today said the Government would do everything in its power to do, will the Government consider a sizeable delay in the implementation of home reports?

John Swinney: Steps have been taken to implement home reports. They are part of a set of reforms that include energy performance certificates, which are a European requirement.

The Government has worked closely with all sectors on the implementation of home reports and ministers are engaged fully in discussions about how the reports can be introduced in a way that supports development in the housing market and allows consumers to see the benefit of having access to the information in the reports.

Alison McInnes (North East Scotland) (LD): Last week, at question time, the Deputy First Minister said that she was sympathetic to the establishment of a task force for Scottish banking jobs, yet the finance secretary's statement today was silent on the subject. Given the scale of potential job losses in the banking sector, will the Scottish Government give a clear assurance today that it will take urgent and assertive action to do all that it can to protect the sector and to set up a banking jobs task force, as proposed last week by Tavish Scott?

John Swinney: I heard Mr Scott's comments last week, and I appreciate that his proposal was genuinely aimed at tackling what will be a significant issue for the Scottish economy, bearing in mind Scotland's extensive involvement in financial services. I should point out that many financial services companies are still performing extremely effectively in the Scottish economy and contributing to our significant reputation in that respect.

If my recollection is correct, the Deputy First Minister referred to the fact that we already have the Financial Services Advisory Board, which was established by the previous Administration and we have continued. It is a good, focused organisation that brings together companies, the enterprise agencies, the trade unions—crucially—and the Government. Mr Mather, the First Minister and I sit on FiSAB. It is the appropriate forum in which to discuss how we can address the challenges.

If we feel that certain issues are not being or cannot be satisfactorily addressed in that forum, we will consider other proposals. However, the combination of the strategic leadership that FiSAB offers and the day-to-day involvement of our economic development agencies and Skills Development Scotland in supporting individuals who may face unemployment provide services that are appropriate in these times. Nevertheless, I assure Alison McInnes that the Government will consider alternative proposals if we do not feel that the current arrangements are dealing adequately with the situation.

Stuart McMillan (West of Scotland) (SNP): I welcome the plans to bring forward capital spending. However, does the finance secretary agree that it is disappointing that the UK Government chose to invest no new money in affordable housing and that the Scottish Government, while supporting the housing

industry as much as it can with the additional £100 million, would be better able to support economic recovery if it had proper borrowing powers?

John Swinney: Mr McMillan will have heard what I said earlier about the investment in affordable housing that the Government advanced in August—the first Administration in the UK to introduce such a measure. We are determined to continue that process of investment in an organised fashion. Clearly, the Parliament would be better able to respond to the current economic situation if it had the full range of financial powers. The Government will work to deliver that aspiration.

Ms Wendy Alexander (Paisley North) (Lab): Today's statement tells us that the Government is doing everything in its power to lessen the financial pain for Scottish households. Does that mean that the Government will publish its economic recovery plan and present it formally to Parliament? If so, when?

The statement appears to confirm only one new step, which is that the Scottish Cabinet has decided to use capital flexibility to the full. Are there any other new measures that we have not heard about already in the statement, beyond simply promising to spend to the full the money that was announced on Monday?

John Swinney: Wendy Alexander asked about the publication of the Government's economic recovery programme. One of the criticisms of the previous Administration was that every time it felt that it had to do something, it published a document to capture everything that it was doing. This Government tends to operate more efficiently. Perhaps we are the trailblazer for the UK Government and its efficiency savings. Who knows?

We might, in due course, set out the collection of initiatives that the Government is taking to adjust to the economic situation. However, Wendy Alexander should give the Government credit for pursuing, over a series of months, a number of interventions that have strengthened the Scottish economy, accelerated investment, changed practices and improved the process of operation within Scotland. We have set out those interventions to Parliament on a regular basis in debate after debate, and we will continue to do so in the weeks and months to come.

Margo MacDonald (Lothians) (Ind): I ask the cabinet secretary to return to the £500 million reduction in the public spending programmes. He said that his Government would seek to influence the Westminster Government to the max—hope should spring eternal. However, can the Government give a factual estimate of the loss of public sector jobs that that reduction is likely to

occasion? The timeframe is in line with the possible loss of a great number of jobs due to the proposed takeover—if we are unable to stop it—of HBOS. With that in mind, and considering the diminished tax base that would result, will the cabinet secretary reconsider the introduction of a local income tax?

John Swinney: We await information from the UK Government on the precise application of the proposed £500 million in efficiency savings for 2010-11. We have been advised to expect more information on the distribution at the time of the spring budget next year. We will await that detail in order to ascertain exactly what the impact will be on Scotland, and therefore how we will have to adapt our plans.

Members of this Parliament should be under no illusions: the specific numbers for the commitments that were made for the financial year 2010-11 in the spending review document will have to be revised if the UK Government insists on applying such a significant reduction in public expenditure in 2010-11. We will bring our proposals to Parliament for scrutiny in the normal fashion, as part of the budget process.

We remain absolutely committed to the introduction of a local income tax and we will set out to Parliament in the next few months how we will take forward that policy.

Ian McKee (Lothians) (SNP): I, too, will ask about the Treasury's imposition of the top-sliced so-called efficiency savings, which, unlike this Government's 2 per cent efficiency savings, will go directly to London rather than be retained for front-line services in Scotland. That is bound to affect public service jobs. The Scottish Government has operated a policy of no compulsory redundancies. Does the Government intend to continue with that policy in future, in light of the Treasury's cash grab?

John Swinney: The Government remains committed to the policy of no compulsory redundancies. It has been an essential part of our constructive relationship with our employees in the public sector, and it is central to the Government's intentions in that respect.

We must be clear about what will happen in 2010-11. The Scottish budget will be reduced. We will have no opportunity to reprofile our activity before that reduction is applied to us by the UK Government. It is not an efficiency saving; it is a routine and rudimentary cut in public spending, and the UK Government should have the good grace to explain that to the Scottish public.

Disabled Persons' Parking Places (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-2691, in the name of Jackie Baillie, on the Disabled Persons' Parking Places (Scotland) Bill.

14:50

Jackie Baillie (Dumbarton) (Lab): It gives me great pleasure to open the stage 1 debate on the Disabled Persons' Parking Places (Scotland) Bill. I refer members to my entry in the register of members' interests, because Asda, which I will mention later, has sponsored Christmas card competitions for me.

The long journey to get to where we are today started with a constituency case more than four years ago. My constituent was a disabled driver who, due to the nature of his disability, required to park in the marked disabled bay outside his front door in order to access his home. Let me introduce you to his neighbour—a man who, for reasons best known to himself, decided that he should regularly park in the disabled bay. He caused untold misery for my constituent, who became afraid to leave his home in case his bay had been taken by the time he got back.

Naturally, I asked the council to help, but there was nothing it could do. I asked the police to help, but equally there was nothing they could do. The bay was advisory, so they were unable to enforce it. Not one to be deterred, I put the neighbour on the front page of the local newspaper for two weeks running, but still he would not move. Clearly, it was time for something else to be done.

Throughout the time I was making inquiries, and during the consultation on and the development of the bill, I was inundated with people's stories and experiences. I will share just two of them, or we will be here all night, but the two stories are indicative of the problems that disabled drivers face. They come from Nan McMurdo, whose husband Ian is a former colleague.

Nan is about to park in the last remaining disabled parking bay outside Tesco. A young guy shoots into the space in his bright red BMW. She lowers her window as the young lad sprints gleefully from his Beemer, and she explains that she really needs his space, to which the lad responds with the quite magnificent, cheery expression, "Sorry, missus. I'll no be a minute. I'm just going for a loaf."

The next story is on Nan's birthday. They have arrived at a local hotel to celebrate. The only disabled parking space at the front door is

occupied by a big, flash car, and the nearest available space is some 200m away. Ian goes into the hotel to ask politely whether the car could be moved. The hotel receptionist replies, "Aw naw, sir. That's the manager's motor. Did ye no recognise the number plate?"

Hugh Henry (Paisley South) (Lab): I understand perfectly Jackie Baillie's desire to ensure that disabled people are treated fairly and I fully support what she is trying to do. Will she reflect—and encourage planning authorities to reflect—on the fact that appropriate numbers of parking bays should be allocated for disabled people when new retail developments are built? To allocate too many can encourage the type of activity that Jackie Baillie describes, particularly if people see a large number of empty bays in an otherwise full car park.

Jackie Baillie: I am happy to take that point on board. I agree up to a point. However, at the moment, it is clear that there are not too many disabled parking bays, because disabled people are not able to park in designated bays. If we have a new culture that ensures that there is enforcement, perhaps spare places will indeed be available.

We often see people jumping into the supermarket just to collect a paper. When it is raining, we see people trying to get as close as possible to the door so that they do not get wet. Whatever the reason, the consequences for a disabled person of not being able to access a suitable parking space can be severe. As Eleanor Hind from the Fair Deal transport working group put it quite succinctly to me, "If you want my disabled parking space, please have my disability too."

Some have suggested that the problem is really quite marginal. One comment that I confess left me slightly bemused was in a paper to the Scottish Government by the Society of Chief Officers of Transportation, which said:

"the current system of advisory disabled parking bays works well and is cost effective and there is little evidence of significant abuse of the system".

That, however, is not the real, everyday experience of disabled people.

Let us consider some of the evidence. In a recent survey, the baywatch campaign found that one in five disabled bays in supermarkets was being abused; a mystery shopper exercise conducted by Capability Scotland put the figure higher, at 44 per cent; and a survey conducted by the previous Scottish Executive suggested that 44 per cent of all designated parking bays were being abused.

This is therefore not a marginal issue. Of the 1 million disabled people resident in Scotland,

96,000 are registered wheelchair users and almost 230,000 are registered blue badge holders. At present, almost 85 per cent of disabled parking bays are advisory, which means that anyone can park in them without risk of being penalised. Local authorities simply rely on other drivers' goodwill not to park in designated places.

This essentially simple bill, which aims to prevent parking places for disabled people from being occupied by those who do not need them and are not entitled to use them, draws on existing road traffic and parking procedures and requires councils to be proactive in their approach to managing disabled parking. It is important to set the proposal in a wider context. Disabled parking provision must be improved in three ways: first, by preventing the abuse of disabled parking bays; secondly, by reforming the blue badge system to stop its abuse; and, thirdly, by improving the process for local authorities. The bill attempts to make a small contribution by delivering on the first of those three counts, but it is for the Scottish Government and the UK Government to deal with the other two. Frankly, such matters are too complex for the stuff of a member's bill.

The clear and simple fact is that the abuse of disabled parking is a quality-of-life issue. The problem is profoundly upsetting for the disabled people who experience it and we can—and must—solve it. We can no longer ignore the overwhelming sense of injustice, frustration, powerlessness and, yes, anger that is out there.

That sense comes not just from the disabled community. As a result of the volume of weekly customer complaints that it was receiving about disabled parking abuse, Asda was spurred on to set up its own enforcement regime, which duly received an unprecedented 93 per cent approval rating. Customers were telling Asda, "It's not just that I agree not to abuse the spaces—I also think nobody else should abuse them".

How would members feel if the disabled space in front of their house were continually blocked by a driving instructor who was using it to let clients practise their reversing? Is that a hypothetical example? I think not. What of the frustration—fast becoming fury—that they would feel if their space were to be pinched by an able-bodied neighbour and they were forced to drive around for two hours before a spot near enough to home came up? The extent of this problem is well documented.

In all, the bill does 10 basic things that link directly to the right of disabled people to be treated equally. It places a duty on councils to promote proper use of disabled parking places; it prevents them from creating more unenforceable on-street places; and it requires them to identify all on-street disabled places and assess whether they are suitable to be made enforceable.

The bill also standardises the application process for new on-street disabled bays across Scotland and requires councils to identify all off-street disabled parking places that they manage and, where appropriate, to begin the process of making them enforceable. In many ways, that is the nub of the issue. What is the point of designating spaces for disabled people if there is no power to enforce them? The Local Government and Communities Committee heard evidence of the scale of the abuse that, as a result of which, Leonard Cheshire Disability concluded:

“the age of just relying on politeness has ended and the age of enforcement has come.”

The bill also stipulates that councils proactively contact car park owners to seek an arrangement to promote enforceability. It requires councils to contact developers of land to seek such an arrangement where new parking is planned. If the owners do not want to come under the local authority's enforcement powers at that point, the council must make contact again in two years to encourage them to adopt enforcement measures. In addition, the bill requires councils to report to ministers on their performance under the legislation and, in turn, it requires ministers to report to the Parliament.

Will the bill work? Yes, because, in short, it introduces enforceability to the overwhelming majority of disabled parking places when 85 per cent are currently unenforceable. So the driving instructor, the thoughtless neighbour and those who are determined to abuse those parking places should watch out.

Enforcement is the key. The bill is that simple. It will use existing enforcement regimes—civil and criminal. Whether it is enforced by the police or by local authority traffic wardens does not really matter, because it will be enforced. People's attitudes change when education and awareness-raising alert them to the consequence that their actions have for disabled people. For those who persist, a fine will change their behaviour.

The recent and rapid success of Asda's scheme, and schemes such as the one at Braehead shopping centre, are testament to what we can achieve. Within a week of Asda commencing its enforcement regime, it reported a 60 per cent improvement in the availability of disabled bays. Frankly, that is astonishing.

Let me touch briefly on finance—I am sure that I will have to return to it. I am content with the committee's recommendation that, should my bill be passed, the Scottish Government will negotiate with the Convention of Scottish Local Authorities over the costs of implementing the provisions. I stand by the robustness of the £1.7 million figure, based on the information supplied by local

authorities. I invite the chamber to consider some of the wide disparities in costings, and I will give two examples. Highland Council indicated that it would take two men 12 years to identify where its 400 or so disabled parking spaces are and to promote a traffic regulation order, yet it would take two men from Glasgow one year to do over 4,000 spaces. Perhaps it is something in the water.

Why does the process of designating a bay cost £119 in Fife and £466 in Glasgow? I confess that the higher cost of paint in Glasgow remains a mystery worthy of Arthur C Clarke. There is clearly much to be gained from sharing good practice to secure best value.

Before I finish, I express my gratitude to all the organisations that have supported my bill. Given that I am running out of time, I will not thank them individually. I also thank the many individuals, disabled or not, who have voiced their support and flooded my constituency office with postcards.

I thank in particular the people who have helped me from the start of the process: Liz Rowlett of the Scottish Disability Equality Forum; Alistair Watson of Strathclyde partnership for transport; Jim MacLeod of Inclusion Scotland; and Euan Page of the Equality and Human Rights Commission. They have helped to shape the bill.

