

MEETING OF THE PARLIAMENT

Wednesday 25 March 2009

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2009.

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

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

CONTENTS

Wednesday 25 March 2009

Debates

Col.

TIME FOR REFLECTION	16105
BUSINESS MOTION	16107
<i>Motion moved—[Bruce Crawford].</i>	
POINT OF ORDER	16108
“CODE OF CONDUCT FOR MEMBERS OF THE SCOTTISH PARLIAMENT” (SECTION 6)	16109
<i>Motion moved—[Gil Paterson].</i>	
Gil Paterson (West of Scotland) (SNP)	16109
“CODE OF CONDUCT FOR MEMBERS OF THE SCOTTISH PARLIAMENT” (REIMBURSEMENT OF MEMBERS’ EXPENSES SCHEME)	16111
<i>Motion moved—[Gil Paterson].</i>	
Gil Paterson (West of Scotland) (SNP)	16111
“CODE OF CONDUCT FOR MEMBERS OF THE SCOTTISH PARLIAMENT” (SECTION 8)	16113
<i>Motion moved—[Gil Paterson].</i>	
Gil Paterson (West of Scotland) (SNP)	16113
Mary Mulligan (Linlithgow) (Lab)	16115
Nanette Milne (North East Scotland) (Con).....	16116
Robert Brown (Glasgow) (LD)	16118
Alasdair Morgan (South of Scotland) (SNP).....	16120
Peter Peacock (Highlands and Islands) (Lab).....	16121
SCOTTISH PUBLIC SERVICES OMBUDSMAN	16124
<i>Motion moved—[David McLetchie].</i>	
David McLetchie (Edinburgh Pentlands) (Con)	16124
Ian McKee (Lothians) (SNP).....	16125
Mary Mulligan (Linlithgow) (Lab)	16126
Alison McInnes (North East Scotland) (LD).....	16127
NEW MEDICINES (ACCESS) AND ADDITIONAL PRIVATE CARE (GUIDANCE)	16128
<i>Statement—[Nicola Sturgeon].</i>	
The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon)	16128
LOCAL GOVERNMENT FINANCE ACT 1992 (SCOTLAND) AMENDMENT ORDER 2009	16140
<i>Motion moved—[John Swinney].</i>	
The Cabinet Secretary for Finance and Sustainable Growth (John Swinney)	16140
Andy Kerr (East Kilbride) (Lab).....	16142
Derek Brownlee (South of Scotland) (Con).....	16144
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)	16146
Bob Doris (Glasgow) (SNP).....	16148
Helen Eadie (Dunfermline East) (Lab)	16150
John Wilson (Central Scotland) (SNP)	16151
Alison McInnes (North East Scotland) (LD).....	16153
Gavin Brown (Lothians) (Con)	16155
David Whitton (Strathkelvin and Bearsden) (Lab)	16156
John Swinney	16159
BUSINESS MOTIONS	16163
<i>Motions moved—[Bruce Crawford]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	16165
<i>Motions moved—[Bruce Crawford].</i>	
DECISION TIME	16167

DRUMCHAPEL TABLE TENNIS CLUB	16173
<i>Motion debated—[Bill Butler].</i>	
Bill Butler (Glasgow Anniesland) (Lab).....	16173
Bill Kidd (Glasgow) (SNP)	16176
Bill Aitken (Glasgow) (Con)	16177
Mr Frank McAveety (Glasgow Shettleston) (Lab)	16178
Kenneth Gibson (Cunninghame North) (SNP)	16180
The Minister for Public Health and Sport (Shona Robison)	16181

Scottish Parliament

Wednesday 25 March 2009

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Alex Fergusson):

Good afternoon. Our first item of business this afternoon is time for reflection. Our time for reflection leader today is the Rev Dr W Graham Monteith, who is secretary to the Scottish Churches' Disability Agenda Group.

The Rev Dr W Graham Monteith (Secretary to the Scottish Churches' Disability Agenda Group): There are two very important freedoms: the right to political expression and the right to religious participation. Over many decades, those freedoms have been denied to groups of disabled people. Despite vast improvements in both fields, whenever disabled people are questioned about the churches they comment adversely on their lack of integration and welcome. The Scottish Churches Disability Agenda Group seeks to promote integration in all churches and in other faith communities.

Legislators often pass anti-discriminatory legislation with the best of intentions, but institutions such as the church often fail to implement any more than the letter of the law. Integration goes beyond the ramp and the accessible toilet, to care for people who have sight impairments, learning difficulties or mental health problems.

For example, ministers continue to say, "Let us all stand to sing a hymn" and then sing hymns about the "inly blind", and they may conceal their mouths from people who lip-read. May God hasten the day when the Parliament has an MSP who uses a wheelchair. You, too, will have to adjust your language.

I want to suggest two ways in which each of us can contribute to greater integration in congregations of any faith. All disabled people have gifts that often go unnoticed because they are prevented by barriers from taking part in normal activities. There is a Pauline doctrine of watching a seed blossom when it is given the nurture to grow. We must endeavour to make sure that no gifts remain hidden by the obstacles that we place in the way of full participation in church life beyond the ramp, the hearing loop or accessible texts. To achieve that, our group would like to see congregations appoint disability champions to help improve integration.

Secondly, disabled people are often very lonely. Watching television is sometimes their greatest pastime, networking is difficult and the demands of modern communication are often intimidating. They require friendship—the type of friendship that is offered by Jesus, which is solicitous and copious in its offer to others. Churches are obliged by their calling to offer such friendship—not as a pat on the head, but as a true seeking of a role for each disabled person in the life of their faith community.

I ask you, as members of this Parliament, to remember the two imperatives of integration and friendship in all your work, not least should you belong to a faith community.

Business Motion

14:35

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-3779, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme for this afternoon.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Wednesday 25 March 2009—

after

followed by Announcement of Appointment of
Scottish Public Services Ombudsman

insert

followed by Ministerial Statement: Improving Access
to New Medicines in the NHS and
Guidance for Patients Seeking
Additional Private Care—[Bruce
Crawford.]

Motion agreed to.

Point of Order

14:35

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. I stand having consulted the business managers for the Labour Party and the Conservative party. We are concerned about a letter that you have sent to Ken Macintosh MSP and its implications for the Education (Additional Support for Learning) (Scotland) Bill. In the letter, you refer to Mr Macintosh's amendment 23. That is the only adjudication that has been made on the amendment. The letter states:

"As you may know, Rule 9.12.6 of the Parliament's standing orders states that, where the effect of an amendment to a Bill, if agreed to, would be that the Bill would require a financial resolution which it would not otherwise require, no proceedings can be taken on the amendment unless such a resolution has been agreed to."

It is my understanding that the Government is not willing to produce such a resolution. As I understand it from the clerks to the Education, Lifelong Learning and Culture Committee, if you were willing to call a meeting of the Parliamentary Bureau this afternoon we could extend the timetable for the committee's stage 2 consideration of the bill to enable the problem—clearly, there is a problem—to be dealt with. The issue cannot be dealt with if the timetable is not extended. I therefore request that you call a meeting of the business bureau this afternoon.

The Presiding Officer (Alex Fergusson): Thank you for the point of order. The matter raises complex issues that are new to us as a Parliament. I therefore think that it would be appropriate for the Parliamentary Bureau to meet this afternoon to discuss those issues, if we can all agree a time. I have no difficulty with that whatever. We will be in touch with the business managers on that.

“Code of Conduct for Members of the Scottish Parliament” (Section 6)

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-3755, in the name of Gil Paterson, on behalf of the Standards, Procedures and Public Appointments Committee’s report, “Review of Section 6 of the Code of Conduct (Cross-Party Groups)”.

14:37

Gil Paterson (West of Scotland) (SNP): Before I get started, I thank on behalf of the Standards, Procedures and Public Appointments Committee the committee clerking staff, who have been of great assistance in all three matters that I will raise with Parliament today.

I am pleased to speak to the committee’s report “Review of Section 6 of the Code of Conduct (Cross-Party Groups)”, which is the second piece of work on cross-party groups that the committee has undertaken in this session of Parliament: we also issued guidance to cross-party group conveners in October 2007. In April 2008, the committee agreed to review section 6 of the “Code of Conduct for Members of the Scottish Parliament” in order to provide greater clarity to members of the Scottish Parliament and other cross-party group stakeholders to help them comply with the code of conduct.

The committee has identified several areas for improvement. First, we recommend changes to the structure of section 6 so that the information on registration of cross-party groups appears immediately after the rules on establishment, followed by the rules on the operation of a group. The committee also recommends rearranging the operational rules that are set out in section 6.3 under a small number of thematic headings, which will mean that all the rules that relate to one theme, such as finance and documentation, can be found under that one heading.

The committee has also recommended a change to the title of section 6.3, from “Rules on Cross-Party Groups” to “Operation of Cross-Party Groups”, to make it clear that cross-party groups must comply with the entirety of section 6 and not just section 6.3.

The committee also reviewed the threshold for registering financial benefits that cross-party groups receive. Under the current rules, cross-party groups are required to register any financial benefits that have a value greater than £250. That threshold mirrored the financial threshold in the members’ interests order that operated in sessions 1 and 2. However, in May 2007 the Interests of

Members of the Scottish Parliament Act 2006 came into force and established a different threshold for gifts, of 1 per cent of a member’s salary. The committee agreed that it would be appropriate for cross-party groups to have a fixed financial threshold similar to the value of the gifts category in the “Register of Interests of Members of the Scottish Parliament”. The committee therefore recommends that a new threshold of £500 should apply to registration of financial support that is received by cross-party groups.

The committee also considered the role of cross-party group conveners. Section 6 currently requires that a compliance form stating that the cross-party group will comply with the rules on cross-party groups must be signed by an MSP office bearer of that group. In the current session, all such forms have been signed by the conveners of groups. The committee agreed that to reflect that practice, it would recommend that the rules be changed to make conveners signatory to compliance forms and to make them responsible for providing updates to the information that groups are required to register.

Volume 3 of the code of conduct provides guidance on cross-party groups. It is intended to be helpful to cross-party groups, but does not form additional rules with which groups must comply. The committee’s report also contains revised guidance on cross-party groups to reflect the proposed changes to the code.

If it is agreed by Parliament, revised section 6 will come into force on 27 March 2009. It will provide greater clarity for everyone on the operation of cross-party groups. I recommend that Parliament agrees to amend the “Code of Conduct for Members of the Scottish Parliament” by replacing section 6 in volume 2 with revised section 6 in annex A of the committee’s 11th report, which is on its review of section 6.

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

That the Parliament agrees to amend the *Code of Conduct for Members of the Scottish Parliament* by replacing Section 6 (in Volume 2) with Section 6 as set out in Annex A of the Standards, Procedures and Public Appointments Committee’s 11th Report 2008 (Session 3), *Review of Section 6 of the Code of Conduct (Cross-Party Groups)* (SP Paper 186), with effect from 27 March 2009.

“Code of Conduct for Members of the Scottish Parliament” (Reimbursement of Members’ Expenses Scheme)

The Presiding Officer (Alex Fergusson): The next item of business will be a probably equally brief debate on motion S3M-3756, again in the name of Gil Paterson, on behalf of the Standards, Procedures and Public Appointments Committee, on “Changes to the Code of Conduct arising from the Reimbursement of Members’ Expenses Scheme”.

14:43

Gil Paterson (West of Scotland) (SNP): If you are getting fed up with me, Presiding Officer, I am afraid that I will be moving yet another motion after this one.

Yet again, I am pleased to speak about the Standards, Procedures and Public Appointments Committee’s report on “Changes to the Code of Conduct arising from the Reimbursement of Members’ Expenses Scheme”. Following Parliament’s approval of the members’ expenses scheme on 12 June 2008, the Presiding Officer wrote to the committee on behalf of the Scottish Parliamentary Corporate Body and identified that changes might require to be made to section 7.2.6 and section 9.1.6(c) of the code to reflect the members’ expenses scheme.

The committee agreed with the Presiding Officer to update the reference to “Allowances Code” in section 7.2.6 to the “Reimbursement of Members’ Expenses Scheme.”