I thank the Local Government and Communities Committee, which gave robust scrutiny to the bill. I am not sure that I should say that I enjoyed our sessions, but I did. Of course, I also thank the non-executive bills unit, which has held my hand throughout the process—do not let go, because it is not over yet. Finally, I thank my staff and my two interns, Scott Smith and Julia Floren, who have vanished under the sea of postcards that people have sent in.

Let me draw to a close with the words of the Equality and Human Rights Commission, which wrote in evidence to the committee that the bill

“represents a straightforward, practical and cost effective means of making a real difference to the lives of disabled people across Scotland, removing a persistent barrier to disabled people's participation in society.”

In other words, this is unambiguously the right thing to do. Such opportunities are rare in politics and ought not to be missed. I hope that, come decision time, the whole chamber will unite so that we can take a small but important step in the right direction for disabled people in Scotland.

I move,

That the Parliament agrees to the general principles of the Disabled Persons' Parking Places (Scotland) Bill.

15:04

Duncan McNeil (Greenock and Inverclyde (Lab): The Disabled Persons' Parking Places

(Scotland) Bill was introduced by Jackie Baillie MSP on Monday 2 June 2008. The Local Government and Communities Committee was confirmed as the lead committee in consideration of the bill at stage 1 by vote of the Parliament on Wednesday 11 June 2008.

In all, 28 individuals and organisations responded to the committee's call for written evidence. The committee took oral evidence on the bill from witnesses at meetings in September and October 2008. Extracts from the *Official Reports* of the meetings and the associated written submissions are before members today in the committee's report. On behalf of the committee, I thank all those who willingly gave their time to give evidence and to participate in the process. I hope that I will be allowed to make a particular reference to the committee clerk, Martin Verity, who has prepared his last stage 1 report, as he will retire later this year. I am sure that all members wish him a happy and long retirement. [Applause.]

The evidence that we received showed that approximately 4.5 per cent of the Scottish population hold a blue badge parking permit, which translates into 230,000 people. As has been mentioned and I am sure will be mentioned again, the baywatch campaign in its most recent survey found that one in five parking bays is being used by drivers without a blue badge. That figure has remained depressingly constant over the years. The same survey found that more than a third of car parks have no accessible bays free for disabled shoppers because of the level of abuse. In evidence to the committee, Alex Thorburn of the Dumfries and Galloway access panel reported that his surveys of the local hospital car park regularly found that 50 per cent of accessible bays were taken up by non-badge holders. On one occasion, the figure rose to 75 per cent.

For someone with an impairment, the situation is more than an irritant and inconvenience; it represents a significant obstacle to undertaking the most mundane but important tasks, such as going to the shops, visiting the post office or attending the hospital. The need to act is outlined clearly in the evidence that the committee received. Jackie Baillie mentioned the written evidence from Leonard Cheshire Disability, which illustrated the organisation's full support for the bill. It stated:

"For too long disabled people have had to rely on the courtesy and consideration of other drivers not to 'take' their reserved parking spaces, but we have all heard and seen news stories which depict the hostility other drivers now show each other when it comes to gaining a parking space."

We also heard from Jackie Baillie about that. The submission concluded:

"Therefore the age of just relying on politeness has ended and the age of enforcement has come."

The committee, while noting that the blue badge scheme is a United Kingdom scheme and is not within the scope of the bill, nevertheless believes that a wider approach to the issue of disabled persons' parking is required and that abuse of the blue badge scheme should be tackled. That may have further benefits in tackling crime generally. The evidence that was presented to the committee confirmed that people who break the rules in one part of their life are likely to break rules in other illegal ways. Research shows that those who are careless and thoughtless enough to take up a disabled parking bay are more likely to have a criminal record and that about 50 per cent of them have a history of traffic violations. Of the cars found abusing disabled spaces, one in 10 were in an illegal condition, whether through defective tyres or outdated road tax. That being the case, enforcement of disabled parking spaces may be an efficient and cost-effective way of targeting active offenders and illegal vehicles. Consequently, the committee calls on the Scottish Government to consider how the results of the Department for Transport's review of the operation of the scheme in England can best inform policy in Scotland.

One key proposal of the bill regarding on-street disabled persons' parking places that resulted in significant responses in evidence and subsequent debate is the requirement for each local authority to conduct a one-off audit of existing disabled parking spaces within 12 months of the act coming into force. There was wide variation in the estimated scale of the task and the possible resources required, perhaps reflecting the diversity of the local authorities that gave responses. While taking into account the difficulties that local authorities have in conducting an audit of their existing advisory disabled persons' parking bays, the committee agrees that a year after the act comes into force would normally be a reasonable length of time in which to have completed that exercise. The committee is also of the view that where exceptional circumstances prevent such an exercise being completed in time, the minister should be able to approve an extension.

The bill would require local authorities to seek to negotiate enforceable parking arrangements with owners of private car parks to which the public have access. It is the committee's view that the procedures for such negotiations should not result in an undue burden on those involved. The committee believes that working in partnership could bring benefits to those companies and have a significant effect on reducing the abuse of disabled parking bays. The evidence that we heard from Asda, mentioned earlier by Jackie Baillie, gave an insight into what can be achieved.

It would be fair to say that Asda is leading the way on that front with an enforcement scheme that has increased the availability of disabled parking spaces by 60 per cent. It has achieved that by introducing part-time parking attendants who can ask motorists to move on from disabled bays if they are not eligible to use them.

Sandra White (Glasgow) (SNP): Duncan McNeil makes interesting comments about Asda. Does he agree that the similar scheme at Braehead is fantastic? The profit that it makes goes into communities in Renfrewshire. We could look at schemes such as that in future.

Duncan McNeil: I am sure that it is a commendable scheme and I have relatives who have benefited from disabled parking there. However, we did not take evidence from Braehead; we took it from Asda. I do not mean to exclude or offend anybody, but I mentioned Asda because it is in our committee report.

Although Asda takes a softly-softly approach, if people persist in offending behaviour, the wardens have the ability to issue a £60 penalty to motorists who do not comply. Just like at Braehead, Asda shares the income from penalties with local charities.

There are lessons in expense to be learned. Asda claims that the scheme costs £500 per store per year. More important, rather than being viewed as a nuisance by customers, the enforcement schemes have received a 93 per cent customer endorsement rating. I see no reason why other supermarket chains are not following Asda's example. What are they waiting for?

The committee accepts the Finance Committee's view that more accurate costs could have been provided for the bill. We also endorse that committee's view that the overall estimate of £1.7 million for promoting and implementing orders throughout Scotland is subject to significant doubt. The committee heard evidence about a wide range of costs associated with the implementation of the bill's provisions. Dundee City Council reported that it could convert 1,000 advisory bays into enforceable ones at a cost of £196,000, while South Lanarkshire, with just 100 more bays than Dundee, believed that conversion would cost £1 million. Glasgow City Council, which has 4,500 advisory bays, thinks that it will cost it £2.1 million.

The committee agrees with the member in charge of the bill that some of the higher estimates of the work and associated costs might be avoided by adopting best practice. Only a thorough examination of the probable cost of implementing the bill across local authorities could give an accurate picture. If the bill is passed, the committee expects that the Scottish Government

will, in conjunction with COSLA, negotiate the costs of implementing the bill's provisions in a way that does not place an undue burden on local authorities.

On the basis of the report before Parliament, the committee recommends that the general principles of the bill be approved.

15:14

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I congratulate Jackie Baillie on the progress that she has made with the Disabled Persons' Parking Places (Scotland) Bill to date. I am grateful for the opportunity to put forward the Government's position on the bill.

We welcome the bill, because we, like everyone who has spoken so far—and, I expect, everyone who will speak—in the debate take the issue of the abuse of disabled parking bays extremely seriously. We share Ms Baillie's commitment to helping disabled people throughout Scotland to have access to parking.

Following a request from Ms Baillie, my colleague the Cabinet Secretary for Finance and Sustainable Growth has lodged a financial resolution, which, if agreed to, will allow the bill to progress to stage 2.

Although the bill does not affect blue badge regulations, it does affect blue badge holders. It should make it easier for them to park in disabled parking spaces, as it will ensure that on-road disabled parking spaces are enforceable, which should discourage abuse of them.

Hugh Henry: I share the concerns that Jackie Baillie and Duncan McNeil raised about the abuse of the blue badge scheme. We need to take action to identify the abuse, to confiscate badges where there is abuse and to publicise the disabled parking strategy. I do not want that to be left to a UK initiative. Will the minister specify what the Government will do to tackle abuse of the blue badge scheme in Scotland?

Stewart Stevenson: At this stage, it might be helpful if I say that, although the blue badge scheme is a UK scheme, we have the powers to create the regulations that apply in Scotland. It is not our immediate intention to have a radically different regime in Scotland, but I hope that, as the bill progresses through Parliament, Hugh Henry will see that we are committed to not just talking the talk, but walking the walk.

To that end, we are working closely with the Department for Transport. Officials, along with colleagues from the Welsh Assembly and key stakeholders, will be taking part in a steering committee set up by the DFT on the

comprehensive blue badge reform strategy. I hope that that gives some early earnest of our sincerity on the matter. My officials will also ask that a representative of the Mobility and Access Committee for Scotland be invited on to the group. We hope to learn from the review, and we will co-operate to ensure that the arrangements on both sides of the border are complementary.

I note from the committee's report several references to possible minor amendments. One of those relates to the timetable for reviewing advisory spaces within each local authority. Although the committee feels that the timetable is reasonable, it suggests that, in exceptional circumstances, ministers could approve an extension. Should Ms Baillie wish to lodge an enabling amendment, it is likely to receive Government support.

I note, too, that the report clarifies that the proposed changes to the Traffic Signs Regulations and General Directions 2002 (SI 2002/3113) are reserved and, therefore, do not fall strictly within our legislative competence. However, I think that there are issues there that we can examine further.

The report comments:

"The Committee agrees that it is reasonable to expect that local authorities will be able to identify owners of private car parks".

I would be astonished if the overwhelming majority of owners of such car parks did not wish to co-operate. In any event, they have duties to discharge under the Disability Discrimination Act 1995. A regime in which there is clarity about who may use disabled parking spaces in privately owned car parks and about the steps that may be taken to ensure that those spaces are used by entitled people is in the interests of car park owners as well as disabled people.

The bill would require authorities to produce annual reports. I believe that that introduces necessary transparency.

As the financial memorandum makes clear, information is not currently being collated or is not widely publicised in a number of areas. As I have said, I share the Finance Committee's concerns about the degree of uncertainty in the financial memorandum, to which others have referred. I understand why Ms Baillie has robustly defended her estimate of £1.7 million. I recently passed on to her a copy of a paper by the Society of Chief Officers of Transportation in Scotland, which also argues that that figure is very uncertain.

Several references have been made to the discrepancy in the figures. We cannot ignore that, but the Government will provide all possible and reasonable support to the bill's promoter, who has the ultimate responsibility to ensure that

Parliament has an adequate and much firmer understanding of the cost of implementing the bill before we complete stage 3. If Ms Baillie wants specific help—we have thoughts about how we can help—I hope that she will work closely with us to ensure that we deliver for disabled people throughout Scotland.

15:21

Mary Mulligan (Linlithgow) (Lab): I am pleased to participate in the debate. I am sure that members who follow me will join me in congratulating Jackie Baillie on introducing the bill and on all the work that she has done to bring the bill to this stage. I thank her particularly for giving the Parliament a piece of legislation to deal with. Legislating is one of our central reasons for being here and sometimes I wonder why the Government is strangely reluctant to put its policies to the legislative test. However, today we are dealing with legislation, which I will discuss.

I thank all the people who contributed to the Local Government and Communities Committee's consideration of the bill by providing written and oral evidence. I joined the committee after it began taking evidence, but reading the written submissions and the *Official Reports* of meetings brought me quickly to the salient points that needed to be addressed.

Before examining specific issues, I will consider the bill's aim. As we have heard, the bill's policy memorandum tells us that

"The main policy objective of the Bill is to prevent disabled persons' parking places being occupied by those that are not entitled to use them by seeking to ensure that enforcement action can be taken."

I suspect that, after hearing that, any reasonable person might ask why we need legislation to provide what appears to be a small benefit to disabled people. However, the benefit is not small—it is critical to many disabled people's lives. From Leonard Cheshire Disability's briefing, we learn that 66 per cent of respondents to its "Disability Review 2007" survey

"said that they needed a car because of barriers to public transport linked to their impairment."

Having a car is important, but so are being able to use it and finding an accessible parking space.

The Leonard Cheshire briefing tells us that disabled people do not fully use their cars because they cannot always find an accessible parking space. Too often, that is because people who have no blue badge abuse the spaces that are made available. Jackie Baillie gave us examples, and all of us have heard people say, "I'll be only a few minutes," "My shopping was heavy," or "It was raining." It is unfortunate that such people do not realise that making life a bit easier for them makes

everyday jobs impossible for people who need those parking spaces. I must agree with Leonard Cheshire—Jackie Baillie said this, but it deserves repeating—that the age of relying on politeness has, unfortunately, ended and the age of enforcement is upon us. The policy memorandum says:

“The Bill will make all permanent disabled street parking places enforceable.”

The bill's main burdens will fall on local authorities. We should not apologise for that. I am sure that I am not the only MSP who has consistently been approached by constituents who have difficulties in accessing disabled parking places. Sometimes the problem is that a council is reluctant to designate a disabled parking place, because it knows that the disabled bay will be difficult to enforce. The bill would remove that concern.

If I have time, I will come back to enforcement, but first I will say more about the role of local authorities. The bill would require local authorities to conduct an audit of all disabled parking places in their area, to ascertain whether the places are still needed, before beginning the process of obtaining an order to make legally enforceable all the spaces that are deemed necessary. Local authorities would be able to remove spaces that are no longer needed. As the minister said, the committee agreed that it would be reasonable to expect that work to be carried out within 12 months of the bill's enactment but thought that the bill should be amended to allow ministers to oversee an extension if there was a particular reason why a local authority could not carry out the work within 12 months. That indicates the reasonableness of the committee and of the member who introduced the bill. I accept that the whole exercise would never have been high on a local authority's agenda. However, authorities should have been paying attention to disabled parking, so the issue should not be entirely new to them.

Perhaps the most contentious issue in the bill is finance, in particular the costs on local authorities. Like Jackie Baillie and the minister, I find it difficult to understand why local authorities quoted such wide variations in the cost of establishing a disabled parking bay. The oft-quoted West Dunbartonshire Council said that it would cost £12.20, whereas Fife Council said that the cost would be £119. The committee did not get to the bottom of those discrepancies, but perhaps an unintended consequence of the bill will be the sharing of good practice among local authorities, which might help councils to save money.

The bill responds to the needs of a significant number of people in Scotland. It has great support from parliamentary committees and from many

constituents—I thank Jackie Baillie for updating us on people who have contacted her about the bill. I am sure that the Parliament will agree with the conclusions in the stage 1 report and allow the bill to pass to its next stage.

15:27

David McLetchie (Edinburgh Pentlands) (Con): I commend Jackie Baillie for her sterling efforts to introduce the bill in the Parliament and for addressing an issue that is of importance and concern not just to people with disabilities, who are directly affected by the problems that she identified, but to all of us who sign up to the promotion of an inclusive Scotland and the lowering or elimination of barriers to participation in our society for all citizens.

In an ideal world the bill would not be necessary. If common courtesy, respect and sensitivity to people's needs were more prevalent in society we would not need laws to enforce disabled parking bays or spaces, and social norms and peer pressure would combine to ensure that disabled parking facilities were not abused.

There are voices that want Parliaments and Governments to legislate for and regulate every conceivable circumstance in every aspect of our lives, but such an approach is neither morally superior nor practically effective. One of this Parliament's weaknesses has been the temptation to fall into the something must be done trap and the indulgence of using legislation to send a message. I am one of those people who think that if we want to send a message we should use the Royal Mail and not waste a Parliament's time.

Accordingly, and irrespective of sentiment, we have a responsibility to judge legislative proposals entirely on their merits. In making such a judgment I always ask myself three questions. First, does the problem justify legislative intervention? Secondly, are the proposed measures likely to achieve the desired result in practice? Thirdly, is the likely cost of the measures proportionate to the benefits that they will bring?

On balance, there is justification for legislative intervention in the matter that we are considering, although not necessarily or exactly in the manner that is proposed in the bill, which could be fine tuned at a later stage.

As we heard from Jackie Baillie, there are about 230,000 blue badge holders and 96,000 wheelchair users in Scotland. We know from survey evidence and anecdotal evidence from the individuals and organisations that appeared before the committee that statutory provisions are required. Therefore, I am satisfied that the bill meets the first test of justified legislative intervention, although, in relation to specific

proposals, I am not so satisfied that all the alternatives have been properly examined.

There was an unsatisfactory evidence session with the minister and his officials at which it was put to him, in accordance with the evidence presented by several local authorities, that an alternative and more cost-effective approach to enforcement would be to amend the Traffic Signs Regulations and General Directions 2002 to allow councils to designate enforceable disabled persons' parking places in the same manner as bus stop clearways are designated. That would require legislation at United Kingdom level.

It is fair to say that the minister's desire to promote a Scotland-first solution rather got in the way of reasoned judgment, and the committee was duly grateful to Jackie Baillie and her advisers for untying his legal knots and making it clear that the matter was indeed reserved. Having finally established that, I am inclined to the view—like several councils that gave evidence—that a UK-wide reform would be preferable, but I recognise that that is not on the table and that it would be unfair to delay or defer action in Scotland indefinitely.

We then come to the issue of private car parks to which the public have access, principally those operated by supermarkets and shopping centres. We heard evidence from Asda and others about the initiatives that have been taken to use the civil law of contract to create for their car parks an enforcement regime that does not involve the statutory designation of bays in a way that would give rise to fines and penalties. Although it appeared that the legality of the rights of recovery using that mechanism has not been fully tested in the civil courts—members will be aware that in Scotland the wheel clamping of cars on private land has been ruled illegal—it is fair to say that such voluntary measures have proved effective and acceptable to customers, as Duncan McNeil pointed out. Indeed, Asda went out of its way to emphasise that it much preferred to manage parking problems with its customers without involving the civil authorities.

Although there is no compulsion on supermarkets and other car park operators to designate their bays as enforceable bays, the bill requires councils to identify all such car parks and to write to their operators at regular intervals to invite them to participate in a designation process. I thought that the evidence on the merit of that approach was equivocal. On the one hand, the importance of disabled bays at supermarkets and shopping centres was rightly stressed. On the other, Jackie Baillie sought to minimise the impact of the obligation on councils, saying that it did not amount to much—just a couple of letters every few years. I am somewhat sceptical about that. Once

we place a statutory obligation on councils, they will inevitably be under pressure to take a positive and interventionist approach that goes well beyond letter writing. I wonder whether that is an aspect of the bill for which a deferred commencement date might be appropriate, so that we can judge what further progress is made on a voluntary basis by operators such as Asda before we introduce the full panoply of the law. Therefore, on my second test, I think that the measures can be effective for on-street parking bays, but I am less convinced about provisions in relation to off-street parking.

Finally, we come to the third of my tests: is the benefit of improved access to disabled bays proportionate to the cost to the public purse? Frankly, the evidence on that question was all over the place. I am not entirely convinced by Jackie Baillie's figure of £1.7 million; equally, I am in no doubt that some councils substantially overegged the pudding in their cost estimates and, in doing so, did the argument on costs no favours at all. I hope that the matter can be resolved and that we can be given more robust figures and estimates in later stages of the bill.

We all know that public finance is about making judgments about priorities. Mr Swinney may have to say no to councils' demands for more money for the bill because it is one of the uncosted funding pressures not referred to in the historic concordat for which he will be expected to stump up. Some people think that it is more important to provide free school meals to the children of people who can well afford to feed them than to provide 230,000 disabled badge holders with proper access to parking places. No doubt we will hear more of that tomorrow. On balance, the jury is still out on costs, about which we will hear more later. However, I will vote for the bill at stage 1 and recommend that my Conservative colleagues do the same.

A number of important questions remain to be answered before the bill is finalised, but I end on a positive note by welcoming it in principle and by welcoming the steps that are being taken to address a serious problem. I hope that we will end up with a piece of legislation that will improve quality of life for many disabled people in Scotland.

15:36

Jim Tolson (Dunfermline West) (LD): I am pleased to open the debate on behalf of the Liberal Democrat group and to support the general principles of the Disabled Persons' Parking Places (Scotland) Bill. As a member of the Local Government and Communities Committee, I have had the opportunity to consider the bill in detail over the past 18 months. In fact, the committee

took evidence from Jackie Baillie at its first meeting in the Parliament's third session. The Liberal Democrats congratulate her on introducing the bill and strongly agree with its principles. However, we have great concerns about the wildly varying cost estimates and about the administrative burden of implementation.

Approximately 4.5 per cent of the Scottish population—in other words, more than 230,000 people—hold a blue badge parking permit. Disabled persons' parking places enable disabled people to carry out day-to-day activities and to maintain independence. Being able to park near their homes and facilities and services is essential for daily living and life fulfilment. Without easy access to supermarkets, libraries and health centres, disabled people can feel isolated and excluded from society.

There are no official figures on the abuse of on-street disabled persons' parking spaces, so we can only guess at the scale of the problem. Those in private car parks tend to be advisory and not legally enforceable, so availability is dependent on the courtesy and consideration of other drivers. As we heard in committee, Asda is leading the way in the private sector and is helping its disabled customers by enforcing disabled parking spaces. It was clear that Asda's customers support that action. Of course, larger organisations can enforce disabled parking spaces, but smaller organisations often lack the resources to take such action.

The aim of the bill is to make on-street and off-street disabled persons' parking places legally enforceable, which will prevent their misuse by drivers who are not entitled to use them. Currently, local authorities have the right to designate permanent advisory disabled persons' parking spaces. In the majority of cases, that has proven to be satisfactory but, unfortunately, it has failed in others.

The bill will require each local authority to conduct, within a year of its enactment, a one-off audit of existing on-street disabled persons' parking places to establish whether they are all necessary. Each local authority will also be required to identify every advisory off-street disabled persons' parking place within its area and begin to prepare designation orders. In addition, every two years, local authorities will have to make attempts to secure agreement to the creation of enforceable parking places. Those could turn out to be huge and bureaucratic tasks, particularly in the first year of implementation. Witnesses who gave evidence to the Local Government and Communities Committee had various views on that point. Disability campaign groups thought that the bureaucracy would be nil or negligible, but local authorities expressed their concerns about

the significant levels of work that would be needed to implement the bill's requirements.

Jackie Baillie: Does Jim Tolson accept that Glasgow City Council probably has the most advisory disabled parking bays and already has a database that identifies where they all are?

Jim Tolson: That may be the case, but the evidence varies widely and, in many cases, the true picture may not be ascertained until after the bill is enacted. That is not helpful at this stage of the discussion. However, wherever the truth lies, there can be no doubt that the additional administrative burden gives real cause for concern.

I am also rather concerned about what the financial consequences for each authority of implementing the bill's provisions would be at a time when finances are already severely stretched by this Government. The main costs are expected to fall on local authorities. There will be significant set-up costs in the first year, when local authorities will be required to identify all existing on-street and off-street advisory parking places for disabled people. The costs of that exercise will depend on the number of places that are identified. That will be followed by the on-going costs of meeting the bill's requirements, which include implementing designation orders and altering road markings and signage.

The total national cost of implementing designation orders for all existing advisory on-street parking places in Scotland is estimated to be £1.7 million, based on an estimated number of parking places and on an average cost of £125 per place. The sum of £125 is little different from Fife Council's figure of £119, which Jackie Baillie mentioned earlier, but both figures are way short of a £200-plus estimate that we heard at committee, so the total cost could be grossly underestimated. The Finance Committee and the Local Government and Communities Committee concluded that the total figure

"is subject to a significant degree of doubt."

Glasgow City Council's written evidence indicated that it might have

"over £2,000,000 in set up costs alone".

West Lothian Council stated that it believed that it would not be able to meet the costs from "within existing resources" and that the true costs have been significantly underestimated

"by as much as a factor of ten."

The City of Edinburgh Council suggested that

"the total ... cost of implementing Designation Orders ... estimated at £1.7 million ... could be exceeded in Edinburgh alone".

After listening to the evidence and questioning the witnesses who were brought before the committee—including Jackie Baillie—I am content that the Disabled Persons' Parking Places (Scotland) Bill is worthy of continuing on to stage 2, and I look forward to taking further evidence at committee. I assure Miss Baillie and other members that the Liberal Democrats will support her member's bill at stage 1 today.

The Deputy Presiding Officer: We now move to the open debate, in which we will have speeches of a tight six minutes.

15:42

John Wilson (Central Scotland) (SNP): In evaluating the stage 1 debate on this member's bill, it is important that I acknowledge—as other members have—Jackie Baillie's contribution in championing the key principles behind the bill. It is worth reinforcing the point, as other members have, that Jackie Baillie deserves credit for her substantial work in introducing the Disabled Persons' Parking Places (Scotland) Bill.

My role, as a member of the Local Government and Communities Committee—which I joined in September 2008—has been to examine the proposals, especially with respect to the evidence-gathering sessions. I will talk in depth later about the committee report's detailed findings. It is important that we look carefully at the reasons for introducing the bill. Anyone who has even scant knowledge of the issue knows that there has been an on-going problem with the blue badge scheme because non-badge holders abuse disabled parking places. However, as the committee report states, there are no official figures on abuse of on-street disabled persons' parking places. The blue badge scheme is all about assisting disabled people to travel independently, but the baywatch campaign found that one in five disabled parking spaces is abused by non-disabled drivers.

In evidence, supermarkets and private car park operators said that they are not opposed to the bill. As other members have mentioned, Asda has led the way by introducing a fines system for people who abuse disabled persons' bays. Far from the system being unpopular, Mr Mason of Asda highlighted in his evidence, as other members have mentioned, that 93 per cent of Asda's customers support the system of fines being extended.

The committee report details clearly that there is an on-going debate about advisory versus enforceable disabled parking bays. There is also a debate about issues around the costs of the proposed legislation. The committee notes in paragraph 87 of the report the difficulty that local authorities throughout Scotland face

“in conducting an audit of their existing advisory disabled persons' parking bays,”

but the committee

“agrees that a year after the Act comes into force should ... be a reasonable”

timeframe for “completion of this exercise.”

In our evidence-gathering sessions, we spent a considerable amount of time hearing from witnesses, which was a useful exercise in fleshing out some important points that needed to be addressed. As others have highlighted, there was much discussion on the £1.7 million cost that was identified to the Finance Committee. I assert that much more clarification of the costs is required from local authorities and the Convention of Scottish Local Authorities. It can be argued that budgets for measures that are already in place should be prioritised by having recourse to the best practice that has been established under disability discrimination legislation that is already on the statute book.

As the committee's report notes, only 21 local authorities responded to the member's consultation. Bearing in mind that there are 32 local authorities in Scotland, I do not think that that is an especially helpful response rate. Furthermore, the responses showed a significant variation in respect of the financial costs that are associated with the bill, as other members have highlighted. In paragraph 166, the committee's report states clearly that

“the overall estimate of £1.7 million ... is subject to a significant degree of doubt.”

Indeed, to my mind, the argument that was made by one local authority seemed more like a potential money-grab for funding for the anticipated one-off cost rather than an attempt to embrace service delivery for disabled people in its community.

As several witnesses stated in evidence, the bill will impact on the wider debate inside and outside Parliament. The committee's report, and research that has been conducted by other organisations, suggest that the bill will have a significant crossover with the Disability Discrimination Act 2005 and the disability equality duty, which has applied to all local authorities since it came into effect on 4 December 2006. Leonard Cheshire Disability's written submission notes that, in undertaking their functions, public bodies in Scotland are required to

“have a ‘due regard’ to promote disability equality”.

Public bodies are, under existing legislation, under a duty to encourage participation by disabled persons in public life. Given that context, the bill will help to underpin the concept of independent living in a practical sense rather than in the

abstract. The bill is not some glib and well-meaning statement of intent. The Equality and Human Rights Commission's written submission gets to the heart of the matter. It states that the bill will help by

“removing a persistent barrier to disabled people's participation in society.”

I welcome the general principles of the bill and the Local Government and Communities Committee's stage 1 report. I thank the committee members, clerks, those who provided written and oral evidence and all those who have tried to ensure that the bill makes a meaningful contribution to tackling this area of social exclusion.

In concluding, I welcome the fact that the Government is in favour of the general principles of the bill. I urge all members to assist the bill's passage through Parliament and I look forward to its becoming an act.

15:48

Patricia Ferguson (Glasgow Maryhill) (Lab): I add my thanks and congratulate Jackie Baillie both on introducing the bill and on the progress that it has made so far.

Many of us will have had a feeling of *déjà vu* when Jackie Baillie described the cases that first got her interested in the issue. Many members will have shared my experience of having constituents come to their surgeries to tell about the difficulties that they or their families have had in using disabled parking bays. Sometimes those difficulties have occurred when they have been out shopping. However, as Jackie Baillie said, often they occur when they return home and attempt to park in the advisory parking bay outside their house only to find that it is occupied by someone who has no right to be there. Therefore, the bill is indeed welcome.