Section 9.1.6(c) of the code of conduct sets out how and by whom complaints that are made under the members’ expenses scheme are to be considered. The committee agreed with the Presiding Officer to update that text to better reflect the text in the members’ expenses scheme regarding complaint handling. Complaints about the reimbursement of members’ expenses scheme should continue to be made to the corporate body. It will thereafter be for the corporate body to decide whether to report any improper claim to the Standards, Procedures and Public Appointments Committee for further consideration. If Parliament agrees to those updates, there will be minor consequential changes to the guidance that is contained in volume 3. Subject to parliamentary approval, the revised text will come into force on 27 March 2009.

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

That the Parliament agrees to amend the *Code of Conduct for Members of the Scottish Parliament* by replacing Section 7.2.6 and Section 9.1.6(c) (in Volume 2) with Section 7.2.6 and Section 9.1.6(c) as set out in Annex A of the Standards, Procedures and Public Appointments Committee’s 2nd Report 2009 (Session 3), *Changes to the Code of Conduct arising from the Reimbursement of Members’ Expenses Scheme* (SP Paper 217), with effect from 27 March 2009.

“Code of Conduct for Members of the Scottish Parliament” (Section 8)

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-3757, in the name of Gil Paterson, on behalf of the Standards, Procedures and Public Appointments Committee, on the “Review of Section 8 of the Code of Conduct”. This debate will be slightly longer.

14:45

Gil Paterson (West of Scotland) (SNP): I welcome the opportunity to set out for members the work that the Standards, Procedures and Public Appointments Committee undertook on section 8 of the “Code of Conduct for Members of the Scottish Parliament”, which sets rules for the conduct that is expected of members when they work with constituents and one another in their constituencies or regions.

In October 2007, the committee agreed to review section 8, having received correspondence from the Presiding Officer about how he would consider complaints that were made under the section. The committee also received feedback from MSPs that some terminology in section 8 was open to differing interpretations by MSPs and the public. In approaching its review, the committee sought written and oral evidence. I thank all those who engaged with the committee. The committee's report and the recommended revised section 8, which is in annex A to the report, represent significant work that was undertaken largely by previous members of the committee, whom I thank for their work.

I do not intend to comment on all the committee's recommendations; instead, I will focus on a few key changes. One change is to the key principles that are set out at section 8.2 of the code of conduct. The committee proposes that most of those key principles should become rules. However, it recommends changing key principles I and II.

The second sentence of key principle I is:

“All eight MSPs have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously.”

The committee noted that that key principle is contained in volume 1 of the code of conduct, which explains that

“key principles, as compared to the ethical standards set out in the Code itself, are aspirational in nature ... The key principles ... do not represent obligations and do not form the basis for imposing sanctions.”

Key principle I was therefore not intended to be interpreted as a rule. The retention of a few key principles in section 8, when all the others were moved to volume 1, might have been an oversight.

The committee noted the Scottish Parliamentary Standards Commissioner's evidence that, in the case of almost every complaint that he had received in parliamentary sessions 1 and 2 about a member's service or quality of representation, the MSP who was complained about had made a reasonable—or, indeed, praiseworthy—attempt to act for their constituent. In session 3, the Presiding Officer has referred to the committee no complaints made under section 8.

MSPs are not employees of the Scottish Parliament and do not have a job description. It is for each MSP to judge what action—if any—is most appropriate in each constituent's case. The committee therefore decided to retain the key principle of accessibility and conscientious representation in volume 1, and to recommend removing it from section 8, because it is not a rule.

I turn to key principle II, which is that

“the wishes of constituents and/or the interests of a constituency or locality are of paramount importance.”

Although it is true that MSPs will almost always take on a constituency case, there are good reasons why an MSP may, in exceptional cases, judge that he or she cannot act—for example, when a constituent is seeking legal advice. The key principle has been changed to a rule that reflects more appropriately the balance between the constituent's wishes and the judgment that an MSP exercises when considering his or her case load.

Section 8 requires regional MSPs to notify the constituency MSP when they take on constituency cases. However, the evidence that the committee received was that members in their regions can reach sensible agreements on sharing casework. Notification is, therefore, not an absolute requirement and, indeed, some cases can be solved so quickly that notification would serve no purpose whatever.

The committee agreed by majority decision to recommend removal of the rule from section 8. The committee also agreed by majority decision to recommend removal of the rule that appears to suggest to constituents that they should, in the first instance, approach their constituency MSP. That rule seems to be contrary to the principle that all MSPs have equal formal and legal status. It is for each constituent to decide which of their eight elected MSPs is best placed to address their concerns.

If it is agreed by Parliament, revised section 8 would come into force on 27 March 2009. It will

provide members with a clear set of rules by which they must abide. It will also provide the public with a clear expectation of the conduct that they can expect from their MSPs. I am pleased to move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

I move,

That the Parliament agrees to amend the *Code of Conduct for Members of the Scottish Parliament* by replacing Section 8 and Section 9.1.6(b) (in Volume 2) with Section 8 and Section 9.1.6(b) as set out in Annex A of the Standards, Procedures and Public Appointments Committee's 9th Report 2008 (Session 3), *Review of Section 8 of the Code of Conduct* (SP Paper 176), with effect from 27 March 2009.

14:52

Mary Mulligan (Linlithgow) (Lab): I am pleased to be taking part in the debate. That said, I have to say in all honesty that, having seen the number of people in the public gallery, I had not realised that the debate was on quite so topical an issue. I am sure that people will learn something.

As a substitute member of the Standards, Procedures and Public Appointments Committee, my one and only attendance at committee was a painless affair, so I say to the convener that I would be happy to return.

The committee's report affirms my belief that all members of the Scottish Parliament—regardless of whether they are a member of a political party or none—take seriously their responsibility to assist their constituents. Indeed, only one of the number of complaints that was made to the standards commissioner was upheld for further investigation. Even after 10 years, there is still a need to ensure that constituents understand the role of the MSP. As the convener said, others may be better able to assist the constituent, including, as we know, the two arms of government, which have their own responsibilities.

I am currently dealing with a constituent's problem with his council's housing department. I am sure that I am not alone in that. Like many MSPs, I have a good working relationship with the local council, but despite that we have not resolved all the issues to the constituent's complete satisfaction. His response is that I should, as a member of the Scottish Parliament, simply tell the council what to do. Despite many discussions, he believes that I am not doing my job because I am neither prepared nor able to do that.

It is important that our code of conduct, which outlines how we should conduct ourselves, should be clear. Many constituents are confused about the roles that constituency and list MSPs play. The committee report lays great stress on the fact that

all MSPs are equal—with that I do not disagree. However, in a Parliament in which we constantly celebrate diversity, it should be possible to accept that MSPs can have different roles but still be equal.

I regret that the report recommends removal of the need for regional list members to inform constituency members when they take up constituency cases and I am particularly concerned that that could lead to duplication. I suspect that the change may be a backward step at a time when use of public resources, especially officers' time and assistance, should be appropriate and cost effective. I do not deny that it is for constituents to choose whom they approach, but if the change leads to their going from one MSP to another in the hope of getting a different response, it may result in unnecessary duplication. I do not accept that the referral rule should be dropped just because it was not always followed; to me, that looks like rewarding bad behaviour.

I support the report's helpful reaffirmation of the provision that regional members should work in more than two constituencies in their region. I also support the proposal for complaints to be raised first with the Presiding Officer. As a fellow MSP, he or she will be best placed to take a well-informed view of complaints and how they should be processed. That is progress. With some reservations, I support the report.

14:56

Nanette Milne (North East Scotland) (Con): Like most current members of the Standards, Procedures and Public Appointments Committee, I was not involved in the considerable amount of work that went into producing the report that we are debating. I, too, pay tribute to the members of the committee at that time, including my colleague Jamie McGrigor, and to the committee clerks for producing a much simplified and clearer expression of the conduct that is expected of members of the Scottish Parliament in carrying out their duties as elected representatives.

The committee spent a considerable time taking evidence on whether the key principles of the code of conduct—which Gil Paterson described—should be contained in section 8. That would mean that sanctions could be imposed on any member who was found wanting, especially in their accessibility to, and conscientious representation of, their constituents. The resultant decision of the committee to remove the key principles from the section should clarify their aspirational nature and allow MSPs to use their judgment on whether and how to take forward constituents' cases.

MSPs who gave evidence to the committee disagreed on the way in which individual cases should be dealt with, and the committee divided on the issue. Essentially, the differences concerned the respective roles and responsibilities of constituency and regional MSPs. The committee was right, by agreeing to remove from the code section 8.3.1, which refers to the “usual point of contact” for constituents, to dismiss the idea that such differences should be defined or reflected in the code of conduct, and to acknowledge that constituents have the freedom to choose which elected representatives to approach.

I agree with the committee’s decision to remove the requirement for regional members to notify constituency members when they take on casework. In a number of cases that come my way, a considerable amount of work has already been done by the constituency member. Apart from affording that member the courtesy of knowing that I am also involved, it is useful to know what has gone before in order to avoid duplication of effort. However, some cases come to a regional member as a constituent’s first choice. In such cases, there is not the same need to notify the local member, especially when that could be seen as a breach of confidentiality—a point that was made in evidence to the committee. We know, to quote Brian Adam, that

“the notification rule is honoured much more in the breach than in the observance.”—[*Official Report, Standards, Procedures and Public Appointments Committee*, 18 March 2008; c 177.]

In my opinion, a rule that is widely broken is often not a particularly good rule.

In my experience, my fellow regional members and I have a good relationship with our constituency colleagues. We have worked successfully on a cross-party basis on a number of local north-east issues, and we regularly attend collective briefings by health boards, enterprise companies and the oil and gas industry. That is good practice, but I do not see the need for a statement on working collectively to be part of the code of conduct and am content with the proposal to remove that. However, I agree with Mary Mulligan that it is important for regional members to be seen to work for constituents across the region. The requirement for us to work in more than two constituencies in the region is a pragmatic way of ensuring that our activities are regional in nature.

There are other parts of the committee’s report that I have not had time to touch on but, overall, the review of section 8 of the code of conduct has been carried out in a painstaking and sensible manner. The committee’s recommendations should result in a clearer understanding of the role of MSPs, and in practical steps to ensure that our

constituents are represented conscientiously and reasonably as we undertake our daily work as MSPs, whether constituency or regional. I am happy to support the committee’s recommendation and the motion in Gil Paterson’s name.

15:00

Robert Brown (Glasgow) (LD): On the whole, the code of conduct for MSPs has served the Parliament well, but a pressure point has always been the relationship between constituency and regional MSPs. In some areas, that relationship works very well; in others, there is a history of personal tension, complaint and dissatisfaction. After a settling-down period, I have rarely had any problems or issues with colleagues in the Glasgow region—although I have some concern about the number of them who are in the chamber for the debate. It makes life much pleasanter all round if there are no such problems surrounding our daily work.

Like others, I joined the Standards, Procedures and Public Appointments Committee after the work on its report had been done by previous committee members. I do not entirely agree with the conclusions in all respects, and it might be helpful to lay out some of my thinking.

I agree with keeping the current requirement that regional MSPs should work across at least three constituencies. That is not a problem for me—regrettably, I do not have any other Liberal Democrat colleagues in the Glasgow region with whom to split the workload, but I am not against dividing up a region if more than one MSP is involved. However, that should not be viewed as an excuse for a regional member to shadow a single constituency, as has certainly happened in some places.

The provision requiring regional members to notify the constituency member when local casework is taken up is both reasonable and courteous. I occasionally forget, but I do not find the requirement particularly burdensome or unreasonable, and I disagree with the committee’s view on the matter to a degree—but I do not disagree with the taking out of the surrounding related terminology, which was disproportionate. I do not find the fact that some regional members do not notify the constituency member a compelling argument for the committee’s position. Regional members are required to notify the constituency member under the current rules, and the rules should be enforced. The fact that the rules are not always being operated is not a good reason for taking them away.

The report does not help with the more common—and annoying—situation in which a constituent e-mails one constituency member, the

seven regional members and, probably, four councillors on the same issue, in the belief that pressure from 12 eminent people in support of their case will sort out their problems in a way that the support of one MSP would not. Perhaps we need some rules of conduct for constituents in that regard, more than for MSPs.

The Scottish Parliamentary Corporate Body and others who have been in authority over the years have been remarkably obtuse over the issue of party-political affiliations on notepaper, surgery notices and the like. That is a ridiculous example of a Westminster practice being inappropriately adopted in the Scottish Parliament. With the exception of one independent, all MSPs, regional or constituency, are elected on a party ticket, with the party name on the ballot paper. List MSPs did not even get their own names on the ballot paper at the last election.

When the Parliament was set up, it was argued that that system would allow people to approach an MSP of their own party, yet everything possible is done to prevent the electorate from knowing which party an MSP belongs to. Nothing could be more futile or self-defeating. I very much hope that the SPCB will take up the invitation contained in paragraph 53 of the committee's report to revisit that issue sensibly. Making a change will not be the end of the world as we know it; a proper injection of common sense would be helpful.

A further matter has been touched on by a number of members. In my experience, very few MSPs are anything other than conscientious and diligent in going about their duties. It must be their judgment whether and how to take up a case. I have some experience of that in a different capacity, as a lawyer in private practice, where similar considerations arise. MSPs are representatives, however, not delegates or agents, and the committee was right to endorse the view that

"there is ultimately a reservoir of judgment available to an MSP about the proper way to deal with a matter".—[*Official Report, Standards, Procedures and Public Appointments Committee*, 18 March 2008; c 174.]

That is not the sort of thing that should be subject to inquiry, or about which judgments should be made as to levels of service under the rules. On the very rare occasions when a constituent is dissatisfied with a member's refusal to take up a case—I do not think that I have done that during my time here—they have the option of approaching seven other MSPs, of various parties and experience, with their case. We ought not to get into a complex process regarding such matters.

Issues around the code of conduct are personal, not party political, and Liberal Democrats will, as

always, have a free vote on these matters this evening.

15:04

Alasdair Morgan (South of Scotland) (SNP):

We did not do a good job in July 2000 when we incorporated a memorandum from the then Presiding Officer lock, stock and barrel into the code of conduct. That memorandum contained guidance not only to MSPs but to staff, such as the education service and parliamentary telephonists. That was clearly ridiculous, so I am glad that we are getting rid of all the extraneous matter.

I agree with the removal of the provision that regional MSPs should, as a rule, contact constituency MSPs when they take on a case. I say that having served in both roles. The requirement generates bureaucracy and, as it is written in the code of conduct, infringes a constituent's right to confidentiality. I also agree that, as Nanette Milne said with her quotation from "Hamlet", it is

"More honoured in the breach than the observance",

although I take the point that that is not necessarily a reason to argue against it. Most important, it infringes constituents' democratic right to go to whomever they choose.

The removal of the key principles section—which, bizarrely, was never meant to be legally enforceable—is a good move. We should remember that the code is a quasi-judicial document that is enforceable by the Scottish Parliamentary Standards Commissioner as a result of an act of the Parliament. Therefore, we have to ensure that it is clear and unambiguous and that it does precisely what we want it to do.

Robert Brown said that the Parliament does everything to prevent people from knowing about our party affiliations. Would that the situation was as logical as that, because any parliamentary publication that I pick up—the *Official Report* or any of the electronic publications on the website—will quite happily say "Alasdair Morgan (SNP)". Apparently, that is all right but, as soon as I dare to issue my own notepaper with "Alasdair Morgan (SNP)" on it, the panoply of the Parliament descends upon me as if I have committed some heinous sin. Now that the requirement not to identify party affiliation on stationery is to come out of the code of conduct, it would be a good move for the SPCB to revise its guidance on what we can do. We are adult enough to distinguish between providing basic information, which is reasonable, and using parliamentary stationery for blatant party-political advertising.

We have not quite reached perfection in the committee's proposals, and I wonder whether the revision improves the code beyond peradventure. The proposed new section 8 says:

"Regional MSPs ... must therefore work in more than 2 constituencies within their region."

I agree that regional MSPs should work throughout their region, but how much that happens will depend on practicalities. Robert Brown is the only Liberal Democrat MSP in his region, but there are five Scottish National Party members to cover the entire the South of Scotland region. I also wonder how working in that way can be proved and what the measurement should be. Furthermore, I do not see how the requirement will be enforced. In time, we may revisit that paragraph.

That said, I welcome the committee's conclusions and will vote for its recommendations.

15:08

Peter Peacock (Highlands and Islands) (Lab):

Such debates may not be among the high points of Scottish politics, but they are important pieces of housekeeping. This debate is required for the reasons that Alasdair Morgan set out, namely that we adopted procedures early on that required to be reviewed in the light of experience.

As Gil Paterson pointed out, virtually all the key principles in the current section 8 of the code of conduct are retained in the new proposals. The exception to that is the duty to be accessible and conscientiously to represent constituents' interests. That has not been removed from the code, because it is already contained in volume 1, which is where it should be in the committee's view.

The principle that the wishes of the constituent be paramount has been clarified. It now better reflects the fact that there are some circumstances in which an MSP may not take on a case. That could be because of a matter of conscience, because of legal advice—as Gil Paterson said—or because a constituent has asked a member to take action by making a complaint against another constituent, which may not be appropriate. As Robert Brown rightly said, MSPs are not delegates or agents of constituents and must make a mature judgment about whether they can represent their constituents in all circumstances. That is now allowed to happen.

The references to local authorities and SPCB staff to which Alasdair Morgan referred have been removed, given that they are not subject to the code of conduct. The complaints procedures have been clearly set out, highlighting that complaints to the Presiding Officer should meet the same criteria as complaints to the standards commissioner.

More generally, evidence was received that MSPs seek to represent constituents as best they can. There is very little dispute between MSPs over casework, as others have said. There is evidence of MSPs working together, wherever that is appropriate, to assist constituents. That is sometimes done on the basis that an MSP may have specialist knowledge or interest in a particular area and sometimes in the belief that a number of MSPs acting together across the political parties may have better impact on the change that they collectively want to bring about.

Others have alluded to the fact that the majority of the committee recommended the removal of the requirement for regional members to notify constituency members when taking up constituency cases. I note what Mary Mulligan said about that. I respect her view and her regret that that notification is no longer required, but perhaps I can give her some assurance in relation to her concern about duplication. The evidence that the committee received suggested that the current process did not significantly avoid duplication of workload. Further, given that constituents could refuse to have their details passed on, notification was not an absolute requirement in any event. Further still, the practice has developed in some areas whereby constituency members have said quite clearly to regional members that there was no need to notify them.

Those and other reasons, including one to which Mary Mulligan referred—that all MSPs have equal formal legal status—reinforce the fact that constituents can approach any MSP for their area. Our electoral system provides members of the public with a measure of choice. The committee recognised that it is for constituents to decide who to choose to approach with their case. Mary Mulligan, Nanette Milne and Alasdair Morgan accepted that fact. That choice should not be fettered in any way by our rules. That is why the change that has been suggested is before us.

Presiding Officer, the final point that I want to make was also made by you from the back benches a few moments ago, in an excellent display of being able to swap hats, and by Robert Brown. I have some sympathy with the point that you made about headed paper. We are a Parliament that is supposed to be open and transparent. However, in terms of parliamentary procedure, the one thing that we are not supposed to do when writing letters to people is to be open and transparent about the political party that we represent, despite the fact that, as others have said, that is manifested in so many other dimensions of our lives. I hope that that can be reconsidered.

I am sorry, Presiding Officer, that you did not think that we had achieved perfection in our recommendations, but we are perhaps more on the way to perfection than we were before. I hope that the Parliament can agree to the changes that are proposed in annex A of the committee's report.

The Deputy Presiding Officer (Alasdair Morgan): Of course, now that I am sitting in this chair, I am a completely different person.

Scottish Public Services Ombudsman

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of motion S3M-3766, in the name of David McLetchie, on behalf of the selection panel, announcing the appointment of the Scottish Public Services Ombudsman.

15:13

David McLetchie (Edinburgh Pentlands) (Con): The motion that I will move invites members to nominate Mr Jim Martin to Her Majesty the Queen for appointment as the new Scottish Public Services Ombudsman, and I will do so with pleasure, on behalf of the selection panel, which the Presiding Officer chaired. The other MSP members of the panel were Duncan McNeil, the convener of the Parliament's Local Government and Communities Committee, Alison McInnes, Dr Ian McKee, Mary Mulligan, Sandra White and me.

Although the Parliament is not subject to the "Code of Practice for Ministerial Appointments to Public Bodies in Scotland", we follow those guidelines to ensure that best practice is observed and that the process is fair. On behalf of the selection panel, I thank Louise Rose, the independent assessor who oversaw the selection process and who has provided the Parliament with a validation certificate confirming that the process complied with good practice and that the nomination of the ombudsman was made on merit after a fair, open and transparent process.

Our nominee, Jim Martin, was the unanimous choice of the panel from a strong field of candidates. We received 23 applications for the post and shortlisted six candidates for interview.

Members will be aware that the Parliament has established the Review of SPCB Supported Bodies Committee to consider the future structural landscape of the bodies that are supported by the Scottish Parliamentary Corporate Body. One of those bodies is the Scottish Public Services Ombudsman. In light of that on-going review, the corporate body has determined that the initial period of appointment will be for two years, with the possibility of reappointment for one further year.

The nominee, Jim Martin, is currently the police complaints commissioner for Scotland. He is also the Scottish non-executive chair of Logica and a member of the Scottish Further and Higher Education Funding Council. On appointment as ombudsman, he will resign from those positions. He has held posts as diverse as corporate

services director of Scottish Amicable—from 1995 to 1999—and general secretary of the Educational Institute of Scotland, in which capacity he served from 1987 until 1995. His non-executive experience includes being vice-chair of the BBC's Broadcasting Council for Scotland and a member of the court of the University of Stirling, the board of Forth Valley Enterprise and the world executive board of the non-governmental organisation Education International. Therefore, he brings to the post a range of skills and experience derived from the variety of private, public and third sector companies, bodies and organisations for which he has worked.

The appointment is important because the ombudsman not only provides an independent, impartial and free complaints service to the people of Scotland but lets us as a Parliament know how well or otherwise our public services are performing and how they can be improved. The SPSO investigates complaints about local councils, the national health service, housing associations, the Scottish Government, universities and colleges. Last year, the ombudsman's office dealt with more than 2,000 complaints and a similar number of inquiries. In 2007-08, the office's annual budget amounted to some £3.16 million, more than 70 per cent of which was spent on remuneration for the team of 47 full-time equivalent members of staff whom the ombudsman leads.

I believe that Jim Martin will prove to be an effective ombudsman who will bring to the post the requisite experience and understanding, coupled with a commitment to public service and a dynamic approach to achieving the highest possible standards of service.

In closing, I record the Parliament's thanks to Professor Alice Brown, who was appointed our first Scottish Public Services Ombudsman back in 2002, for all her work in establishing that important new office. We thank her for the valuable contribution that she has made to the administrative justice system in Scotland. We wish her well in her future undertakings.

Looking to the future of the SPSO, I have much pleasure in moving the motion.

I move,

That the Parliament nominates Jim Martin to Her Majesty The Queen for appointment as the Scottish Public Services Ombudsman.

15:18

Ian McKee (Lothians) (SNP): In my previous work as a general practitioner, I acted as an occasional so-called expert adviser to the Scottish Public Services Ombudsman on medical cases, so I have first-hand experience of the care and

diligence that the organisation exercises in going about its duties. Therefore, I join David McLetchie in thanking the out-going ombudsman, Professor Alice Brown, for her work. Her decisions have not always been uncontroversial—how could they be?—but she has laboured under difficult circumstances. We wish her well for the future.

I welcome the nomination of Mr Jim Martin for appointment to the post. We were fortunate enough to have an extremely talented group of applicants, but Mr Martin was indeed the unanimous choice of the interview panel. I will not rehearse the details that David McLetchie gave, but they represent awesome experience of many organisations and fields of activity. I am convinced that he will be a huge asset to public life in Scotland and that he will carry out the duties of his important post with care, competence and diligence.