I had the opportunity to discuss the bill proposal with users of the Possil and Milton Forum on Disability, which has a long name and an even longer track record of working with and enhancing the lives of disabled people in my constituency and across the north of the city of Glasgow. The meeting was well attended by people of varying ages and with a wide spectrum of disabilities. All of them were extremely supportive of Jackie Baillie's proposals and made a number of suggestions that they feel would help to make their daily lives a little bit easier as car users and people whose families help to transport them. The group supports the inclusion in the proposed legislation of private car parks, especially at supermarkets, and wonders whether there could also be guidance or legislation that would set a minimum size for such parking bays wherever they

are, so that wheelchair users could easily access their cars without having to seek assistance or to wait for another driver to depart.

In addition—perhaps in conflict with my colleague Hugh Henry—the group suggested that there should be guidance on the number of disabled parking bays that a supermarket or store is required to provide. My constituents said that although supermarket car parks often have hundreds of parking spaces, the proportion that is allocated to disabled shoppers is sometimes inadequate. They are particularly concerned about that because they feel that the more unscrupulous retailers would use implementation of the legislation as a rationale for reducing the size of the disabled parking bays that they provide so that they do not take up more space. Of course, my constituents might be wrong about that.

On a slightly more contentious note, my constituents also feel that the proposed £30 penalty for inappropriate parking is too little, and that a more appropriate fine would be £60. They suggest that the fine should increase every 21 days if it is not paid immediately, although that might be taking it too far. They agree that the money that is raised by fines that are issued by local authorities should be retained by local authorities and used to implement further work for disabled people.

My constituents identified one more issue, although it might be a matter for the Government rather than for the bill. They said that a high-visibility advertising campaign should accompany the introduction of enforcement so that, from the outset, all drivers will be aware of the new rules and of how they apply to them. My constituents also take the view that, in time, the measure would become self-policing, so the enforcement element would fall by the wayside.

As members will have gathered, my constituents gave serious consideration to the consultation and the processes that are involved in a bill. Although some of their suggestions fall outwith the bill's scope, they are a fair representation of their views.

I was interested to read about the costs and difficulties that some local authorities predict if the bill is passed. I am sure that more work will have to be done in connection with that evidence so that the bill can receive substantial and robust financial backing. I can speak only of my experience of my local authority in connection with traffic regulation orders, where the promotion of TROs—particularly for controlled parking zones—has been pursued with what can only be described as zeal. A great deal of money has been spent on consultation of the local communities, some of which have rejected the proposals outright. As I said, that was in connection with metered parking bays. That argument probably needs to be continued, and I

do not believe that using TROs for disabled parking would be any more expensive than helping to provide those of us who live in tenements in Glasgow with parking closer to our homes. I look forward to the bill's being passed, as it will improve the lives of many people, including the users of the Possil and Milton Forum on Disability, who look forward to it and to the protection that it will give them.

Another important element of the bill is the clarity that it will bring: it will mean that a common approach will be taken throughout the country, and that those who claim ignorance will no longer be able to do so. The legislation will be clear, consistent and, above all else, enforceable.

15:54

Bill Kidd (Glasgow) (SNP): I thank Jackie Baillie for introducing the bill for Parliament's consideration. I am happy to participate in the debate as an MSP, as a councillor on Glasgow City Council and as the disability reporter to the Parliament's Equal Opportunities Committee.

Legislation on disabled people's parking places is long overdue. Reliance by local authorities and other public bodies on the courtesy and consideration of non-disabled drivers not to take reserved parking spaces could be seen as a basic abrogation of their DDA duties. It should be redundant to say that disability is not a lifestyle choice. For many people, the use of a car is the only way in which they can access education and employment. For people in rural areas who do not have regular and reliable access to public transport, it is often the only way of reaching shops and ensuring continued social contact.

Therefore, abuse of disabled parking spaces by non-disabled drivers is an abuse of disabled people themselves. Such abuse is most often carried out by people who, in a non-driving situation, would be horrified to have it pointed out to them that they were behaving in a discriminatory manner. However, until everyone can be trusted not to indulge in the—shall we say—slight transgression of stopping a wee bit closer to the shops because they have a lot of bags to carry or have children with them, or because it is raining, we must protect disabled parking spaces, because there are disabled people who have all those reasons for parking closer to the shops, as well as a disability to manage.

That being the case, we must consider legislation that will protect the rights of disabled people to use designated parking facilities and which will impose penalties on those who abuse those facilities. The only way of doing that is to create enforceable bays, that are cost effective to

implement and operate. Many calls are made on local authorities' finances for delivery of a wide range of services, but their service-provision duties are to all their citizens, both those who are able bodied and those who have disabilities. It is therefore incumbent on our councils to work together to establish best practice in areas such as the one that we are debating.

The estimated costs of creating cost-effective and enforceable parking bays that are patrolled by local enforcement officers who have specific knowledge of areas where non-disabled drivers abuse such spaces should not vary as widely as they do—from £12.20, which is the figure that West Dunbartonshire Council quotes, to £400 in Glasgow. To ensure compliance with the Disability Discrimination Act 1995 and effective mainstreaming of opportunity for disabled people in the general population, our councils must actively co-operate in addressing such wildly varying quotations for the implementation of viable and enforced disabled parking bays in our cities, towns and villages.

Emphasis must be placed on councils' duty to deliver on the disability equality scheme and on their action plans to meet it. No additional administrative burdens are being imposed. Councils already have a disability equality duty, as well as a duty to demonstrate their delivery of it. There needs to be a standardisation of enforceable disabled parking bays, as the complex system of advisory bays has failed to deliver and proved to be open to abuse.

As the debate has demonstrated, there is good will on all sides to deliver a legally enforceable system. I understand that some of the costs and operational figures that have been presented might make some members balk but, in some cases, the figures are because the necessary will is lacking among the people who made the estimates.

It will be up to us to promote a legislative agenda that will result in the publicly funded bodies in question delivering on their duty to all our citizens, both those who are able bodied and those who have disabilities. We are all aware that the financial consequences of implementing the proposals have not yet been fully evaluated, but I wish to register my support for the aims of a much-needed bill.

15:59

Johann Lamont (Glasgow Pollok) (Lab): It is a privilege to participate in the debate. Like other members, I congratulate Jackie Baillie on her commitment to delivering the bill, on her tenacity, compassion and humanity and—critically—on her absolute understanding that we need to commit

ourselves not only to tackling inequality, but to spending time understanding the challenges and then working on the solutions, detail by grinding detail. We need not only to look for headlines, but to make significant headway. When it comes to the capacity to understand the issue and then address the details, Jackie Baillie has it in spades.

I also congratulate the visitors to the gallery, including the disability groups that have come to listen to the debate—a debate that has been shaped by their campaigning on the issue. Just as important, they have contributed to a greater understanding of how disability is experienced, how services for people with disabilities do not fully meet their needs and how those services should be better organised in order to meet those needs.

On a personal note, I particularly congratulate the parallel transport liaison group from Glasgow, whose representatives are here today. It is a group with a challenging name but a powerful message. It brings together users, carers and Glasgow City Council, and is supported by the voluntary organisation Fair Deal. PTLG provides a forum that liberates people who have learning disabilities to speak for themselves on the issues. When, as a fresh-faced younger MSP—not the haggard old hulk members see before them today—I was asked to chair that group, I found myself in a rigorous and refreshing place: a place where the fact that I cared was not the issue; what I could do to promote PTLG's agenda on transport issues was what mattered. However, I am troubled that in these financially difficult times, an organisation such as PTLG may have its funding cut. We must understand that addressing the needs of disability is about not just service provision, but about support for those who tell us what that service provision should be. I urge the minister, in considering the financial concordat, to reflect on that and to enter into dialogue on those softer budget areas that may become vulnerable in hard times.

The issue of disabled parking spaces seems so simple: people lack mobility and need to park close to the shop, the doctor's surgery, the hospital, their homes and so on. We create spaces for people who have disabilities and no mobility in the expectation that those who are blessed with mobility will not use them. It should be simple and for many people it is. It is a simple rule: no ifs, no buts, no maybes—people who are not disabled should not park in those spaces. I remember the bemusement and shock I felt when a member of the PTLG described to me not just being unable to get a parking space, but the hostility and harassment that they experienced when they asked to have their space back. It is not as simple as it seems.

The need for legislation exposes, at best, a lack of awareness about the challenge that faces people who lack of mobility and why disabled parking spaces are needed and, at worst, a cavalier and distressing indifference—if not hostility—to the people who are entitled to such spaces. It is as if it is perceived that people in wheelchairs have stolen a march on those who have no mobility problems. We need to reflect on what that attitude says about our society.

Although the legislation is small in the order of things, and will not do everything, it will make a significant change. We ought not to make good the enemy of excellence in dealing with the legislation. The need for it speaks of something troubling and selfish in our society. It appears that those who choose to be selfish want to rationalise and justify the legislation away by talking not about their actions but about abuse of the blue badge scheme. Of course, if there is abuse of the blue badge scheme, it impacts most on those who are disabled, so it should be dealt with. Such abuse should certainly not be a cover for people who believe that their need to park is more important than the needs of others. I look for agreement from the minister that his Administration understands its responsibility for tackling that broader and disturbing attitude to disability.

The practical steps to address inequality are not what we do when everything else is done. It is not just what we care about, but where money is spent. I accept that resources and funding decisions are critical. We need clarification from the minister on the importance of equality impact assessments of the single outcome agreements, which shape and determine local government priorities—

The Deputy Presiding Officer (Alasdair Morgan): Order. The member should address the bill that we are discussing today and relate her remarks to that bill.

Johann Lamont: I am, fundamentally, making a point about the bill—we must will the resources to deliver on our aspirations. I ask the minister to clarify whether equality impact assessments are necessary for single outcome agreements, as Mr Swinney has said, or whether they are not, as local authorities have said. With regard to our equality duties, the concordat must not—whatever approach is taken—signal deprioritisation by local government of its equality responsibilities.

Finally, the bill is testimony to those who have shaped it, but it is also testimony to this Parliament. Its being passed would confirm that it is possible for people in our communities to pose challenges, identify problems, offer solutions and demand that we act. In this small bill, we are being true to our belief that active engagement in our

communities is the real politics to which we aspire. I urge members to support the bill at 5 o'clock.

16:05

Michael Matheson (Falkirk West) (SNP): I, too, congratulate Jackie Baillie on progressing her bill so far. Any member who has pursued a member's bill will know that it is a long journey simply to reach the point of committee scrutiny, never mind a parliamentary debate at stage 1. I believe that the principles of the bill deserve to be commended, and I hope that all members will find it in themselves to support it this evening.

As other members do, I regularly receive complaints from constituents about misuse and abuse of disabled parking bays. I agree with Jackie Baillie that the issue is about quality of life. Although I have received many complaints over the years, it has been only in the past couple of years—since my mum became a blue badge holder—that I have appreciated the impact that abuse of spaces can have on a person's quality of life. She has benefited from the scheme when I have been taking her to places. The extra provisions that the bill will make for protection of disabled parking bays is extremely important.

I will raise three issues, which I hope will contribute to improving the overall provision of disabled parking bays for individuals and the specific impact that the bill will have. There appears to be a lack of logic in relation to how local authorities currently apply advisory restrictions to the use of disabled parking bays. In my constituency, Falkirk Council applies an advisory notice—in particular to on-street parking in the town centre—that applies only from Monday to Saturday. As one of my constituents put it to me, his disability lasts seven days a week, not six. Consequently, when he is shopping in the town centre on a Sunday, most of the disabled parking bays are taken up by individuals who do not qualify for a blue badge.

I am sure that members will appreciate that at this time of year, Sunday is a normal trading day in most town centres. Interestingly, Audit Scotland recently advised Falkirk Council that it should charge for its parking areas on a Sunday because it is a normal trading day. There is an issue of consistency with regard to how authorities apply advisory notices, so we need to ensure that legislation allows local authorities to deal with such matters consistently. Disability is not something that an individual has part-time, so it is reasonable to expect that disabled parking bays will not operate part-time.

The second issue is linked to the bill itself—it concerns the random approach that appears to be taken in deciding how many disabled parking bays

there should be within local authority-owned parking areas. I will give an example from my constituency. The car park in Meeks Road has 337 spaces, five of which are designated for disabled people. Close by, in Melville Street, there are 67 spaces, five of which are designated for disabled people. Clearly, the Melville Street car park has a much higher proportion of spaces for disabled people. When the matter has been pursued with the council, however, there appears to be no logic in how it decides how many disabled parking bays to provide. If we are to provide that disabled parking bays can be enforced so that they are not abused, we also need clearer guidance on how local authorities determine how many disabled parking bays should be provided in car parks.

If the legislation is to be effective, a further point needs to be addressed on which I will give an illustration from my constituency. One of my constituents qualifies for a blue badge and qualifies under the local authority's scheme to provide a designated disabled parking bay outside their house. Another constituent moves into the street who also has a blue badge and qualifies for parking under that criterion, but does not meet the council's criteria for having a disabled parking bay outside their house. Inevitably, we end up with a fight over the disabled parking bay. The council is unprepared to address the matter, and the police cannot address it because, as far as they are concerned, even though there is an advisory notice, any blue badge holder can use the space.

That problem illustrates the disjointed way in which we decide whether people can have a blue badge and whether they should be able to get a designated disabled parking bay through their local authority. Greater consistency in how local authorities address such issues will help to improve the provision of parking bays for disabled people throughout Scotland.

16:12

Charlie Gordon (Glasgow Cathcart) (Lab): I support the general principles of the Disabled Persons' Parking Places (Scotland) Bill and I congratulate Jackie Baillie on introducing it. I am glad that the Scottish Government supports the bill's general principles. I commend the lead committee and the two other parliamentary committees for their scrutiny of the bill thus far.

When I read the evidence that was considered in committee, I was struck by several aspects. First, Glasgow City Council stated in evidence that it receives only about 100 complaints a year from disabled drivers about abuse of advisory disabled parking bays by able-bodied drivers. I find that figure surprisingly low, given that I have received such complaints regularly in my three years as an

MSP and my 18 years as a councillor in Glasgow. Perhaps the number of complaints is low not due to a low incidence of abuse of bays but because injured parties see no point in complaining, given the absence of enforcement.

The quantity of complaints from disabled drivers about the abuse of advisory bays by non-disabled drivers is one thing, but the quality of such cases can be distressing. One of a number of my constituents who await the enactment of the bill is a single parent of two severely disabled children. Her neighbours constantly park in her advisory bay, often leaving her to park several hundred yards away. I will not tell members my opinion of that family's neighbours because I do not want to resort to unparliamentary language, but the case raises another point that requires clarification as the bill proceeds. The single mother is not a blue badge holder. Glasgow City Council's social work department approved her request for an advisory bay due to her children's disabilities, and rightly so. I hope that the bill will accommodate the retention of such local discretion.

The main message is that, because so many of our fellow citizens are so selfish about advisory and indeed mandatory disabled parking bays, the age of enforcement has come.

I turn to the implementation costs that councils will face. I read Glasgow City Council's evidence on the matter and, given my personal experience, I am not surprised by its estimate of the cost of implementing the bill in the first year, which is £2.1 million. Even if that supposedly high figure is prorated across Scotland, in which case councils' set-up costs for implementing the bill might come to about £5 million, that would be a price well worth paying. In any case, a large proportion of the costs—principally set-up costs—could be non-recurring after the first year and could be capitalised to a great degree.

To be fair, Glasgow City Council supports the general principles of the bill. As David McLetchie mentioned, some councils—including Glasgow City Council—suggested a cheaper and easier way of achieving some of the bill's requirements, albeit with the use of reserved legislation. However, we should not be doctrinaire about how best to right long-standing wrongs.

I hope that Parliament approves the general principles of the bill tonight and that we subsequently use the remaining parliamentary processes associated with the bill as an opportunity to forge it into a genuine force for social justice.

16:16

Bob Doris (Glasgow) (SNP): For me, the bill is about ensuring that everyone in Scottish society is

treated with the same respect and dignity, no matter who they are. If a person found it more difficult to access or leave their home, to use local facilities, to visit local shops or to go and see their friends simply because of the colour of their skin, their sex or their religion, the Parliament would rightly be outraged. We should not stand for it. It should be no different for people with mobility issues, and the bill addresses equality of access for those in our society who are disabled. For that reason, I will support the Disabled Persons' Parking Places (Scotland) Bill later this afternoon. I commend Jackie Baillie for the bill.

My comments are based on my experience as a member of the Local Government and Communities Committee, which took evidence on Jackie Baillie's bill. On the cost of the obligations that will be placed on local authorities should the bill be passed, the financial memorandum says that £1.7 million is required to implement designation orders on existing disabled bays throughout Scotland. However, as we have heard, Glasgow City Council estimates that around £2 million will be required in set-up costs alone, with £2.1 million required to repaint its 4,500 advisory bays. I am not sure where Glasgow City Council is getting its paint from, but the figure suggests that it does not exactly drive the best deal for my constituents and hard-pressed council tax payers. Perhaps the paint is purchased from the home decoration department of Harrods—along with some gold-handled paint-brushes—or perhaps the costs have simply been inflated. John Wilson made some pointed remarks about that, with which I associate myself.

If the bill is to progress, it is vital that we get some more robust figures from local authorities, so that the obligations that are placed on them can be properly costed and planned for. As is noted in the committee's report, Euan Page of the Equality and Human Rights Commission stated:

"there should be no additional administrative burdens on local authorities as a result of the Bill, because this should be part of their ongoing work under the Disability Equality Duty."

If authorities have not been doing that work, why not? If legislation is needed, it is because it is time for legislation.

On enforcement, I too will mention Asda—we have heard a few people mention Asda today; I promise that none of us is sponsored by it. It gave us evidence on how it enforces disabled parking bays in its car parks. Asda works with Town and City Parking and adopts a light-touch approach to enforcement, as we heard from my committee convener, Duncan McNeil. It is important to note that, for Asda, light touch does not mean soft touch. With a small team of wardens moving between stores, basing themselves where they

believe the biggest problems are, Asda has achieved a dramatic effect in freeing up disabled spaces, as we have heard. For Asda, a light touch means changing the attitudes of customers, rather than unduly charging them. By asking drivers to move on, Asda has changed attitudes without alienating its customers. Where necessary, it also issues fines.

After Asda gave evidence to the committee, I took the opportunity to meet Asda and Town and City Parking at one of Asda's Glasgow stores. I saw a system that was operating very well. In the first 10 months of 2008, Asda fined a total of 185 motorists among its five Glasgow stores. That model may be a template for the owners of other private car parks in responding to the new obligations that the bill will place on local authorities to contact the owners of private car parks with a view to enforcing disabled bays.

On on-street parking and enforcement, it is important to ensure that people know that the bill will not mean that there is a police officer or warden lurking around every corner. However, it should be easier to enforce the legislation in town centres and on high streets, if that is appropriate, given the likelihood that police officers and wardens will be present anyway. When the legislation is abused, I expect it to be routinely enforced and fines levied.

The situation is more difficult in remote and rural areas. It is also unrealistic to expect there to be a warden or a police officer lurking around every corner if a bay is abused on housing estates and schemes throughout Scotland. Therefore, it is important that the general thrust of the legislation is about not only access and equality for disabled individuals but changing people's attitudes and behaviour.

We need more idea of the guidance that will be given to those who will enforce the disabled parking scheme. For example, in local communities, might a sensible way ahead be for a community warden to chap at the door of someone who parks in a disabled bay, to warn them that they could be fined in future, rather than levying a fine there and then? We must ensure that light-touch enforcement is used when that is appropriate and that firm enforcement is used when that is appropriate. We must get the balance right.

I would like to hear more about what guidance will be issued but, all in all, I am happy to agree to the general principles of the bill.

16:22

Hugh O'Donnell (Central Scotland) (LD): As I expected, the debate has produced a great deal of consensus among all the parties and the members

who have spoken. I, too, congratulate Jackie Baillie on introducing the bill.

We all have anecdotal tales from our constituencies and regions of the serious inconvenience that the problem has caused constituents. Duncan McNeil commented on the selfishness that exists in our society. Some of that is based on people thinking that someone is not disabled unless they can see a disability. When, despite the presence of a blue badge, apparently able-bodied people are seen using disabled parking spaces, it is assumed that they are misusing the service—I have seen that happen, in particular to my own late parents. We need to find a way of changing our attitudes towards what constitutes "disabled". For the most part, it is our society that disables people. People may be differently abled, but what causes major problems is the way in which our society is structured.

To return specifically to the bill, the variable cost issue, which several members have mentioned, reminds me of an incident in my own region when an individual with a parking bay outside their house who asked for it to be repainted was offered the paint to do it themselves, because the council had neither the time nor the enthusiasm to provide someone to do it. It is not clear what the councils are doing. Bob Doris made some telling remarks about the cost of paint—it is clear that B&Q is not a popular destination for Glasgow City Council.

Patricia Ferguson referred to vehicle sizes. Many privately owned car parks have wider spaces, but many of them do not take into account the fact that, often, the people using them are not transferring from their wheelchair to a car; they are in a wheelchair and have another driver. It is common for vehicles with drop-down tails to be boxed in by inconsiderate able-bodied drivers, to the extent that people cannot get back into their vehicle. We need consistency in the size of spaces. There should be an obligatory standard size—I include in that width and length—because the sizes of bays cause major problems. In fact, not far away from Ms Ferguson's constituency office, considerable problems have been caused—I speak from personal knowledge.

I am pleased that, in general, the minister supports the bill. We need to clarify the costs. Many members spoke in support of Asda's approach, which is good, although we would be naive if we did not consider a couple of related issues. Many private car parks now place restrictions on the length of time for which people can use parking places and use the law of contract to which Mr McLetchie referred as a mechanism for levering money out of people. People who are physically disabled may take longer to do their shopping in such environments, whether or not they have support. For example, it may take

longer to get to the individual stores in shopping centres. We must be careful not to put pressure on disabled people. Even though they use a designated space, they could be fined for running over their time. That is a complex issue to do with access to facilities for disabled people. I do not know whether it fits with the general provisions of Jackie Baillie's bill, but it must be addressed.

As my colleague Jim Tolson rightly pointed out, the Liberal Democrats fully support the general principles of the bill, although we have concerns about the variability in the financial estimates. I will not take up any more of the Parliament's time reiterating points that other members have made. The issue has been well discussed and many good points have been raised. I congratulate Jackie Baillie again. We will support the bill at decision time.

16:27

Alex Johnstone (North East Scotland) (Con):

I congratulate Jackie Baillie on introducing any kind of legislation. As her colleague Mary Mulligan mentioned, we have had a legislation-light session of Parliament. I am sure that some new members have been here for 18 months and are not entirely familiar with the bill process. I thank Jackie Baillie for making progress on that, at least. However, I qualify that statement by suggesting to the Government that returning to the approach that the Labour Party took in the first two sessions might be a slight overreaction.

I welcome the bill. As I am not a member of the Local Government and Communities Committee and did not go through the evidence until I read the committee's report, I have been informed by today's debate. One of the more interesting figures that we have heard is that 4.5 per cent of the population of Scotland hold a blue badge. That figure is much higher than I expected it to be—it means that all of us will know someone who has a blue badge and many of us will be related to someone who has one. The issue touches us all in many ways.

Some time ago, my mother, who is now a blue badge holder, found out a bit about the misuse of parking restrictions when she and my daughter went shopping—as it happens, at an Asda store. They used a mother-and-child parking space, and my mother was horrified because my daughter was driving the car. That indicates that we have a problem with getting some younger members of society to take such restrictions seriously.

An early part of the debate centred on the abuse of disabled parking spaces and why legislation has become necessary. I was interested in Jackie Baillie's story about a young man driving a red BMW, and equally interested in Hugh Henry's

speed in jumping in to intervene, which made me wonder whether he owns a red BMW too. However, he made a sensible point. Perhaps there are too many disabled spaces in some modern supermarket car parks. A problem may exist if that causes people to take a blasé approach and abuse such spaces. I do not support Hugh Henry's position, but there is an issue that should be addressed.

Duncan McNeil's extremely well-researched speech has been the most informative and interesting in the debate. He spoke about the problem of the obvious abuse of disabled parking spaces and used a phrase that will stick in my memory and which has already been repeated: he said that the age of courtesy or politeness is over and that the age of enforcement has begun.

The Conservatives firmly believe that the bill is necessary. Of course, we are the party that habitually believes that legislation should not be the first port of call and should not be used unnecessarily to force people to behave in a particular way. However, we have had disabled parking spaces and blue badges that show that a person is entitled to use a disabled parking space for a long time. The experiment has now run its course; the time for legislation has come.

I was interested in Duncan McNeil's suggestion that evidence that has been presented may show that those who abuse disabled parking spaces are more likely to offend in other ways. That indicates to me that we have a broader problem in Scotland. The failure to enforce what we may see as relatively trivial legislation simply encourages people to take a poor attitude towards observing the law at any level, which does not serve our society at all. For that reason, I support what has been proposed.

David McLetchie set out the Conservatives' position and his three tests. His first test was whether the problem justifies legislative intervention. What I have said so far indicates that we believe that legislation is appropriate. However, he qualified what he said by saying that amendments to the bill may be necessary to ensure that things are dealt with in an appropriate way.

David McLetchie's second test was whether the proposals are likely to achieve the desired practical result. He showed that there are alternative ways of achieving such aims, including going down the route of United Kingdom-wide legislation. However, as we have heard, the only opportunity to introduce legislation through the Scottish Parliament may be the course that has been taken so far. For that reason, I am willing to support the route that is being taken.

The final test is the cost of the proposed remedy. We must consider the costs in detail, as they are a problem. Several members have discussed the wide range of estimated costs to local authorities. There is an expectation that something to deal with the abuse of disabled parking spaces can be achieved legislatively at a reasonable cost throughout Scotland, but a problem must be addressed, as different local authorities have come up with wildly differing cost estimates. As the bill progresses towards stages 2 and 3, the Conservatives will need to have a much clearer view of what the costs will be. We look forward to those costs being discussed in another forum.

In conclusion, the Conservatives accept that the bill is justified and so will agree to its general principles at 5 o'clock.

16:34

Mary Mulligan: As expected, the debate has been well informed. Members have emphasised why we need to pass the bill, the uncertainty in our discussions about finances, what the bill will do, and, of course, what it will not do. I will return to the uncertainty about finances.

I refer back to the issue of enforcement. It is clear that although many local authorities have been happy to establish disabled parking bays—both on-street and off-street—it has been impossible to enforce them without having recourse to a penalty. The bill provides for that enforcement. That is the right and logical thing to do, given that we have seen clearly the abuse of parking spaces that has occurred because there has been no enforcement. However, I am sure that there will need to be further discussion of Patricia Ferguson's point that, as her constituents commented, perhaps a £30 fine is not sufficient penalty. Perhaps we will return to that point.

The debate covered private car park owners being encouraged to designate and enforce disabled parking places. The committee heard from Graeme Taylor of National Car Parks Ltd that NCP supports the principles of the bill 100 per cent. The committee also heard from Asda about its good practice in relation to enforcement, to which other members have referred. Any suggestion that the bill is failing because it does not include private parking facilities has clearly been rebuffed by that evidence. It is to be hoped that others will follow that good practice, if only because it will benefit their business. Disabled drivers make up a proportion of their custom and, like everyone else, they will go to the businesses that best provide for their needs; that includes the provision of disabled parking places.

I return to the issue of finance. As expected, many members have said that it was difficult to get a handle on exactly how much the bill would cost, because of the differences in the submissions from local authorities throughout Scotland. Without wishing to appear profligate—excuse my pronunciation of that; I knew that I should not attempt to say it, but members know what I mean—I must agree with Charlie Gordon that the bill is the right piece of legislation and we should support it whatever it costs us. It will not be an enormous amount and it will be worth every penny that we spend.

David McLetchie asked whether it would have been better if the measures in the bill had been part of UK legislation. I suspect that, on this occasion, I will agree with him. That probably would have been better, but there is no opportunity for us to take forward the measures as part of UK legislation. I do not think that people in Scotland would forgive us if we were to miss the opportunity to pass a piece of legislation that can make a difference to their lives. I appreciate that David McLetchie has agreed, too, that we should go our own way on this occasion and proceed with the bill.

Patricia Ferguson made the telling point that it is all very well for us to debate the bill and go through the various stages, but without the necessary publicity to ensure that people in our communities know what we are doing, the bill will not be worth the paper that it is written on. I ask the minister and the member in charge of the bill to say in their winding-up speeches how they envisage that message being taken out to communities throughout Scotland to ensure that people know that enforcement is possible and that there will be retribution should they park in spaces in which they are not entitled to park. It is important that we make that as clear as possible to as many people as possible.

A number of members stressed the need to standardise the approach to disabled parking bays. Bill Kidd and Michael Matheson said that there is inconsistency in the way in which local authorities have identified parking bays and sought to ensure that they are reserved. One of the advantages of the bill is that it should bring about standardisation, so that, no matter where people are in Scotland, it will be easy for them to understand the regulations before them.