I have great pleasure in joining David McLetchie in nominating Mr Jim Martin for the post.

15:19

Mary Mulligan (Linlithgow) (Lab): I am delighted to contribute to the debate. When the office of the Scottish Public Services Ombudsman was established in 2002, there were great expectations for it. It is unfortunate that there are times when individual citizens do not receive from public bodies the service that they are entitled to expect. Having a one-stop shop to which they could take their complaints was designed to be of benefit to such people, and that has proved to be the case.

The only problem that I see with the role is that people sometimes misunderstand it. As I said to Alice Brown when she attended a recent meeting of the Local Government and Communities Committee, despite her best efforts, some people still think that the SPSO can rule on policy rather than administration. That is clearly not the case. The new SPSO will need to make progress on that, and on the sharing of best practice.

Before I come to the new appointment, let me join other members in thanking Alice Brown for the role that she has played. She has taken the office of the SPSO to another level and has built public confidence in it.

As David McLetchie said, we had a particularly good range of candidates to interview, who would have brought a range of talents and skills to the role. We thank them all for applying. However, Jim Martin was the unanimous choice of the interviewing panel—that is no mean feat, when one considers who the members of the panel were. To all those MSPs who have had involvement with teachers, the EIS or the Scottish Trades Union Congress, Jim Martin needs no

introduction—I do not have time, anyway. I assure members that, in Jim Martin, we are appointing an ombudsman who will defend the rights of the individual and in whom all of us can have confidence. I am happy to support his nomination.

15:21

Alison McInnes (North East Scotland) (LD): I, too, am delighted to support David McLetchie's motion on the nomination of Jim Martin as the new Scottish Public Services Ombudsman. As David McLetchie and Mary Mulligan have said, he was the panel's unanimous choice.

Jim Martin brings to the role an impressive depth of experience and skills from the private, public and third sectors. He impressed us all with his independence of thought and his demonstrable impartiality. I believe that he will carry out the role of SPSO with vigour and will be a strong and impartial advocate for high standards in public service.

I conclude by thanking Professor Alice Brown for the contribution that she made as the first SPSO.

New Medicines (Access) and Additional Private Care (Guidance)

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a statement by Nicola Sturgeon on improving access to new medicines in the national health service and providing guidance for patients who seek additional private care. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

15:22

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Last October, Parliament debated the findings of the Public Petitions Committee's inquiry into the availability of cancer drugs in Scotland. At that time, I undertook to take forward all the committee's recommendations, so I thought that it would be appropriate to update members on our progress in improving the arrangements for introducing new medicines into the NHS in Scotland.

As members should be aware, drug expenditure in Scotland totals some £1.22 billion a year. That is a highly significant resource—it amounts to almost 10 per cent of the total NHS budget. Our objective must be to ensure that that investment supports equitable access to new and innovative medicines on the NHS and that every pound derives the most benefit for patients.

As we all know, tough decisions will always need to be made, so we must ensure that our decision-making processes are robust and achieve fairness and a consistency of approach and that patients, carers and the wider public have a better understanding of how and why decisions are made.

Scotland is already well served by good, internationally regarded arrangements for the introduction of new medicines through the Scottish Medicines Consortium and NHS Quality Improvement Scotland. The SMC has done much to ensure that evidence-based recommendations for Scotland are made quickly following the launch of every new medicine.

We should applaud Scotland's prominent position in life sciences developments, but we all want to ensure that more people in Scotland benefit from innovation. I am therefore announcing today a series of developments that are designed to improve access to medicines on the NHS.

The first development that I want to touch on relates to exceptional prescribing arrangements. When a medicine is recommended by the SMC,

NHS boards should make it, or its equivalent, available when appropriate. I want to make it clear that patients should not have to rely on exceptional prescribing arrangements for medicines that are SMC recommended. However, when a drug is not recommended by the SMC, it is important that exceptional prescribing arrangements are in place to consider the circumstances of individual patients, which could justify the prescription of a particular medicine.

Concerns have been expressed by the Public Petitions Committee and by members in the chamber—and, most recently, by the Rarer Cancers Forum—about the lack of consistency in exceptional prescribing arrangements in different NHS boards. Following the Public Petitions Committee report, the Scottish Government wrote to NHS boards with information on the end-to-end process for the introduction of new medicines, the support arrangements and what should be provided for patients. In addition, NHS boards were provided with a framework of principles, including specific principles for exceptional prescribing, to inform decision making at NHS board level. Boards have responded positively, and the outcome of the responses received will now be used as the basis for new guidance to be issued to boards.

The new guidance will provide the basis for more effective monitoring of the arrangements throughout the NHS. I can also confirm that the Scottish Government has commissioned health rights information Scotland to produce better and clearer information for the public on the arrangements, so that the public can better understand how they work.

The second development that I am announcing today relates to greater transparency in the flexibility that can be used by the SMC in reaching decisions. I can confirm today that the Scottish Medicines Consortium will shortly publish a set of modifiers that can be applied when considering new medicines. The effect of the modifiers will be to ensure that, following the scientific, clinical and health economics evaluation of a new medicine, the full SMC can consider whether any special factors should be taken into account. That will allow greater flexibility to be exercised when there are potential clinical benefits to a drug that the standard methodology would not approve. That will apply, for example, in situations in which the drug can deliver improvements in life expectancy or substantial improvement in quality of life without necessarily improving life expectancy, or when there are no other therapeutic options.

The SMC will also retain the flexibility to consider any other special issues that have been highlighted by the manufacturer of the medicine, clinical experts or patient interest groups. I want to

underline that, although this flexibility will undoubtedly be of particular importance in the case of cancer drugs or end-of-life drugs, it can be applied to any new drug coming before the SMC.

The third development on which I want to update members relates to patient access schemes, which are sometimes referred to as market access or risk-sharing schemes. The schemes allow drugs companies to offer discounts or rebates that reduce the cost of a drug to the NHS. Members will be aware of the pharmaceutical price regulation scheme, a voluntary agreement between the United Kingdom health departments and the Association of the British Pharmaceutical Industry that is designed to secure medicines at prices that are reasonable for the NHS and to provide incentives for the pharmaceutical industry to develop new medicines. Among a range of developments, the new PPRS agreement paves the way for a more systematic use of patient access schemes. I therefore asked the SMC, through a short-life working group, to advise me on the feasibility of patient access schemes in Scotland. That group has now reported to me with the conclusion that such schemes could deliver benefits to patients in Scotland as a means of improving the cost-effectiveness of new medicines and facilitating access to products that might not otherwise secure SMC approval. I therefore announce that I accept the recommendation of the SMC short-life working group that a national framework for assessing proposed patient access schemes should be established. A single national framework will avoid duplication and the potential for schemes to operate differently in different parts of the country. The new arrangements, the operational details of which will now be finalised, will maintain the integrity of the current SMC arrangements and will operate independently of ministers.

All the developments that I have announced today will, individually and collectively, improve patients' access to medicines on the NHS. They will be underpinned by work at the national level to develop new information technology and data analysis systems to support decision making and, crucially, to provide information on the uptake and use of medicines. Arrangements are in place to ensure better networking for those who are involved in planning and implementing the introduction of new medicines across the country in order to share learning and good practice. In addition, the academic sector is fully involved in taking forward the research agenda for health economics methodology and the ethics of making difficult decisions.

All of what I have talked about today is about improving access to drugs on the NHS. My objective is to ensure that we have a system in place that is, from end to end, robust, fair and well

understood. Such a system should ensure that, when a patient can derive demonstrable benefit from a drug, it is available on the NHS through either SMC approval or exceptional prescribing. Conversely, when a drug is not so available, that should be because it cannot deliver sufficient benefit and not for any other reason. That should be clearly explained to the patient.

We must accept that, even when a drug is not available on the NHS, some patients will wish to exercise their right to access it privately. In such circumstances, it is important to provide clarity to patients about the implications of such decisions for the NHS care to which they would otherwise be entitled. Therefore, I am today publishing, after consultation, the final revised guidance on co-payments—those situations in which NHS patients may wish to include elements of private health care, including medicines, in the management of their clinical conditions.

Members will know from previous discussions that co-payment has proved to be a controversial and thorny issue, but I believe that, as a result of work that has been undertaken with key stakeholders, the revised guidance provides greater clarity for NHS boards, clinicians and patients. The guidance is grounded in the fundamental principles of the NHS—namely, that NHS treatment must be based on clinical need, not the ability to pay; that NHS care is free at the point of access; that patients cannot pay the NHS to top up their care; and that the NHS must not in any way subsidise private treatment.

The guidance also recognises that, when a patient chooses to pay for part of their care privately, so long as questions of patient safety, clinical governance, probity and accountability can be answered they should not necessarily lose out on the NHS care to which they would otherwise be entitled—NHS care that they have funded through their taxes. I believe that the revised guidance, which is being issued by the chief medical officer, provides a framework within which the circumstances of individual patients can be fully considered. Nevertheless, such arrangements should be and will be the exception, not the norm.

I remain committed to ensuring that people in Scotland get the best possible care. I believe that, by fully addressing the Public Petitions Committee's recommendations and going beyond them, the progress that has been made and the series of measures that I have described will improve access to new medicines in the NHS in Scotland. I commend the statement to the Parliament.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I thank the cabinet secretary for advance sight of the statement and the guidance that is to be issued. I also thank her for properly coming to the chamber to report on progress, which we hoped that she would do. I welcome the progress that has been made and the restatement of the Government's fundamental commitment to the values and principles of the NHS. We recognise that these are serious and sensitive issues for patients and their families.

There are a couple of specific points that I would like the cabinet secretary to elaborate on. First, where will the guidance fit with drugs that are licensed but have not yet gone through the SMC process, and when does she expect further guidance in relation to improved access to new medicines to be issued? Secondly—crucially, from patients' point of view—what appeal process will be in place for patients who are turned down under the exceptional prescribing arrangements?

Nicola Sturgeon: I am glad that I was able to live up to Cathy Jamieson's expectations in coming back to the chamber to report on progress, and I repeat what I said in my statement: I am absolutely committed to the fundamental principles of the NHS. I know that that commitment is shared across the Parliament, and I believe that what we have announced today protects those fundamental principles. That is important.

Cathy Jamieson asked two specific questions and I will try to give her two specific answers. She posed the question of where the guidance fits in relation to drugs that are licensed but have not yet gone through the SMC procedures. As Cathy Jamieson and her colleagues know, one real advantage of the SMC is that, unlike the National Institute for Health and Clinical Excellence in England, it considers newly licensed drugs very soon after they get their licences—the time gap is literally a matter of weeks. We are therefore in a good position to ensure that the guidance applies in the main to situations in which the SMC has not approved a drug.

Cathy Jamieson's second question concerned appeals processes. I expect the guidance on exceptional prescribing to clarify the different steps in that process, including any arrangements and mechanisms around appeals.

Exceptional prescribing arrangements are very important. The SMC makes recommendations that are about the generalities. No patient absolutely fits the generality, and there will be cases in which a patient's individual circumstances justify the prescription of a medicine even though the generality does not. Interestingly, statistics show that there is an approval rate for exceptional prescribing of about 85 per cent in Scotland, compared with a rate of about 76 per cent in

England. That suggests that the system is working well, but I believe that it can work better, more transparently and in a way that the public can better understand.

Mary Scanlon (Highlands and Islands) (Con):

I thank the cabinet secretary for the advance copy of her statement. The Scottish Conservatives welcome the clarity that has been brought to the issue, and it is right and fitting that we pay tribute to Michael Gray and Tina McGeever, who did so much to bring the Parliament to this point, which will surely result in benefits for many patients. We welcome the health rights information project, the patient access schemes and other initiatives.

I want to ask about co-payment. When a patient chooses to pay for part of their care privately, as recommended by their consultant, who will decide whether they will lose out on NHS care? The minister said in her statement that patients will “not necessarily” lose out on NHS care—that is not entirely clear.