Jim Tolson mentioned the administrative burden on local authorities, which we should not dismiss. We should recognise that, given the disability equality duty, there is already an onus on local authorities, so part of the administrative burden should, if anything, be reduced. The Equality and Human Rights Commission provided information to members about the requirements that the

disability equality duty places on local authorities, which include several steps to ensure that opportunities are made available to people with disabilities. The bill sits nicely alongside the duties that local authorities already have.

No one has spoken against the bill today. Across the parties, we have recognised the bill's moral substance. Even our legislative sceptic, Mr McLetchie, acknowledges that we need legislation to enforce the obligation. Given that, I am safe to say that the bill will pass stage 1. I look forward to reflecting on all the issues that members have raised in this constructive debate as the Local Government and Communities Committee considers the bill further at stage 2.

16:41

Stewart Stevenson: The debate started with exactly the right tone: Jackie Baillie related her bill to the interests not of parliamentarians, but of disabled constituents, who led her to intervene by introducing the bill. She referred provocatively to big flash cars. If only big flash cars committed the offence that we wish to eliminate, we would be on our way. We could just persuade our colleagues at Westminster—the consensus among the parties on my left and my right is clear about seeking support there—and ban all big flash cars. As the minister with responsibility for climate change, I might have something to say about that another time. That homes in on the point that the bill is not dry; it is about the lives of people—as we heard, 4.5 per cent of people in our population have a blue badge. I guess that, as our population is likely to age, that proportion will increase rather than decrease. The bill raises an important matter for Parliament and for legislation.

Every member who participated said something relevant and interesting. One or two comments might have stretched the debate's boundaries, but that will not prevent me and the Government from noting them in other places and considering appropriate responses beyond what the bill requires.

Hugh Henry did not receive universal support for what he said, but we might think about the number of disabled parking places that should be available as a proportion of places at an appropriate time.

Various members quoted the statement in the committee's report that politeness needs to be replaced by enforcement. It is a great sorrow to wrinklies such as me that politeness has been replaced by ill manners and unpreparedness among too many people in our society to acknowledge others' needs.

Johann Lamont was correct to challenge the minister but, in reality, she challenged us all to say that we are determined to deal with disability

issues. All levels of government of all political persuasions are committed to engaging on such matters and to addressing the needs of people with disabilities.

David McLetchie made the familiar point—it is familiar to me because I, too, have made it from time to time—that legislation ain't always the answer. It is more important to make changes in the operation of society and less the case that changing laws in itself delivers such changes. The two aspects must go hand in hand when appropriate, but the test is whether we change the experience of the relevant people.

The ever-festive Michael Matheson made an interesting point, which was timely and relevant in the context of the upcoming Christmas season, when he talked about the six-day bays in Falkirk. He drew well on the experience of his constituents. I think that Mary Mulligan talked about inconsistency throughout Scotland; the example from Falkirk Council perhaps demonstrates an incoherent rather than an inconsistent approach. Perhaps I have not heard the whole story; there might be more to it than we heard in the debate.

Charlie Gordon made an interesting point about youngsters with particular needs who have able-bodied parents. There is something quite important in what he said; I cannot pretend to understand fully how the blue badge scheme works in that regard, but I will take the matter away and think about it.

A number of members said that people who abuse disabled parking bays are more likely to be criminals. In that context, I was particularly interested in Alex Johnstone's speech and I hope that his sister is not of that character—if I understood him correctly, he was talking about his mother's daughter—

Alex Johnstone: No, my daughter.

Stewart Stevenson: In any event, Alex Johnstone will be answerable for his remarks to a higher authority—a woman.

I reiterate the Government's warm welcome for the initiative, and to all members who spoke in the debate I give thanks. Some technical issues remain to be considered. For example, under section 4, disabled parking places in, for example, shopping streets that are not necessarily adjacent to a blue badge holder's location might have to be removed. If that would be an effect of the bill, we should perhaps consider the issue. Of course, regardless of the bill, local authorities will continue to have powers under section 45 of the Road Traffic Regulation Act 1984 to designate parking places. However, I hope that the review of existing discretionary parking spaces would not lead to local authorities failing to promote orders for such

places. One or two wee questions need to be considered at stages 2 and 3—I have given one example.

We heard that there is a high cost per bay in Glasgow, which seemed counterintuitive, because we would expect that in an area where there was greater density of bays the amount of walking—to put it crudely—that the man or woman who inspected the bays needed to do would be less than would be the case in, for example, Aberdeenshire, where I live, which is one of the most rural areas of Scotland. However, sometimes intuition does not work. It might be that the estimated costs are high because it is thought that it will be necessary to make a single order for every space. That will probably not be the case. I hope that there will be a good exchange of best practice between councils, to ensure that we secure not only a more robust understanding of the costs but costs that are much more acceptable to us.

Hugh O'Donnell made me think about the word "disability". The debate is not about disability. Rather than focusing on that rather negative word, we are talking about enabling people and restoring abilities through positive action; given the opportunity to do that, it would be grotesque and unfair if we were to deny an ability to someone who is capable of benefiting from our making access to it possible. I wish the member good speed.

16:49

Jackie Baillie: I start by thanking all members for their contributions to the debate and for their kind comments.

The issue has been one not just for me but for several members before me. I recall Duncan McNeil holding a members' business debate on baywatch—the campaign and not the television programme, I hasten to add, although we were slightly confused for a few minutes when he announced it. I also recall the Equal Opportunities Committee inquiry in 2006 into disability and transport, education and lifelong learning. We have done the work together as a Parliament, rather than it being just about me.

I will try to pick up on all of the points in the debate, although I apologise in advance if I do not manage to cover them all. I am happy to talk to members in the days and weeks to come.

I associate myself entirely with Johann Lamont's remarks about why we should pass the bill and, in particular, on the funding of organisations such as Fair Deal. They have campaigned long and hard for the rights of disabled people, not just in a philosophical way but in a practical way that has

made a real difference to them. It would be a shame if their funding was threatened.

Let me proceed to the substantive points that members have made. Duncan McNeil, John Wilson and several others mentioned the blue badge scheme. I am pleased to note that the UK Government has announced an overhaul of the scheme in England. Measures include the immediate confiscation of misused badges, a £10 million data-sharing system to crack down on badges that have been stolen or forged, and the use of new technologies, such as barcodes, from which I believe we could learn.

However, we should not conflate the two issues of the blue badge scheme and the abuse of disabled parking. Rather than attempt to explain that myself, I will quote directly from the evidence to the committee of the Equality and Human Rights Commission:

"We must make a clear policy distinction between the issue of tightening up the blue badge scheme to make it less open to fraud and misuse and dealing with people who persistently make fraudulent use of blue badges, and the issue of people's choices about how and where they live their lives being curtailed because the number of designated parking spaces is inadequate."—[*Official Report, Local Government and Communities Committee, 2 September 2008; c 1068.*]

I recognise that there is abuse of the blue badge scheme, and members throughout the chamber will welcome the minister's comments about working alongside the UK Government to ensure that we crack down on that abuse in Scotland.

I thank the minister for the Government's support. Regrettably, the bill does not ban big, flash cars. The minister may want to consider amending the bill at stage 2 to do that, but the bill currently unites the chamber and I would not want him to upset the nice balance that we have achieved.

A couple of aspects of the paper from the Society of Chief Officers of Transportation in Scotland suggest to me that the paper is perhaps not as robust as we need. I will deal with cost and—if I dare—I will start with the painting of lines. For Perth and Kinross Council, that costs about £30, compared with Glasgow City Council, which gave evidence to the committee that it costs £66 to paint lines. That figure has now risen to £87 per bay in the SCOTS paper—I offer to procure paint for local authorities as they are clearly being overcharged.

Equally, the paper makes no mention of income. We know that enforcement in decriminalised areas generates a surplus, so we need to treat the latest piece of information with the critical capacity that members have. It would be easy for me as an Opposition member to tell the Government to give councils a blank cheque, but I think that it is

incumbent on the Parliament to secure value for money, so we should be critical in our approach.

Like David McLetchie, I believe that councils should take a positive approach to encouraging private car park owners, but contacting the owners by letter is our minimum expectation. I take as a compliment the fact that the minister believes that I alone can negotiate with COSLA on the Government's behalf. However, the Scottish Government is the paymaster and has thousands of civil servants who are much more skilled than I am, so I respectfully suggest that it take the lead, as the committee recommended. I am more than happy to work with it to ensure that we drive down the figures so that they are more robust.

Stewart Stevenson: We will not differ on where we are going, but the division of responsibility is clear. As the promoter of the bill, Jackie Baillie is ultimately responsible for the financial memorandum but, of course, we will provide as much support as we reasonably can because we are on the same side.

Jackie Baillie: I have no doubt that we are on the same side but, as I said, I take it as a compliment that the minister thinks that I am more able to negotiate with COSLA than the entire Scottish Government and all its civil servants. I do not want us to divide on that, but it merits further discussion on how to move forward.

I will stick with costs for a moment, because many members raised that issue. The example from Fife is not imaginary; it is a real cost of £119. Fife Council subsequently confirmed it again. Therefore, members must ask themselves why there is such a disparity. If Fife Council can create a disabled parking space for £119, we need to understand why other local authorities cannot. David McLetchie gently suggested that some were perhaps overegging the pudding. I ask members to remember the claim that it would take two men in Highland Council 12 years to identify their 400-odd bays as opposed to two men in Glasgow one year to do 4,500. The Parliament needs to examine carefully what it is being told.

Patricia Ferguson mentioned the size of bays. When they become enforceable, bays will be subject to minimum standards, which is a helpful consequence of the bill.

On fines, we are using the existing enforcement regime, which is a matter for the local authorities and courts. In the main, fines are £60 but reduce to £30 if paid within two weeks. It is worth pointing out that, under the legislation that provides for those fines, the courts can apply penalties of up to £1,000.

Mary Mulligan and Patricia Ferguson discussed awareness. I agree with them on that and I hope that the Government will run a public information

campaign, as it does for many other issues. I am happy to discuss with the minister how best we do that.

I will reflect on Michael Matheson's comments about consistency of approach. He is right about that. He will be pleased to know that the bill will deal with Falkirk Council's restrictions on advisory bays and that regulations will apply at all times.

I was going to say that I was conscious of time, but I have more time, so I will keep going.

The Presiding Officer (Alex Fergusson): You do not have much.

Jackie Baillie: Thank you, Presiding Officer.

Michael Matheson highlighted two constituents of his who are both blue badge holders but only one of whom is getting a disabled bay. I know from casework that that happens elsewhere and am keen to promote consistency, so I would be happy to discuss the matter with him.

Bob Doris raised the expectation that there will be reactive enforcement in residential areas but rightly pointed out that there would be proactive enforcement in public areas.

I thank the non-Executive bills unit, which does a lot of work behind the scenes that helps members' bills get this far. I also thank all the organisations that helped to shape the bill but that I did not have time to mention earlier: Inclusion Scotland, Leonard Cheshire Disability, Fair Deal, the Profound and Multiple Impairment Service, COSLA, various councils, including West Dunbartonshire, which have shaped much of my thinking, Asda, the Braehead shopping centre, National Car Parks and many more besides.

The bill is a simple measure with the potential to make a huge difference to the lives of disabled people. I hope that, tonight, the Parliament will take an important step forward for disabled people in Scotland by agreeing to the general principles of the bill.

Disabled Persons' Parking Places (Scotland) Bill: Financial Resolution

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-2950, in the name of John Swinney, on the financial resolution to the Disabled Persons' Parking Places (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Disabled Persons' Parking Places (Scotland) Bill, agrees to any increase in expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—[*Stewart Stevenson.*]

The Presiding Officer: The question on the motion will be put at decision time.

Business Motions

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-2960, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 3 December 2008

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Debate:
Scottish Government's Response to
the Pre-Budget Report

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 4 December 2008

9.15 am Parliamentary Bureau Motions

followed by Scottish Conservative and Unionist
Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time Health and
Wellbeing

2.55 pm Ministerial Statement: Report into
Child Protection Services in
Aberdeen

followed by Scottish Government Debate:
Forced Marriages

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 10 December 2008

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Standards, Procedures and Public
Appointments Committee Debate:
1st Report 2008: Elections to the
Scottish Parliamentary Corporate
Body

followed by Standards, Procedures and Public
Appointments Committee Debate:
8th Report 2008: Audit Committee -
Title and Remit

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Thursday 11 December 2008
 9.15 am Parliamentary Bureau Motions
followed by Scottish Government Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time Justice and
 Law Officers; Rural Affairs and the
 Environment
 2.55 pm Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business—[Bruce
 Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-2959, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 2 of the Scottish Parliamentary Pensions Bill.

Motion moved,

That the Parliament agrees that consideration of the Scottish Parliamentary Pensions Bill at Stage 2 be completed by 19 December 2008.—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-2961, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on suspension of standing orders.

Motion moved,

That the Parliament agrees that, for the purpose of allowing up to 30 minutes to debate motion S3M-2958 on Thursday 27 November 2008, the second and third sentences of Rule 10.6.5 of Standing Orders be suspended.—[Bruce Crawford.]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:00

The Presiding Officer (Alex Fergusson): There are three questions to be put as a result of today's business. The first question is, that motion S3M-2691, in the name of Jackie Baillie, on the Disabled Persons' Parking Places (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Disabled Persons' Parking Places (Scotland) Bill.

The Presiding Officer: The second question is, that motion S3M-2950, in the name of John Swinney, on the financial resolution to the Disabled Persons' Parking Places (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Disabled Persons' Parking Places (Scotland) Bill, agrees to any increase in expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The final question is, that motion S3M-2961, in the name of Bruce Crawford, on suspension of standing orders, be agreed to.

Motion agreed to.

That the Parliament agrees that, for the purpose of allowing up to 30 minutes to debate motion S3M-2958 on Thursday 27 November 2008, the second and third sentences of Rule 10.6.5 of Standing Orders be suspended.

Sailing and Boating

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-2472, in the name of Stuart McMillan, on sailing and boating continues to expand and contribute to the Scottish economy. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges that sailing and boating continues to expand as an industry bringing substantial benefits to the economy and offering people jobs; notes that there are some 250,000 yachts in the United Kingdom, of which 15,000 are currently berthed in Scotland and that, of these, approximately 5,000 are based on the River Clyde, with 3,000 in marinas and 2,000 on moorings in the Clyde; further notes that the leisure marine industry turnover in Scotland is £98.9 million per annum, that the industry employs 1,816 full-time equivalents in Scotland and supports 7,900 jobs and that the economic benefit of recreational boating in Scotland is estimated to be in excess of £250 million; acknowledges that further marina development is scheduled throughout Scotland with proposals for marinas in Greenock that would further enhance the reputation of sailing on the west coast; congratulates everyone connected with recreational sailing and boating for this economic success, and looks forward to even more economic delivery in the future.