The guidance says:

“NHS Boards should develop local processes ... to support clinicians and patients in reaching decisions about the appropriateness of combining NHS and private healthcare”.

There are 15 factors that need to be taken into account in the development of local processes. My concern is that those local processes will lead to local decisions that will mean that postcode prescribing can continue. That is against what most of us had hoped, which was that the proposal would bring an end to postcode prescribing in Scotland.

Nicola Sturgeon: Mary Scanlon is right to welcome the clarity that the guidance brings, although she went on to suggest that the clarity might not be as great as she had hoped.

I too pay tribute to Michael Gray, who brought the petition to the Public Petitions Committee, and his wife Tina McGeever, who carried on the campaign. I hope that she is pleased with some of the developments, and I hope that he would have been pleased with them if he were still with us. I have heard Tina McGeever say that her objective is to ensure not that people can more easily access drugs privately but that they can more easily get them on the NHS. That is why much of my statement was about the latter, not the former.

Mary Scanlon is right to point out the importance of the health rights information project and patient access schemes, as they are potentially important in opening up access to new medicines.

The issue of co-payment is complex, and I do not think that we do it justice by trying to pretend that it can be completely simplified. Mary Scanlon might already have read the guidance—I see that

she is indicating that she has. It lays out a framework to guide decisions. She points to the use of the word “necessarily”—we cannot say that in every single circumstance a patient can receive NHS care and private care concurrently. There might be good reasons of clinical governance and patient safety why such an arrangement is not in the patient’s interests, so there must be a degree of flexibility and the potential for clinical decision making.

I hope and expect that the framework that we have laid down in the guidance will ensure that the arrangements are consistent throughout the country. It is certainly not my intention, nor the intention of anybody who is active in making the decisions, that there will be any kind of postcode lottery of care, and I believe that the guidance will help to avoid that.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):

I thank the cabinet secretary for the advance copy of her statement. It is the final section that concerns me: my party fears that unfortunately a two-tier system will emerge in which people who are not wealthy and who do not have the money to pay for extra treatment will be firmly at the back of the queue for the best health care.

Will the cabinet secretary assure me that doctors, health professionals and NHS officials will be instructed to bring it to her urgent attention if they detect that what I fear might happen does happen? My party wants a light on the cabinet secretary’s desk to flash if any patients lose out, so that the matter can be brought back to the Parliament as a matter of urgency.

Secondly, the cabinet secretary spoke about SMC flexibility and modifiers. Is there a danger that from the drug companies’ perspective—and, indeed, from the patients’ perspective—the situation could turn out to be a lawyers’ paradise with regard to appeals?

Nicola Sturgeon: I do not believe that that is the case, and the guidelines that we are setting out will help to provide clarity. There will never be complete clarity in relation to individual circumstances because clinical issues have to be taken into account. One reason why I have agreed the recommendation to set a framework for assessing patient access schemes is so that the ethics, feasibility and cost effectiveness can be properly assessed.

Jamie Stone’s fundamental point is important, and I give him the strongest possible assurance that, as health secretary, I will not preside over the development of a two-tier NHS. I am passionately committed to the NHS and the principles that underpin it. Everything that we are doing is done with the aim of increasing access to drugs on the

NHS. If our systems work properly, when a drug can benefit a patient, that patient should be able to access it on the NHS.

Patients have choices, and there are circumstances in which a patient might choose to access a drug privately, even when a clinician tells them that the benefit is not sufficient to justify prescription. We are laying down a framework to ensure as far as possible that a patient can do that without losing the other aspects of NHS care that they would receive anyway and that—as I said earlier—they are funding through their taxes.

The principles are clear: the NHS is free at the point of need; no one can pay the NHS to get better care than someone else; and the NHS must never subsidise private care. If there is to be concurrent treatment, it must be sufficiently separate to ensure that there is no risk of subsidy.

It is a difficult issue—I do not pretend otherwise—but I believe that we have managed to lay down an overall framework that will help to guide the decisions and make them easier for those who are charged with taking them.

Ian McKee (Lothians) (SNP): I congratulate the cabinet secretary on her helpful and lucid statement. I must say that a great deal of stress and anger is caused by the labyrinthine procedures—which vary among health board areas—that have until now existed in relation to a request for the exceptional prescribing of a medicine that is not recommended by the SMC but considered desirable by a clinician under specific circumstances for an individual patient. How will the cabinet secretary simplify those procedures so that they are fairer and more transparent?

Nicola Sturgeon: I thank Ian McKee for not only his question but his introductory comments. I am not always praised for being either helpful or lucid, so it is praise indeed to be called both in one sentence.

Ian McKee has put his finger on a very important point that I highlighted earlier—patients are individuals; no two are the same. As a result, there must be mechanisms for examining each patient's circumstances and characteristics and for making decisions on that basis. That is why we have exceptional prescribing arrangements.

As has been made clear very often—the rarer cancers forum report, which was published last week, is the most recent articulation of this view—the arrangements can be confusing for patients. They are not necessarily the same from health board to health board, and patients can find it impossible to understand the various steps that have to be taken. The timescales, for example, are not always clear.

There are two parts to my response to Ian McKee's question. First, the guidance that we will issue to NHS boards will standardise the arrangements in a way that, I think, will be welcomed by patients and the clinicians who use them. Secondly, we have commissioned health rights information Scotland to produce information, which will by and large take the form of a patient public information leaflet, to explain the purpose of exceptional prescribing and the basic steps in the arrangements. Both those steps will lead to systems that are much clearer and easier for patients to navigate. After all, given that patients can be in great stress and anxiety, the easier we can make the arrangements, the better.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Like other members, I welcome the statement. Indeed, I will go a little further and congratulate the cabinet secretary on wrestling appropriately with a very difficult issue. Ultimately, medicine is not entirely a science; it is also an art, and individuals really matter.

I have a couple of specific questions. First, the cabinet secretary mentioned three of the special factors that the SMC will take into account in its approval process. When will the full list be published? Will they be consulted on before their publication? After all, the readdressing of the quality-adjusted life year measurement—and, indeed, quality of life issues—is important.

Secondly, the cabinet secretary said in her statement that no one should be refused treatment if it will have “demonstrable benefit”. Of course, she has alluded to the fact that what might be seen as benefiting one person will not necessarily be seen as benefiting someone else. How will that issue be dealt with in the list of exceptional needs? Will a set of principles be established, even though it is understood that such principles will not be able to cover every individual circumstance?

Nicola Sturgeon: I thank Richard Simpson for his questions, the first of which relates to the SMC modifiers. The SMC will shortly publish the modifiers that it intends to apply in certain cases—I will certainly alert Richard Simpson to the exact publication date.

The SMC carried out the work partly in parallel with and partly in response to NICE's work on end-of-life and cancer drugs. Being of the view—rightly, I think—that although such an approach is particularly important with regard to cancer and end-of-life drugs it should not necessarily apply only in such circumstances, the SMC has taken a slightly different approach in reaching the same outcome. As a result, the SMC modifiers are slightly more general in their application than the changes that NICE has made around the QALY measurement.

In my statement, I suggested that the modifiers might cover circumstances in which a drug improves life expectancy and quality of life, a drug benefits a particular subgroup of patients, a drug provides a bridge to another drug, or there is an absence of other therapeutic options. Obviously more detail will be available when the modifiers are published.

Richard Simpson's second question touched on the definition of demonstrable benefit. That will differ at different stages of the process. In making its general recommendations—and in defining demonstrable benefit—the SMC uses the QALY, which is based on the evidence of life years gained through clinical trials and views on the quality associated with that gain. When a drug is not recommended and a patient takes advantage of exceptional prescribing arrangements, the demonstrable benefit will be much more related to their specific circumstances.

There is a need for, and scope within the arrangements for, clinical discretion and judgment to play a bigger part. As Richard Simpson rightly says, these are complex issues. We can set out guidance and frameworks to try to simplify the issues but, ultimately, individual decisions have to be made in individual cases.

Jackson Carlaw (West of Scotland) (Con): I welcome the statement enormously. Its effect is to allow co-payment when a patient and clinician believe that it is necessary, and it extends the availability of a much wider range of drugs through the NHS than hitherto, which is welcome.

I will address the same issue as Richard Simpson. Given the new modifiers and the emphasis on quality of life, can the cabinet secretary confirm what residual role she anticipates cost will have in the approval of a specific treatment? Has she given any thought to the estimate of the additional cost that might be necessary in respect of the drugs and medicines budget, and does she expect it to be accommodated within the current underspend? Finally, will she visit the new Beatson cancer research institute in Glasgow? I know that staff would be happy to see her.

Nicola Sturgeon: I am always delighted to visit the Beatson. The new Beatson and everything that is in it is extremely beneficial, and I would be delighted to take up such an invitation.

Jackson Carlaw raised two issues. One, on modifiers, followed on from Richard Simpson's question. He asked, in light of my announcement, what weight the SMC will give to cost. Cost-effectiveness, rather than just cost, is still central to the SMC's decisions; it has to be in any system in which we are trying to deliver value for money and value to the taxpayer. The cost assessments

do not go out of the window because of what I announced today. However, it opens up the possibility in particular circumstances—not in every assessment that the SMC makes but in particular circumstances—of a drug being approved even when the economic evidence does not necessarily support that. That could happen if the additional clinical benefits outweigh the economic evidence, although it is important to stress that the cost-effectiveness part of the equation still stands strongly.

I will not pretend that improving access to drugs in the NHS comes without any kind of cost implication. I said at the outset that we already spend around 10 per cent of the NHS budget on drugs. One of the advantages of the new PPRS scheme—the agreement between the United Kingdom health departments and the ABPI—is that, because of the range of factors agreed in that scheme, we are hopeful of making significant savings in the drugs budget over the coming years, which will give us scope to absorb some of the costs associated with what I have announced today. At the heart of what I have announced today is better and more equitable access to drugs in the NHS. Ultimately, that also provides value for money.

Christine Grahame (South of Scotland) (SNP): I corroborate that this is a complex and technical area. I was interested in the cabinet secretary's comment that the public had difficulty navigating it—I had difficulty navigating it, with two degrees and a clear head. I welcome the commissioning of health rights information Scotland to produce better and clearer information for the public. Can I ask that it tries the information out on me, so that I can understand the arrangements?

Nicola Sturgeon: I am sure that I can arrange for Christine Grahame to be a one-person focus group. I think that she was making a serious point in the midst of that: the situations can be very complicated. Clinicians sometimes find it difficult to navigate their way through the system, and patients, particularly at very stressful times of their lives, find it even harder. We should do anything that we can to simplify the processes and make them more understandable.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Does the cabinet secretary accept that the co-payment arrangements that she has announced today will be tolerable only if universal access to new drugs is extended rather than reduced? In that regard, will she vigorously pursue a range of risk-sharing arrangements with the various pharmaceutical companies, whether it is a free first cycle of treatment, such as is being offered in England with the kidney cancer drug Sutent, or the more typical risk-sharing

arrangement that pertains, for example, in relation to the myeloma drug Velcade?

Nicola Sturgeon: Yes—I agree strongly with Malcolm Chisholm. I said in my statement that co-payment should be the exception, not the rule. It is right that we provide guidance and a framework on such cases, but my priority and objective is improving access to drugs on the NHS, which was the main thrust of my statement. I believe passionately that that is the right approach.

I am glad that Malcolm Chisholm asked about patient access schemes, because in many ways that issue is the most significant aspect of my announcement. I have agreed that we will set up a framework for assessing patient access schemes. Of course, it will be for the drugs companies to produce proposed schemes, which will then be judged. Under the new arrangements, which are being finalised, a proposed patient access scheme will be assessed before the SMC is asked to carry out its usual evaluation. If the scheme has been approved or recommended, the SMC will be able to take that into account. Examples of patient access schemes south of the border—such as the recent one involving the drug Lucentis—demonstrate the potential for such schemes, as long as they are assessed properly, to help us open up access to new and innovative drugs, which is what we all want.

Local Government Finance Act 1992 (Scotland) Amendment Order 2009

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-3707, in the name of John Swinney, on the Local Government Finance Act 1992 (Scotland) Amendment Order 2009.

15:56

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): On 11 February, Parliament approved the Local Government Finance Act 1992 (Scotland) Order 2009. The purpose of that order was to approve revenue allocations to Scotland's 32 local authorities for the forthcoming financial year. That allowed councils to set their budgets and confirm their individual decisions on council tax levels. In my opening speech on 11 February, I made it clear that we would allocate a share of a further £70 million to each local authority that took the decision to freeze its council tax.

I am delighted to say that all 32 councils have announced that they will freeze council tax levels again and have set their budgets accordingly. In the current economic climate, that is good news for hard-pressed households throughout Scotland. Accordingly, the motion seeks Parliament's agreement to allocate the remaining £70 million to councils for 2009-10. Local authorities have set their budgets on the understanding that they will get a share of the available £70 million. Were today's order not to be approved, they would face a £70 million shortfall in their funding for next year. I therefore hope that, on that basis, Parliament will endorse the order that is before it for approval.

The Government works in partnership with local government in Scotland. I was encouraged by the feedback that I picked up from the recent Convention of Scottish Local Authorities conference. In the discussions, it emerged that many of the reforms that the Government has introduced in trying to develop and improve the working relationship between national and local government in Scotland are widely approved by members of all parties in the Parliament. The partnership is delivering not only improvements in services but much-needed relief to local taxpayers in Scotland.

As we will debate further tomorrow, in these difficult economic times, the Government is doing all that it can within its powers and responsibilities to help families and households as we deliver on our six-point economic recovery plan. The total cumulative saving of £210 million in council tax payment increases in the two-year period between

2008 and 2010 is a major and significant contribution to that assistance. I am sure that it will be welcomed the length and breadth of Scotland.

Andy Kerr (East Kilbride) (Lab): For accuracy, can the cabinet secretary advise us what the weekly saving will be for the average council tax payer?

John Swinney: Mr Kerr must have been looking over my shoulder at my notes as we came into the chamber because I was about to say that, in 2009-10 alone, the council tax freeze will save a family in an average band D property more than £60. Without the freeze in both 2008-09 and 2009-10, it is clear that individuals would have been wrestling with additional difficulty in meeting their council tax bills. I have already made a commitment to work with local government to extend the council tax freeze, which is why we will continue to earmark funding to keep council tax levels frozen at 2007-08 levels for the rest of the parliamentary session until 2011-12.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the cabinet secretary say what the cumulative revenue cost will be in the 2011-12 budget? Given that he said in previous statements that the Scottish budget is fixed, will he confirm that cuts and savings will be required elsewhere?

John Swinney: It is clear that the Government has included the resources required to freeze the council tax over the three-year period of the comprehensive spending review settlement that I set out in November 2007. One of the choices that the Government has made within our fixed financial envelope is to take wise and prudent decisions to ensure that the resources are available to support that council tax freeze during the spending review period. Obviously, we have set out our desire to take those decisions—subject to parliamentary consent, of course—about the budget for 2011-12.

The £70 million in today's order confirms that the Scottish Government's funding to local government in 2009-10 will amount to £11.8 billion. That is an increase of £658 million, or 5.9 per cent, on the previous year. Of that total, £10.8 billion has been provided to local government as revenue funding to provide the first-class services on which the people of Scotland rely. That represents a year-on-year increase of £559 million, or 5.5 per cent.

Although I accept fully that, in the current economic difficulties, many local authorities have to make very difficult choices about rising costs and lower-than-expected income, a 5.5 per cent increase in revenue funding is reasonable under the circumstances. It is more than 30 per cent higher than the revenue increase in England and

more than 80 per cent higher than the increase in Wales. Even excluding the additional funding for the council tax freeze, Scotland's local authorities are still receiving a higher increase in revenue funding than local authorities in both England and Wales.

It is not just about the money. Local authorities in Scotland continue to benefit from the considerable reduction in bureaucracy as a result of the removal of the majority of ring-fenced funding and from being able to reinvest their efficiency savings in service provision. The benefit of being able to reinvest efficiency savings should not be understated. It gives local authorities the opportunity to invest more in front-line services and to deliver for our citizens, but that option will not present itself with the proposed budget cuts in 2010-11. The Scottish Government will have to address the problems caused by the United Kingdom Government's decision to cut the Scottish budget from 2010-11 by around £500 million from what we announced previously and remove the ability that we have given local authorities to reinvest savings in front-line services. We will know the precise extent of the cut from the United Kingdom when the budget is delivered on 22 April. The Scottish Government continues to make representations to the United Kingdom Government to avoid those cuts taking place.

I encourage Parliament to support the motion at decision time so that the order may put in place the resources to support the delivery of valuable public services and the council tax freeze.

I move,

That the Parliament agrees that the Local Government Finance Act 1992 (Scotland) Amendment Order 2009 be approved.

16:04

Andy Kerr (East Kilbride) (Lab): The cabinet secretary talked about the new relationship with local government; it strikes me that the new relationship is one in which the Government centralises credit but devolves blame for any local cuts and closures in services. That is an interesting new relationship that is being developed. The last time that we discussed local government finance matters in detail, we witnessed the most humiliating U-turn in the history of devolution when the local income tax was dumped. That false prospectus on which the Government was elected was the biggest broken promise and breach of trust since devolution.

It is interesting that we did not have another climbdown today; I had hoped to see the end of the Scottish Futures Trust. Given the cabinet secretary's previous practice, the debate would

have been an appropriate time to ditch another Scottish National Party manifesto commitment. Such a move would have been welcome news to the 25,000 construction workers who have lost their jobs as a result of the SNP's inability to produce an alternative to the public-private partnership. I look forward to the cabinet secretary developing a not-for-profit trust, if he manages to do so, as was promised on page 19 of his party's manifesto. We all wait with interest to see whether that will happen—I suspect that it will not.

I will consider the local government settlement in its own right. According to the Government's statistics, the current three-year settlement is the worst ever for local government. Under Labour, local government's average share of the financial cake was 35.5 per cent. Under the SNP, that has plummeted to 33.5 per cent. Not the numbers, but the share of the cake of Government expenditure has been reduced.

The cabinet secretary has been all too fond of quoting Pat Watters—he has done so more often than I have. Perhaps he will be interested in what Pat Watters said about the current settlement, which was:

"Once you strip out money committed to agreed priorities like Sutherland and waste and unavoidable financial commitments like pensions—it is simply not true to suggest that councils will receive an increase in their budgets of 5 per cent on last year's figure—it will be a standstill at best ... we should stick to the facts—there is no real terms increase all we have is an inflationary uplift which is already being used to fund significant pressures in councils."

There we have it. The cabinet secretary was happy to quote Pat Watters for several years, but Pat Watters—on COSLA's behalf—now tells the Government that the settlement is not good enough.

Why is the settlement not good enough? That relates to the commitments in councillors' manifestos and those that the Government made in its manifesto but which it has not provided the resources to realise. The SNP calculated that £500 million would be required over three years to provide for its manifesto commitments for local government, but that money was not provided. Instead, an average of £81 million a year of additional resources is being provided to meet all the requests from the SNP Government, which it is clear will not be met.

As I and many others predicted, the historic concordat is turning out to be the historic con. It would take 87 years to reduce class sizes in primary 1 to 3 to a maximum of 18. Recently, Ronnie Smith of the Educational Institute of Scotland said that school budgets were being cut and "pared to the bone". So much for the

"Government's much-touted 'historic' Concordat",

which

"just isn't working."

I agree. That is shown by the schoolteacher figures that were released yesterday.

I will revisit briefly the single transferable excuse for SNP non-performance: the dishonest scaremongering about an alleged £500 million of cuts. In fact, the Scottish budget is to grow—it is £33.2 billion in 2008-09 and it will be £34.5 billion in 2009-10 and £35.6 billion in 2010-11. More than £2 billion will be added to the Scottish budget, which is by no means a cut. That is in addition to significant investment in our banks in Scotland, the £145 for every basic rate taxpayer in Scotland and the benefit of the reflation measures that the UK Government is taking.

I return to respect for local government. Week in, week out in the chamber, Cabinet ministers and SNP back benchers have a go at and slag off local government to their heart's content. Michael Matheson was the latest villain and he was—correctly—asked to retract his comments. For parity of esteem and understanding, it is simply not good enough for cabinet secretary after cabinet secretary to say that an SNP manifesto commitment is in the concordat but not to provide the resources to ensure that local government can deliver it as the situation changes over the years.

Time in the debate is short. I will finish on a serious point about the non-event that is the Scottish Futures Trust and about the SNP not allowing local authorities and health boards to use PPPs. The issue is how we stimulate and regenerate our economy. Will the cabinet secretary examine more closely how we can work more effectively? Section 75 agreements are no longer an effective vehicle for investment in communities, because the time when councils could lever in funds from the private sector on the back of large infrastructure projects is over.

There is a better way for local authorities and others to work with developers—for instance, through shared and progressive risk management—to ensure progress on house building and infrastructure projects. I hope that the cabinet secretary will examine tax increment financing more closely. From my reading of the history of the model and its implementation in America and from what construction and property organisations in Scotland say about it, it is clear that tax increment financing offers an opportunity to move forward in the regeneration of our communities.

16:10

Derek Brownlee (South of Scotland) (Con):
Andy Kerr alluded to the fact that this debate on

local government finance lacks the drama of the previous one, which may be no bad thing. The demise of the discredited local income tax will never be the subject of complaint from this side of the chamber.

Unsurprisingly, the Government has confirmed the second council tax freeze. Undoubtedly, the announcement will be welcomed by families up and down the country. The Conservatives have consistently supported the freeze. We reject the wilder scare stories about its impact on council finances, although we accept that other issues, which I will come to shortly, have put pressure on council budgets.

No matter the part of the country, there is no doubt that councils are experiencing the impact of the recession, particularly in terms of the amount that they receive—or could have expected to receive—through fees and charges and the disposal of capital assets. It would be wrong of any of us to pretend that that will have no impact on local authorities—of course it will. However, it would also be wrong of us to pretend that the Scottish Government's capacity to provide additional finance in compensation is anything other than limited in the extreme. Councils will have to prioritise spending and take difficult decisions. Indeed, those decisions will not be confined to local government; the Scottish Government and the UK Government will have to confront them, too, as will families and businesses.

Given the scale of support from taxpayers and the Scottish Government to local authorities, it would be wrong in any debate on council funding for members to pretend that a squeeze at UK level will have no impact at the Scottish level and, by extension, at council level. It is pretty much impossible to see how the catastrophe that is the current public finances will not have an impact at every level of government. Councils and taxpayers will have to try to find a way through the current situation. We all have to find the least painful way in which to address the concerns that lie ahead. Councils that plan ahead and which take clear and decisive action at an early stage will be the ones that will be best able to protect front-line services and focus on delivering the services that their council tax payers wish to see.

I am happy to repeat something that I have said consistently on the subject of local government finance: the Conservatives are willing to work with any and all parties to find a common way forward. We do not believe in a local income tax but nor do we believe that the status quo is acceptable. Reform is inevitable; indeed, it is desirable.

I understand the political reasons that lie behind the Government's tactic of saying that it is sufficient to have a council tax freeze until the

election, at which point we will no doubt have a rerun of the arguments over local income tax, a reformed council tax and whatever other alternatives are put up in 2011. However, that would amount to a missed opportunity. Instead of kicking the issue into the long grass, which would be the impact of accepting what the Government has done, we could engage in work to reform local government finance in this parliamentary session. For example, even if we do not agree on the form of local tax, we could try to find consensus on the total sum of revenue that it should raise. Alternatively, we could try to reach consensus on aspects of council tax reform, as the Economy, Energy and Tourism Committee did at its meeting last week when it discussed the suggestion that Government should look closely at green discounts for council tax and business rates. Another suggestion would be to explore support for groups such as pensioners, as the Conservatives have suggested, or explore how best to use the £281 million of efficiency savings that the Government has told us it had in hand to subsidise the local income tax.

There are plenty of local government finance proposals for us to discuss in this parliamentary session but, in the meantime, we welcome the council tax freeze and will support the order at decision time this evening.