17:03

Stuart McMillan (West of Scotland) (SNP): I thank the members who signed my motion and all the members in the chamber this evening. I welcome members of sail Clyde and representatives of the sailing community from the west and other parts of Scotland to the public gallery and the first ever debate on sailing, boating and the marine leisure industry in Scotland in the Scottish Parliament. I hope that this debate will, first, be a starting point for recognising the importance of the marine leisure industry and what it brings to Scotland's economy, and secondly, highlight the growth potential that can have a positive impact on the Scottish economy. It is apt that the debate is taking place on the same day as the annual general meetings of Sail Scotland and the British Marine Federation in Edinburgh. The parliamentary business managers deserve a wee bit of credit for perfect scheduling.

First, I have to hold my hands up and state that I do not have a sailing background and do not own a boat. I went sailing twice years ago and went river canoeing some years ago as well. I did both at the Ardentenny outdoor education centre, and I thoroughly enjoyed the experience, but my hobby as a youngster was bagpiping, so that took priority. It could therefore be asked why I have taken an interest in the marine leisure industry. As a west of Scotland MSP who has spent most of his life in Inverclyde, I see the Clyde every day. I know

that it is still a working river as well as a river for leisure. Each year, when the sailing regatta takes place off the esplanade in Greenock, the river is a wonderful sight.

Only recently, the river was once again a sea of colour and splendour, when the Queen Elizabeth II left its birthplace and spiritual home for the last time. It was a delight to see so many yachts, boats, canoes, dinghies and jet-skis on the river throughout the afternoon to have one last look at the pride of the Clyde. Not everyone who attended on that day would have come from Inverclyde, so the increase in tourism to Greenock would have been advantageous. With tourists come money, which helps local economies. The QE II event was not a typical event by any means, but such one-off events have a place as economic generators for local areas. As the leisure marine industry continues to expand throughout Scotland, such events will make huge contributions to local economies.

As the motion states, Scotland's leisure marine industry has a turnover of £98.9 million a year. Furthermore, the economic benefit of recreational boating in Scotland is estimated to be in excess of £250 million. As we heard only a few months ago, when the Parliament considered the Scottish Register of Tartans Bill—which is now an act—golf brings in some £300 million to the Scottish economy. Quite rightly, golf is considered to be a major economic player for Scotland. The sailing, boating and leisure marine industry is not too far behind golf, but the industry's contribution to Scotland's economy has not been recognised. The industry's representatives will be the first to admit that they may not have stated their case in the past, but that will surely change in future.

Prior to the summer recess, I was introduced to Mike Balmforth from the British Marine Federation. During the recess, he took me to visit the Kip marina in Inverkip, Largs yacht haven, Fairlie quay and Ardrossan marina. Only a few weeks later, I took part in the launch of the sail Clyde strategy document at Largs yacht haven. Only last week, I attended the official opening of the new, impressive Euroyachts showroom at Largs yacht haven. My Scottish National Party colleague Kenneth Gibson, who is the constituency MSP, did the honours in officially opening the showroom, so I will not say too much about that event in case he wants to speak about it in his speech.

I have learned a great deal about boating, sailing and the leisure marine industry in recent months, but one key point that has stuck in my mind is that one does not need to be a millionaire to take part. Yes, yachts worth hundreds of thousands of pounds are available for sale, but the leisure marine industry caters for more than that category of person. Someone with a canoe,

people on a barging holiday or a person with a rowing-boat can also be involved.

Scotland has 11,800km of coastline—13,115km if all the islands are included—as well as 220km of canal network originally built between 1768 and 1822, so there is plenty of space for anyone who wants to participate in the leisure marine industry. Another interesting fact that I remembered while preparing for today is that Ellen McArthur, who broke the world record for the fastest solo circumnavigation of the globe in 2005, came from land-locked Derbyshire. That proves that one does not need to live beside the water to get involved in water pursuits.

As the motion highlights, the leisure marine industry employs 1,816 full-time equivalent staff and provides some 7,900 jobs indirectly. By any industry's standards, that is impressive. I am sure that many people outwith the Parliament are not aware of those important statistics.

As well as providing economic benefit to Scotland, leisure marine activities benefit local communities. Members will have received information highlighting the activities of leisure marine organisations throughout the country. I found the information from the Moray Firth Partnership particularly interesting, because it highlights the investment that has been made to increase the number of berths. When completed, the development will provide 250 extra berths in five harbour areas. That will have a beneficial effect on local economies. For example, Inverness marina already has advance bookings from people from France, Norway, Holland, Denmark and Sweden. That proves that marina developments can increase tourism.

The sail Clyde strategy that I mentioned earlier highlights that the Clyde currently has 3,200 marina berths and that the figure is expected to reach some 6,000. That increase will provide a massive boost to the leisure marine industry and will undoubtedly lead to more tourism opportunities. I am informed that the Clyde is the second most popular sailing destination in the United Kingdom, behind the Solent. Many people already fly up to Scotland from south of the border to do their weekend sailing from Scottish marinas. We should never forget that important market. The strategy also highlights that, at present, 30 per cent of the boats on the Clyde are not Scottish owned and that that proportion has increased by 50 per cent since 1996. Next year's homecoming 2009 is an ideal opportunity to establish longer-term roots within the marine leisure community.

It has been suggested that the industry has not been taken seriously enough in the past, and I hope to improve that. I am keen to establish a new cross-party group on the leisure marine industry in

the Parliament, so if any member is interested, they should get in touch with me later.

Three key issues need to be considered from the point of view of the industry. The first is the lack of skills and training, the second is the shortage of infrastructure, and the third is tourism, which I have already spoken about.

I accept that infrastructure developments are taking place throughout Scotland and that they are being funded by marinas, but I am sure that there is scope for public money to be included. There would be benefits for local and national Government. That could be debated at cross-party-group level.

Without all stakeholders making a concerted effort on skills and training, the leisure marine industry will face difficulties. As Scotland and the rest of the United Kingdom are on the cusp of a recession, I suggest that now is the time to plan ahead and put in place a strategy that will facilitate the industry.

I must also stress the positives. It has been acknowledged that, in the past year, progress has been made on the environmental impact of the leisure marine industry. The inclusion of the industry in consultations by the sustainable seas task force and the likelihood of its being consulted on the proposed Scottish marine bill should be commended. Industry representatives told me that they are delighted that they have been included in such discussions for the first time since devolution, and they commended the Cabinet Secretary for Rural Affairs and the Environment for bringing that about.

Presiding Officer, I know that I have gone over my time; I am about to conclude. I have not begun to go into the detail of the importance of the industry to Scotland; I have really just skimmed the surface.

Scotland already has golf, tartan, bagpipes and whisky as iconic and world-renowned brands. I would like the leisure marine industry to join that elite group. I accept that there is some way to go, but it is important to have that target. I hope that this evening's debate will be the first step towards it.

17:12

Kenneth Gibson (Cunninghame North) (SNP):

I congratulate my colleague Stuart McMillan on securing the debate. As he said, last Friday, I was delighted to stand in for my colleague Stewart Maxwell and officially open a prestigious, new £600,000 state-of-the-art showroom for luxury boats at Largs yacht haven on the Clyde coast. Sadly, I was forced to drink a glass of champagne before being coerced into having my photo taken

with one Chick Young Esq. Nevertheless, it was a positive occasion.

The purpose-built facility is owned by Euroyachts and it is the first of its kind in the UK. It represents an optimistic outlook for the sport of sailing and the economic benefit that it generates in Scotland, even in these pessimistic and uncertain times. Euroyachts is a family-owned business that was set up by Ronnie Scott and continued by his children, Ilya and Angus. It has sold luxury boats throughout Europe for more than 50 years. The new facility demonstrates the company's confidence in the robustness of the leisure boat business. The company is excellent, renowned and forward-thinking and will go from strength to strength, creating and retaining local employment.

Of course, Scotland attracts recreational sailors by providing some of the best and safest sailing in the world, and it is great to see the sport flourishing in such a high-profile way. Largs, in my constituency, has the largest marina north of the Solent, and it has been a flourishing yachting centre for many years. It also hosts the Scottish Sailing Institute.

I am delighted about the rapidly growing Ardrossan marina, which could have up to 1,200 berths. I also have sportscotland national centre Cumbrae in my constituency, as well as various piers, jetties and facilities in Fairlie, Cumbrae and elsewhere. With the Clyde's natural assets and uniquely spectacular environment for recreational boating, sailing will continue to gain popularity.

I would like to touch on one area that has not been mentioned but which should be. There is no doubt that Glasgow winning the 2014 Commonwealth games is hugely significant for the city and Scotland as a whole. It will allow Scotland to show the world how well equipped it is to host major international sporting events. That is why areas that are beyond Glasgow's boundaries are keen to participate in that exciting occasion and demonstrate their sporting facilities, which are complementary to those of Glasgow.

The Scottish Sailing Institute and the sportscotland national centre Cumbrae are keen to host water-based exhibition events during the 2014 games, and I am glad that Stewart Maxwell, the Minister for Communities and Sport, is listening as I speak. The fact that those venues have already been considered as hosts of water-based events at the 2012 London Olympics is testament to their well-established international renown as first-class sporting centres that have hosted international competitions and regattas of the highest standard, which they will no doubt continue to do.

I am aware that Olympic events such as canoeing, kayaking, rowing and sailing will not be formally included in the 2014 games, nor will other recognised water-based sports, such as power boating, surfing and water skiing, but I believe that every consideration should be given to including water-based sports as exhibition events in 2014, as that would provide a great opportunity for the Commonwealth games to be innovative in its sporting choices and would allow Ayrshire to fully participate in games that are scheduled to be held just up the road.

As members know, Ayrshire is famous not just for its excellent scenery but for its friendly people. Hosting exhibition events in Largs and Cumbrae would not only attract more participants, visitors and investment into Scotland but help to consolidate the games' legacy across the west of Scotland and into Ayrshire.

Sailing should be at the heart of such games. We have a tremendous opportunity to do something that has never been done before at the Commonwealth games. Stuart McMillan rightly mentioned the income that sailing generates for Scotland. My proposal would be a tremendous boost for Scotland, and it should be given serious consideration.

17:16

Helen Eadie (Dunfermline East) (Lab): I congratulate Stuart McMillan on securing the debate, which I come to as an extremely timid sailor who has sailed at home and abroad on sailboats and catamarans. Catamarans are my favoured mode of sailing, given that I panic like mad if the boat keels over by more than about 45°.

My home looks on to the River Forth, which is a joy to me, and every day of my life I am thankful to have the privilege of being able to watch all sorts of boats, from cruise liners and ferries to wee boats. I am happy to participate in the debate in the knowledge that my friend and weel kent face in Scotland, Campbell Christie, did a lot of excellent work in steering investment into our canals network.

British Waterways is to be congratulated on its fantastic work in Falkirk, not far from where I was born, in Stenhousemuir. The Falkirk wheel, which was a millennium project, has been extremely successful in raising usage levels on our canals and offering more people opportunities to get involved. The increasing use of Scotland's wonderful water resources is most welcome. Where such use can be made more accessible to more of our communities, it is surely incumbent on Government to promote and support every viable proposal. We support such action.

Scotland's people have developed the use of boats on our seas and rivers for transport, larder and recreation for more than 5,000 years. As my friend Andy Carnduff, who is in the gallery this evening—he is an active community councillor in Aberdour and heavily involved in such activities—says, boating is in our blood and our culture, and it is fundamental to the economic development of our country.

Since the invention of the railway and the motor car, the commercial use of small ships has declined, leaving a heritage of ports, harbours, canals and boating skills that are finding fresh duty in recreation and commerce, but there is an urgent need to protect that traditional infrastructure and to find ways of prioritising the use of the unique margins between land and water, at the seashore and along the inland waterways of navigable lochs, rivers and canals. The connections must be maintained.

Access to boats can be achieved only in secure and sheltered places where the geography is appropriate. All such natural locations have already been identified by our forefathers: small harbours nestle in coves and river mouths; canals extend sea access far inland, where contours or river flows permit; and deepwater ports are built out into sheltered firths wherever the geology has been suitable. Such locations for access between the water and the land are unique and irreplaceable. They should not be squandered and used for unrelated duties, such as the building of luxury homes or for industrial units that are unrelated to the use of water.

Existing and often commercially redundant ports and harbours are the key to development of the new use of the sea and inland waterways for recreation and for the support of the commercial services on which such recreational activity depends. The planning process must protect and promote only appropriate development. User groups should participate in determining what is appropriate.

Boating use of Scottish waters should be accessible to all. The sea is a natural asset to which anyone should have access. Access to inland waterways, canals, navigable lochs and rivers has been enhanced by the Land Reform (Scotland) Act 2003—although the sea, and even the fresh water inland, are hard masters that give no quarter to the unwary or unprepared.

There is a need for education and training, for the building of centres and expertise, and for facilities in which to maintain the store boats and gear. Such facilities are best provided communally by like-minded users, boat clubs, schools, community associations, hire fleet operators and commercial marinas. All need to use the scarce and valuable parts of the unique ribbon of

shoreline to which both land and water access is safely available. There is a need to prioritise those special places and to encourage their development for modern boating service.

17:20

Christopher Harvie (Mid Scotland and Fife) (SNP): I thank Stuart McMillan for his motion and for securing the debate. The statistics on revenue, employment and the potential of the sailing and boating industry are remarkable, and it is reassuring to find out that we do not have to be Russian oligarchs to afford to run a boat.

Once upon a time—and a very good time it was—I turned my mother’s Morningside dining room into a boat yard and built myself a sailing dinghy, the Blandford Gremlin. It was 1962, and I navigated the 8ft “hobbit” from Slateford in Edinburgh to Linlithgow along the derelict Union canal. Only a couple of years later, navigation ended and the canal was culverted near Broxburn and through Wester Hailes. The Forth and Clyde canal was closed and, in part, filled in. It was not good timing because it was just at the point that English inland waterways were staging a quite remarkable revival.

As a member of the Inland Waterways Association and the proprietor of a semi-derelict cabin cruiser called the Dalriada, I took part in that revival after 1973. Powered by fry-ups and real ale, I covered much of the English midlands, writing “Scotland and Nationalism”. As Scotland’s own Kenneth Grahame wrote,

“There is nothing ... half so much worth doing as simply messing about in boats.”

Since the late 1990s, the revival has reached Scotland, and we can now go from sea to sea along the Forth and Clyde canal.

Canals and navigable rivers are a timeless, quiet world where one might still be in the England of George Eliot or in the Scotland of Neil Munro’s immortal Para Handy and his puffer, the Vital Spark. In a society marked by the extremes of the hectic road hog and the couch potato—I give members the world of “Top Gear”—they are humane and reflective, in every sense of the term.