16:14

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): This year, as last year, the Liberal Democrats will not block the order, but we will use the debate to raise our serious concerns about the consequences of the freeze.

The freeze has two main consequences, the first of which is its impact on local services. Last year, the Government said blithely that all services would be healthy, with no local cuts and no local pressures. In the debate on the Local Government Finance (Scotland) Amendment Order 2008, the cabinet secretary said that he took pleasure in the fact that the Government

"delivers investment in public services above the level that local authorities could have expected".—[*Official Report*, 27 March 2008; c 7436-7.]

From that comment, constituents would not have expected reductions in school budgets, cuts in teacher numbers, pressures on social work budgets, confusion and delay in waste management schemes and councils frustrated by the fact that they have no support for flood prevention schemes. The list is a long one and, by and large, it is the result of smoke-and-mirrors budgeting by the Government.

In answer to each question on local government financing, the Government never takes into

consideration projects that were previously funded from ring-fenced funds, challenge-funded projects or projects with central Government support, through revenue support grant. Instead it wraps up the global sum, to give the impression that that is higher than it is. Parents, pupils and local communities are seeing some of the results of that on the ground.

There is perhaps no better illustration of the likely situation for local residents, parents and pupils than the teachers census that was published this week. The Scottish Government is not reticent about putting press releases on its website but, funnily enough, there was no press release on the census. In previous debates, I have said that the SNP sees itself as almost constitutionally immune from blame. It would never say that a budget from the Westminster Government was fair for Scotland. When confronted by an issue such as the drop of 1,000 in teacher numbers over the past year, the SNP's instinct—as we have read in today's papers—is to blame a number of councils for causing the problem. Interestingly, the SNP convener of COSLA's education committee cast doubt on the Government's figures. I did not see that type of relationship represented in the historic concordat. The result is that there is confusion and blame, and parents and pupils are suffering.

As the cabinet secretary said, three-year indicative levels of funding were set last year. In the debate on the Local Government Finance (Scotland) Amendment Order 2008, we moved an amendment regretting the extent to which the settlement could result in public service cuts and closures.

The second consequence of the Government's actions has been brought into focus by the dumping of the commitment that the SNP made to the electorate to introduce legislation to abolish the council tax. The measure was a talisman of the type of society that the First Minister wanted to bring about, but his spokesman briefed that that betrayal was part of a deck-clearing exercise. The Government has said that it will lock in the unfairness of the council tax, which means that the lowest-income quarter of taxpayers in Scotland pay in tax six times the proportion of income that is paid by the highest quarter. It will also lock in people's inability to change the form of council tax bill that they pay, unless they move house, and the perpetual reduction in flexibility for councils to shape their budgets.

The Conservative party is the only party represented in the chamber that seems to believe that the principles underlying the council tax are fair. It is wrong, and constituents throughout Scotland know that. In the budget process last year and this year, the SNP lectured us repeatedly

on the impossibility of making tax cuts in the Scottish budget, without making equivalent cuts, because the budget is fixed. However, the perpetual freezing of council tax baselines will lead to revenue cuts. Last year, the figure was £70 million, as the cabinet secretary said. This year, cuts of £140 million will have to be identified. In 2011-12, annual revenue of exactly £700 million will go towards funding the council tax reduction; the cabinet secretary did not respond to my intervention on that point.

The council tax freeze is a tax cut. As Derek Brownlee indicated, an argument can be made for the merits of having a tax cut, but there are problems with a tax cut resulting from a council tax freeze. The poorest make no gain from it, while those on low wages living in smaller houses gain less from it than those on high wages living in bigger houses. Those on fixed incomes living in large houses lose the most. The council tax freeze is an unfair tax cut.

In addition—as the SNP has said—cuts will have to be made to other parts of the budget. Which schools are to be closed? Which teachers are to be sacked? Which social workers are to be laid off? All those threats were laid at the door of the Liberal Democrats when we entered the debate. Now, according to the cabinet secretary, the reduction of £700 million to which I referred is wise and prudent budgeting.

We need to have a proper debate about local taxation. If it is about tax cuts, we must ensure that they are fair tax cuts—progressive and based on the ability to pay. Regrettably, the order locks in the unfairness of council tax, whereas we should be spending our time this year debating its abolition and its replacement with a fair and local income tax.

16:20

Bob Doris (Glasgow) (SNP): I rise to support the Local Government Finance Act 1992 (Scotland) Amendment Order 2009. I do so with the belief that, in passing the order, the Scottish Government, the Scottish Parliament and Scotland's local authorities will have worked in partnership to help hard-pressed council tax payers throughout the country, particularly during these uncertain and difficult economic times.

We should put that help in context. Council tax went up by 60 per cent under Labour, and it will increase by a further 3.5 per cent on average in England this year. In Scotland, we are moving together in a different direction. To get all 32 councils to agree to freeze their council tax for two years running is an achievement that we should not underestimate.

Andy Kerr: The cabinet secretary made great play of parity of esteem and of his relationship with local government. Would it not have been a greater achievement if he had not ring-fenced the funds and forced local government to make the decision?

Bob Doris: Andy Kerr keeps talking about giving local authorities equality of status and esteem; we are giving local authorities responsibility, and it is unfortunate that Andy Kerr does not share a desire to give them that responsibility.

Local authorities are working across political parties with the Scottish Government to ensure that financial respite is given to council tax payers. That will hopefully extend until 2012, with year-on-year council tax freezes that will save the average taxpayer more than £240 over the four years. That is surely welcomed by us all.

Further context should be given by a wider view of local authority funding. Over a number of years, local government's share of overall Scottish Executive funding fell, dropping year on year. However, since the election of the new Scottish Government in May 2007, that has been rectified and, for the first time ever, the share of the spending cake has started to increase.

Jeremy Purvis: Why not give councils the £70 million that we will be approving today and allow them the decision whether to freeze council tax in their areas or to invest it in local services? Why not give them the choice?

Bob Doris: Mr Purvis should realise that councils have that choice already. They do not have to freeze council tax; they have the option of an additional uplift, directly from the Scottish Government, of more than 3 per cent. Alternatively, they can increase council tax beyond that. Clearly, that is councils' choice, and they have opted to work with the Scottish Government. This year alone, local authorities will have a 5.1 per cent increase in revenue from the Scottish Government.

The assumed council tax contributions for 2009-10 come to £1.83 billion. Over the years, such assumed contributions have been increasing, and I have already mentioned just how sharp council tax rises have been as a direct consequence. However, by stepping in and taking the place of council tax payers, we ease the burden. It is not just a question of £70 million this year, but the embedded £70 million from last year. That is an additional £210 million over two years that council tax payers would otherwise have to pay. That should definitely be welcomed.

That funding from the Scottish Government ensures that services are protected. My local authority, Glasgow City Council, froze council tax

before 2007. The difference is that, since 2007, the Scottish Government has been providing it with additional financial support to allow it to continue to freeze the council tax. For Glasgow, which I represent, that means an additional £7.78 million if the order is passed today. That is why I will be voting to accept the order at decision time later this afternoon.

16:24

Helen Eadie (Dunfermline East) (Lab): This is a beggar-my-neighbour approach to politics. Two years ago, when the SNP was voted into power, I never really thought that things would get quite as bad as they are getting. I shall save money, living in a lovely house on the seafront, but what about the disabled person next door to me or all the frail elderly people and others across Scotland?

The choices are not difficult; the choices that the cabinet secretary is forcing Scottish local authorities to make are immoral. He is blackmailing them by telling them that they can have the £70 million if they do what the Scottish Government tells them but not if they do not. Jeremy Purvis is right on that point.

All over Scotland—from the Highlands to Hawick, from Aberdeen to Aberdour and from West Dunbartonshire to Wick—councils are taking horrendous decisions to cut services to local people. The SNP Government will say that we are scaremongering, but try telling that to vulnerable folk in Cowdenbeath or Dalgety Bay, where elderly and disabled people have been hit by soaring care charges, which have gone up by 1,800 per cent. I am not making a mistake: Billy Montgomery, a disabled retired miner in Fife, told how his home help bill has risen from £4 a week for eight hours' help under Labour to £77 a week under the SNP. He is disgusted at the way that he has been treated by the SNP. I, too, am disgusted, as are the caring folks in my constituency. Billy is 59 and has speech and mobility problems after two strokes. He said:

"It's extortionate and there's no way I'm going to pay it."

Anger boiled over last week at Fife Council's social work committee, when the SNP chair decided to exclude the public from the meeting. What does that say about the SNP and democracy?

Hanover Court care home will close next week and people who are 90 years old will be forced to move from a home that they have lived in for several years.

Some of the poorest people in Scotland have been told that they must pay shocking increases as they struggle not only with the increases but with the cuts in services. Campaigners in Scotland

warned that people would die as a result of the cuts, which councils blame on the SNP Government's council tax freeze.

In Alex Salmond's Scotland, some people are indeed more equal than others: the Trump Organization, Macdonald Hotels in Aviemore and Scottish Power. They are all big businesses with a special pass to the corridors of SNP power. Compare that with a letter that I got today from the cabinet secretary, who refused to meet me, the GMB, Unite and Community. We were representing Remploy workers throughout Scotland who have concerns to share with him about how cuts are affecting them.

In West Dunbartonshire, the SNP-controlled council has done the dirty on 2,500 council workers by robbing them of their promised back pay. The council is imposing vastly inferior terms and conditions on the entire workforce: longer hours, less pay, the abolition of bonuses and poorer holiday entitlements. The SNP is out to impose all sorts of horrendous deals, and collective agreements with trade unions are simply being torn up. Workers will lose up to £11,000 of their salaries under single status, while the SNP approved rises of £8,000 for directors for changing their title to executive director. All those draconian cuts in wages and conditions will be imposed without agreement this month.

There are two sides to the SNP. A wolf can sometimes appear in sheep's clothing. The SNP really is made up of tartan Tories. It is following Margaret Thatcher's agenda and we are seeing cuts in Scotland the like of which we have never seen before. I am really angry on behalf of my constituents.

16:28

John Wilson (Central Scotland) (SNP): How does anybody follow a speech like that? I will try my best.

In debating the Local Government Finance Act 1992 (Scotland) Amendment Order 2009, it is important to acknowledge the cabinet secretary's input in promoting key priorities for the Scottish people in terms of the key financial outcomes. Other members have stated, but it is worth reinforcing, that the Scottish Government deserves credit for creating a degree of sustainability for local government budgets. Council tax rates were frozen in all councils in 2008-09 and additional funding of £70 million has been included in the budget settlement for 2009-10. Each local authority is getting money in addition to its 2009-10 allocation. It is most noteworthy that local authorities are entitled to a share of £70 million for maintaining the council tax freeze. Especially in the current financial climate,

all members should welcome the fact that the council tax is to be maintained at the current level.

There has been a continuing problem with local authorities leveraging in capital receipts. However, given the recessionary pressures that we are witnessing in the marketplace, it is not unusual that capital receipts shortfall is a problem for local government.

A council tax freeze ensures that councils throughout Scotland have to maintain prudent financial management and better harness the additional resources that are made available by the Scottish Government. Total capital support of £43.4 million for North Lanarkshire Council is not a sum to dismiss lightly. The base budget from my local council, North Lanarkshire, showed that for 2008-09 the authority achieved efficiency savings of £10 million. Unlike in previous situations when budget settlements clawed back efficiency savings, local authorities retain such savings, thus enabling further investment to be made in strategic priorities and increased service provision, which are determined by local authorities in their own areas.

There is always debate about whether local government has enough money, especially as we approach a new financial year. As other members highlighted, there has been much discussion of the resource allocations, although it is worth restating that local government expenditure will rise in cash terms by 4.5 per cent in 2009-10. There needs to be much more clarification from local authorities to ensure that risk management procedures are in place. Indeed, I could argue that budgets that are already in place should be prioritised and should take account of established best practice in local government.