Scotland also has the richness of the highland landscape that the canals reach to in the west. The Firth of Clyde, for example, is one of the great marine landscapes in Europe. In mid-2006, a joint study by Scottish Enterprise and Highlands and Islands Enterprise highlighted its considerable potential for tourism growth. I like to think that in the longer term there might develop a linear park between the lower Clyde and Edinburgh, along the course of the Forth and Clyde canal and the Union canal, and for the park to develop re-creation—recreation in every sense of the term. Such a park

could be appropriately dedicated to the great Scottish planner and sociologist Patrick Geddes, the theorist of “head, hand and heart” and the belief that one ought to feel and to craft as well as to think. The Firth of Clyde could then extend northwards to Loch Lomond and the Firth of Lorne by the canals and the possible canalisation of the Leven, and westwards to Ulster and the waterways that are being restored and extended south to Shannon, Dublin and Waterford.

However, I would like to see something more. The Clyde once had perhaps the most beautiful pleasure steamers in the world. In 1972, at the age of 25, the PS Waverley was saved by enthusiasts and it has given pleasure to thousands—probably millions—since. Why not rebuild some of the classic steamers of the high Victorian period—the Columbas or the inter-war Duchesses? It has been done on the continent, on the Rhine and on the Swiss lakes. I have even sailed to Switzerland—it can be done—on the 95-year-old Hohentwiel on Lake Constance.

I join Mr McMillan in congratulating everyone who has contributed to the current success of sailing and boating. As a veteran who is old enough to have seen the replica Comet launched at Lithgow’s in 1962, which harked back to the origins of steam on the Clyde, I express my hope that there will be further impressive developments in the marine leisure industry.

17:25

Jamie McGrigor (Highlands and Islands) (Con): I congratulate Stuart McMillan on securing the debate. Sailing and boating is of real economic importance throughout my region of the Highlands and Islands. It sustains many jobs, including some in remote and rural areas. My region has some of the most spectacular scenery for boating and sailing in Europe, if not the world—notably the cruising waters of the Western Isles seaboard, which are undoubtedly the finest and most spoilt in Europe. Many years ago I crewed on a charter vessel, which was a converted Danish fishing boat—I still have wonderful memories of the voyages to places such as the Shiant Isles and St Kilda, and I would love to go back there again.

The Brewin Dolphin Scottish series 2009 competition, formerly known as the Bell Lawrie series, will take place next May at Tarbert on Loch Fyne, as it has done for more than 30 years. With hundreds of entrants from around the world competing in more than a dozen races, the event has put many thousands of pounds into the local economy and is a wonderful advertisement for Scotland’s top-class facilities and waters.

I note and warmly welcome the fact that Tarbert Harbour Authority has been working successfully

with the Crown Estate to invest in new pontoons to ensure that Tarbert remains a world-class location. I welcome the setting up last year of the Scottish boating alliance, and I commend its work so far in speaking up for waterborne recreation and tourism in Scotland. I agree with many of the sector's aims—notably that policy makers and planners should consult it more, and that more priority should be given to adapting existing redundant coastal facilities for leisure use.

I am a member of Oban Bay Marine in my native Argyll. It is a community company that aims to promote and develop improvements in Oban bay to provide facilities for local and visiting pleasure and commercial vessels up to 24m. It has just won planning permission to install multi-use short-stay 60-berth pontoons. That will be a major enhancement of facilities, and I look forward to many new sailing visitors being attracted to Oban as a result. Oban is, after all, the gateway to the isles.

The funding model that is being used has delivered excellent results through Tobermory Harbour Association and allows access to funds from HIE, the Crown Estate, the Big Lottery Fund and the European Union. It is interesting that the Crown Estate seems to be increasingly helpful in recent times—that is a great thing. Elsewhere in my region, the Moray Firth partnership has provided me with an excellent briefing on recreational boating in the Moray Firth. The work of the partnership is to be commended for bringing together a massive 640 members, including businesses, schools and councils. I warmly welcome its plans for a year-long study in 2009 that will examine marine recreation and tourism in the Moray Firth.

Yachtsmen have told me that east coast harbours sometimes close to yachts in bad weather, which is obviously worrying. The joy of the west coast is found in the shelter and protection that the sea lochs and islands provide. It is imperative, however, that visiting boats can pick up fuel stores and water at as many points as possible. We should perhaps learn from the French region of Languedoc-Roussillon, which has great facilities for yachtsmen nearly every 30 miles. Egypt has also learned the importance of marine tourism; we could take a leaf out of its book.

I am aware of the contribution that participation in sailing and boating can make towards good physical and mental health and wellbeing. It can be highly educational for our young people—it engenders teamwork and other such qualities that employers so often look for. I commend the work that local sailing clubs do in my region and throughout Scotland in encouraging young people to become involved, and I ask the minister to

indicate what further support can be given to those clubs.

The Scottish Conservatives agree with Stuart McMillan's motion and hope that through positive and continuing engagement with the sailing and boating sector at every level of government and by key partner organisations such as the Crown Estate and British Waterways, it can expand throughout the country in the years ahead.

17:29

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Stuart McMillan on securing the debate and highlighting an important issue.

Other members have spoken about the important economic benefits that sailing and boating bring. Stuart McMillan said that they are fast catching up with golf on that, although when I spoke to a former colleague, Maureen Macmillan, who now chairs the Moray Firth Partnership, she assured me that they have already caught up. I am not sure where she got her figures from, but it is clear that sailing and boating are economically important.

We were told about the Inverness marina development, the study into which shows that it could lead to more than £750,000 of tourist spend in the surrounding area. That is a huge amount of money for one development, so we must consider what we can do to encourage it. We need to ensure that it is open to all and not just to the elite.

In one of our briefings, we read about the Chanonry sailing club, which has a huge and growing membership. My husband helps to run a scout group that specialises in sea scouting, and it has a waiting list of young people who want to get involved. Indeed, it has a huge and healthy membership and is always looking to expand. If there is anyone from British Waterways in the gallery, I make a plea to them now, while declaring an interest.

We could use the active schools programme to promote education and training in sailing and boating, which Helen Eadie mentioned. It is important to encourage people to get out on the water and take part in boating, sailing and canoeing, but we must ensure that people have the education and training that they need to be safe in that environment.

In its briefing, the Moray Firth Partnership told us that it will carry out a year-long study of the economic benefits of sailing and boating, particularly for tourism. It is also studying how tourism interacts with the bottle-nose dolphins in the Moray Firth. That raises an important point. We need to ensure that boating and sailing are environmentally sustainable and work with the

local wildlife. The bottle-nose dolphins are a huge draw for the Moray Firth and people on boats must be clear about how they interact with them, ensuring that they do not create problems.

In 2007, a Moray Firth flotilla left from Wick and visited Lybster, Helmsdale, Cromarty, Invergordon and Buckie, ending up at the Portsoy boat festival. That renewed pride in many of those communities, which have a history of boating and fishing, and renewed interest in their heritage, as well as giving their economies a boost. Something similar is being considered for the Caledonian canal during Scotland's year of homecoming in 2009. A flotilla will go from Fort William to Inverness and that, too, will encourage people to become involved.

As someone who was brought up in a remote and rural community, I know what it is like to be dependent on boats. We did not have a road when I was in my early youth, many years ago, and we had to depend on boats. That was quite the norm for children and young people. We jumped on and off boats just to get to where we needed to go and, indeed, to get our shopping.

We need to provide education and ensure that people know about safety, and we should then build on the opportunities that are available through sport and other activities to boost our economy.

17:33

Ian McKee (Lothians) (SNP): I join other members in congratulating Stuart McMillan on securing this evening's debate.

I must say that my introduction to the water was not propitious. When I decided to take a water-skiing lesson, I quickly found out that some people are natural water-skiers and others are not. I turned out to be in the latter category. In fact, I was so appallingly ignorant of what I should do that I did not let go of the rope even when I had fallen into the water. Luckily, it was in a warm climate. My audience on the beach saw a head going around the bay at high speed and nothing else. So great were their amazement and entertainment that, when we came back to shore, I discovered that they had had a collection to pay for my next lesson. Unfortunately, the owner of the boat declined to take me out again, saying that my presence on the end of his rope was straining his engine.

Since then, I have become the proud possessor of a 16ft Orkney fishing boat, which I can tow from place to place. I have put it into the water in the Forth and on the west coast. At present, it is moored at Ardnamurchan. I mention that to show that even someone as ham-fisted in the water as I am can get an enormous amount of enjoyment on

water, and not at huge cost. What a liberating experience it is.

When we go on holidays now, I can go fishing, usually for mackerel but sometimes for other fish. I have a lobster pot that I put down and we get some wonderful crabs from it—and occasionally a lobster. We can go on picnics to little coves that cannot be reached by road, where we find total solitude. That has been a great pleasure when we have had children with us—our grandchildren, and our children before that. It is a wonderful experience altogether.

There have been some hitches. There was the occasion when, on transferring us into my rubber dinghy, I managed to transfer my 82-year-old mother-in-law, my wife and myself into the Sound of Mull, which caused some excitement at the time. For some reason, my mother-in-law does not come sailing with me any more.

Apart from that, we have had some fantastic experiences and I would say to anyone who is considering taking up boating to go to local places. In this part of the world there is the Port Edgar marina, and there is the marina where I go, the Forth Yacht Marina, which provides wonderful advice about how to choose a boat, what to do, how to service the engine and so on.

It has been said that having a boat is like having a hole in the water to shovel money into. I have not found that to be the case. I might catch the most expensive mackerel in Scotland, but it is something that I can afford, and the pleasure that I and my family get from having a simple boat is enormous. I commend it to anyone who might be considering the hobby in the future.

17:37

The Minister for Enterprise, Energy and Tourism (Jim Mather): I join other members in congratulating Stuart McMillan on securing the debate.

I acknowledge the important contribution that recreational sailing makes to a growing number of coastal communities, including many in my constituency, which are currently developing at a healthy rate. I welcome the launch of the Scottish boating alliance in February, and I note that Kenny MacAskill gave it his support. I will continue to support the alliance in its championing of the key role that boating plays in attracting visitors to our shores.

I note the recently announced investment by sportscotland in a Royal Yachting Association programme to develop sailing and to encourage more participation in the sport by young people. I hope that the programme will develop many future champions in Scotland.

I welcome proposals for a number of new marinas around our coasts, which will provide additional berths in order to meet the increasing demands of local and visiting sailors, and to contribute to the local economy and the vibrancy and vitality of local businesses. Jamie McGrigor and I know about the impact that a relatively small number of extra berths in harbours such as Port Ellen can make to the viability of such villages.

There is another aspect of economic importance that we should not ignore: the quality of recreational sailing—like that of our golf courses—can retain and attract talent. In the case of yachting, as I see at Craobh Haven and other places, it can bring to Scotland high-net-worth individuals and it can retain them here. I am familiar with the apocryphal tale from the Western Isles, that the health board there does not advertise for consultants in *The Lancet* or the *British Medical Journal* but in yachting magazines. That seems to be a very good way to recruit the sort of talent that we want on the west coast.

There are issues around growth—I refer to the debate in Oban with which Jamie McGrigor and I are familiar. Proposals must balance the requirements of the sailing community and the need for sea room by recreational users, ferry operators, fishermen and commercial and shipping operators. I add to that Rhoda Grant's points about environmental factors, including the needs of wildlife tourism, which plays a valuable role. Those factors will be taken into account in the existing consent regime for new developments and in any new marine consent that is developed under the forthcoming marine bill.

In addition, the development of renewable energy from wave, offshore wind and tidal power will present further challenges in marine spatial planning because it has the potential to conflict with recreational and other uses. However, I am confident that there is space in Scottish waters for all marine interests to flourish and that no development should unreasonably exclude recreational users from safely enjoying the scenic beauty of our coastline.

Jamie McGrigor and I attended a meeting in Oban on 18 January. It was a wet Friday, but 250 people turned up to discuss the pontoons in Oban Bay and such like. The many stakeholders at the meeting represented a wide variety of interests, but a general consensus was building that marine tourism is important and that we must manage it carefully, without throwing babies out with the bath water, in order to achieve a better result. Highlands and Islands Enterprise is very much on-message and understands that point. It recognises the strategic importance of marine tourism to the Highlands and Islands and especially the positive impact that it has on the tourism industry in the

more remote and fragile areas of the west Highlands. I was interested to hear that that is being mirrored on the east coast, in traditional sailing locations around the Fife coast and in the Moray Firth, where stakeholders such as British Waterways and others who can play a full part are being factored in.

The key point is that marine tourism has been identified as a growth market and HIE has a focus on a joint effort with other stakeholders to develop the product. A vital step in the development of a coherent tourism product for the west Highlands is the provision of a network of accessible infrastructure that creates a chain of safe havens to encourage the movement of boats so that further growth can be stimulated. I wrote that down earlier, but we have to augment that by saying that we also have fantastic and evocative water, which will attract people from all over. I remember that one of the guys from British Waterways went across and put a Nessie egg into a lake in Sweden. He later arrived with the broken bits of a Nessie egg to leave on the shore, as if something had happened there. That drew a fantastic amount of attention to the fact that Scandinavians can come across here, use the Caledonian canal and access the west coast. The key point is that our waters are challenging but very safe and we have evocative harbours, warm welcomes and the waters are unchanging and unchanged. When people are out on those waters, they experience the same thing that Columba, the Vikings and the lords of the isles experienced—provided that they avoid Largs, for obvious reasons.

We now have a Scottish Government that is committed to the introduction of legislation to ensure that there is sustainable economic management of the seas around Scotland and that, in doing that, we balance the competing interests of the use of and the protection of the seas, which will benefit generations to come.

The proposed Scottish marine bill will help to deliver sustainable development and will balance the interests of stakeholders. That is exactly what I referred to in relation to the meeting in Oban. The more we can help to bring people together, the more we will get good results as a result of greater collaboration and cohesion among the parties involved.

The Scottish marine bill will bring benefits for recreational boating, including a new system of marine planning and integrated coastal management, which will take greater account of the needs of all recreational users from the coast to the sea. Proposals for streamlining licensing and consent systems will bring greater certainty for developers that seek to provide services and infrastructure for recreational users.

The public consultation on the Scottish marine bill proposals has now closed and we are considering the responses. It is expected that a bill will be brought before the Scottish Parliament in the spring next year.

Meeting closed at 17:44.

Meanwhile, I wish sailing and boating well. I think that we can help them move forward by bringing together all the parties involved: councils enterprise agencies, tourism businesses, communities, British Waterways and VisitScotland. I look forward to sailing in Scotland having a solid and excellent future.

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