In the chamber on 11 December last year, I highlighted my concern about the public authorities' potential loss on investments in Icelandic banks. The Scottish Government has announced that it will issue statutory guidance not to make provision in its 2009-10 budgets for any potential loss on investments in Icelandic banks. Those banks' exposure is the latest glaring example of the public pound not being protected in a sufficiently robust manner.

A number of issues are worth further examination—for example, I am concerned about performance related pay in local government. Scrutiny of the parameters that are set for PRP makes it look increasingly self-serving. In terms of setting the right tone, that area needs to be addressed, particularly with the current financial backdrop. As witnessed recently in the Treasury Select Committee hearing at Westminster, people have rightly criticised the level of executive pay in the banking sector. However, performance management and executive pay in local

government merit future analysis and detailed scrutiny. Sometimes, perception is reality.

To provide some context to the debate, an increase in cash terms in local government revenue allocations by 5.15 per cent for South Lanarkshire Council and by 5.03 per cent for North Lanarkshire Council merits praise. The Government is taking account of reality outside the chamber, with real money for public services.

I commend the amendment order and look forward to the benefits that the new funding arrangements for local authorities will deliver for vital services throughout Scotland.

16:33

Alison McInnes (North East Scotland) (LD): I recognise that, in the current economic climate, many people will welcome a council tax freeze. Who does not like a cut in tax? However, as my colleague Jeremy Purvis said, the tax freeze locks in the unfairness of the discredited council tax for another year. The council tax freeze was supposed to be a temporary measure, easing difficulties while a fairer local income tax system was developed. In that light, we did not oppose it. In the same way, it has been tholed by councils across the country on the understanding that it heralded a major reform of how local services are funded. However, of course, that is no longer the case. The situation changed when the Government announced that it would not take forward any such reform in the current session of Parliament.

With the LIT having been ruled out for this session, it is unlikely that change will happen within the next five years even if there is a majority for reform in the next session of Parliament. I am concerned that that is a missed opportunity to strengthen the role of local government. Councils should be responsible for raising a significant proportion of funds locally—we can argue about what that level should be—and they deserve to have that autonomy. We have been happy to lobby for fiscal autonomy for our Parliament, but I hear less about applying the same principle to local government.

Rather than an increase in the share of funds that is raised locally and, importantly, accounted for locally, we are seeing the erosion of the principle of locally elected people being responsible for local services. Local government is in danger of morphing into local administration these days. John Swinney has said that he wants a new, equal relationship with local government, yet he has in effect removed local discretion to raise additional revenue for locally needed services. That is not my idea of a new relationship.

In a similar debate last year, I said that a council tax freeze must be fully funded by central Government and must not impact on other budgets for local government services in the current year or in future years. We now face the real prospect that the on-going council tax freeze will adversely impact council services in coming years. The Government has made a commitment to freeze the tax until 2011, but at what cost to local services? Is the tax to be frozen for all time? If not, what kind of hike in council tax will be needed all at once? A massive increase will be required just to provide the same level of funding for local authorities. Perpetually freezing council tax helps no one. It is irresponsible to do that without demonstrating that there is an exit strategy, so the Government is piling up trouble for future years. Of course, the SNP is fond of grand gestures—leaving the pieces to be picked up by the next Government—but it has dug itself into a big hole with the council tax freeze.

Liberal Democrats believe in strengthening local government. Devolution should not stop here at Holyrood. The SNP's increasing tendency to exert control over spending contrasts with its assertion that it is giving more control to local government. Although the move to single outcome agreements has some merit, the demands of the concordat coupled with the council tax freeze mean that councils have less control over their spending than ever before. Indeed, there is a good deal more confusion, which makes the need for a review of the distribution formula more pressing.

I thank John Swinney for insisting, in the face of worrying resistance from COSLA, that the distribution formula will be reviewed, but I continue to press for an interim solution to help the five councils that currently receive less than 90 per cent of the Scottish average. When I proposed that such councils should be protected through a top-up fund, John Swinney responded:

"the current distribution formula—whatever we might think of it—is broadly accepted by all elements of local government"—[*Official Report*, 11 February 2009; c 14934.]

I disagree. The current distribution formula is accepted by the majority of councils, which have a vested interest in resisting change. Since local government reorganisation, the funding system has contained an in-built unfairness that the majority has been unwilling to address. As a minority Government, the SNP should have some sympathy with the difficulties that a minority can face in bringing about change.

I will not hide the fact that I campaigned for such a review when my party was in government—I like to be consistent—or that, to its credit, the Executive had started to tackle the issue. However, the freeing up of ring fencing has reversed that trend, with the result that five

councils have been pulled even further below the Scottish average. I believe that that was an unintentional consequence. It is to John Swinney's credit that he is pushing COSLA to consider the distribution formula—COSLA does not want to do that—but I ask him to go one step further. To ease the problems facing Aberdeen City Council, Aberdeenshire Council and the others, he should put in place an interim measure to introduce a safety net that stops councils receiving less than 90 per cent of the Scottish average.

16:38

Gavin Brown (Lothians) (Con): We support the order and will vote for the motion at decision time. By increasing the sums that are given to local authorities, the order will allow councils to freeze the council tax. The Scottish Conservatives support the council tax freeze, which is indeed a good Conservative policy. As my colleague David McLetchie said not too long ago, the next best thing to a Conservative Government is a Government that implements Conservative policies. We supported the council tax freeze last year and this year, and we hope that the freeze will be continued into next year.

The order provides a sum of approximately £70 million to allow all 32 local authorities to freeze their council tax at 2007-08 levels. If the Parliament were not to agree to the motion, councils would need to increase council tax by 3.2 per cent to raise the same amount of money. Such an increase would not be popular in Scotland at the moment and would not go down well with householders in any local authority area or constituency. The council tax freeze represents a break to the hard-pressed taxpayer and a tiny piece of good news at a time of general gloom about the nation's finances and fiscal abilities.

That said, we need to look at the system of local taxation, as my colleague Derek Brownlee pointed out. It is not good enough simply to kick the issue into the long grass of 2011. I reiterate Mr Brownlee's point that the Scottish Conservatives are willing to work with any party to consider positive ways of changing the status quo because, like many other parties in the Parliament, we do not think that it is acceptable.

If the £281 million that the Government said that it could have found for the local income tax—which the Liberal Democrats must have accepted—is still available, that money could be used for a council tax cut across the board or, as we have suggested in the past, for a discount of 50 per cent for pensioners.

I want to focus on a proposal that could achieve cross-party support and which could be implemented far more quickly than any of the

more fundamental changes—that of a green rebate on council tax. Such rebates are already available in England, Wales and Northern Ireland. The concept involves giving householders who invest in energy efficiency measures or renewable heat a discount or a rebate on their council tax. The measure would be fairly straightforward to implement, would give householders a break by cutting fuel bills and would, at the same time, help us to improve our carbon emissions figures.

The issue was considered recently at a meeting of the Economy, Energy and Tourism Committee, at which the Energy Saving Trust made extremely positive noises about it. The EST said:

“council tax incentives have, in theory, a big role to play in encouraging consumers to take action ... Talking to people about tax rather than energy efficiency is much more exciting for them and has a big impact.”

Northern Energy Developments Ltd said:

“There must therefore be innovative thinking about financial incentives, and in that respect, council tax rebates are interesting.”—[*Official Report, Economy, Energy and Tourism Committee*, 4 February 2009; c 1571.]

In its written evidence to the committee, Scottish and Southern Energy said:

“all avenues should be explored, such as using local and national tax incentives to reward energy efficiency or microgeneration.”

The evidence that was put to the committee was compelling, and it led to the proposal receiving cross-party support. All members of the committee—Scottish National Party, Labour, Liberal Democrat and Conservative members alike—felt that the idea ought to be explored. The committee recommended

“that the Scottish Government investigates and reports back to the Committee, if possible before stage 2”—

of the Climate Change (Scotland) Bill—

“on whether some form of rebate through local taxation systems to incentivise the take-up of energy efficiency, renewable heat”

would be possible,

“drawing on the experience and the success of such schemes in other parts of the UK.”

The order that we are debating will allow there to be another council tax freeze this year. As we support the freeze, we will vote for the order, but I ask the cabinet secretary to respond to the green rebate on council tax initiative, which I think could have cross-party support.

16:42

David Whitton (Strathkelvin and Bearsden) (Lab): We debated local government finance only last month, and here we are again. However, today is different. No big announcement has been

sneaked out in the final few paragraphs of a speech, as happened with the dumping of the flagship local income tax policy.

I am a bit disappointed in Mr Swinney, in that, like Mr Kerr, I half expected that he would go the whole hog and tell us that the policy of creating the Scottish Futures Trust was dead in the water, but no such luck. Let us look at the facts. That so-called organisation was to be the answer to a nation's prayers on how to fund capital projects, but it has still not put one project in place. The SFT might have a chairman in the shape of Sir Angus Grossart, but one would be hard pushed to find any public utterances by him on the matter.

What about the much-anticipated appointment of a chief executive for the organisation? Only yesterday, the Finance Committee was told by the head of the Government's pay policy unit that he could offer no information on the salary structure for the post and that he had not been involved in drawing up any contract of employment. If the SNP is serious about the SFT, surely it should have had someone in place by now. When he sums up, perhaps the cabinet secretary can tell us how many applications there were, what the current state of play is on the making of an appointment and what the salary level will be. I am sure that we are all interested to know, just as we are interested to know whether the five civil servants who are working on the SFT have been transferred to the organisation under the Transfer of Undertakings (Protection of Employment) Regulations.

As my colleague Mr Kerr pointed out, the SNP Government is responsible for £1.6 billion of cuts in local government finance over the three-year period from 2007—which the cabinet secretary describes as “cash-releasing savings”. We know that councils are cutting staff numbers in order to make some of those savings, yet the same cabinet secretary, when asked whether, in these times of economic difficulty, he would relax the demand for 2 per cent efficiency savings that have been imposed on Scottish councils, said no.

Some of his SNP colleagues in local government—and he should listen to this bit—clearly have not heeded what he said and are taking their new-found freedom under the concordat to new lengths. For example, take SNP-led Stirling Council, which hired consultants KPMG to review the council's activities—a review, incidentally, that included a plan to close care homes. That plan was supported by the SNP's natural allies in this Parliament and in Stirling—the SNP's good friends, the Tories.

Today's *Stirling Observer* carries an apology from both parties. Apparently, they had not realised what distress the decision would cause. Talk about being out of touch. However, there is

no apology for wasting around £1 million on the services of KPMG, which is doing what the council's own officials are probably capable of doing for themselves. What a cost. The charge for a KPMG director is £2,244 a day—five times more than the chief executive and 31 times more than a senior carer in one of the homes earmarked for closure. The lead consultant is a snip at £1,637 a day, more than four times more than the director of community services and 25 times more than a carer. I respectfully suggest to the cabinet secretary that he has a word with the SNP leader of the council and offers some advice on how to make a very quick saving for the council tax payers of Stirling.

John Wilson: Will Mr Whitton speak to his colleagues in North Lanarkshire Council, who, in the past two years, have spent more than £15 million on consultancy fees?

David Whitton: We just have to look at the facts in Stirling. What savings have been made? I do not know. Perhaps Mr Wilson can tell me. Was the policy abandoned?

Facts are facts. As we have heard, using the Government's own figures, the current three-year settlement for local government is the worst ever, yet we are hearing once again from Mr Swinney that he will push for a zero per cent council tax increase again next year, using the blunt instrument of a threat to councils that, unless they sign up, they will not get a share of whatever sum he decides to set aside to support the policy.

Mr Doris extolled the virtues of the zero increase and claimed that Labour does not respect council decisions. How, then, does he square his views with his opposition to school closures in Glasgow? Under Labour, Glasgow City Council has spent more than £500 million on new schools in the past 10 years. It cannot do that now because no funding mechanism is in place. The SFT does not exist.

Bob Doris: Does Mr Whitton accept that the Labour leader in Glasgow, Steven Purcell, has said that the school closure scheme is not financially driven? In that case, what does the issue have to do with the budget debate?

David Whitton: I am not sure that I follow Mr Doris's line of argument. How can new schools be built without finance? They certainly cannot be built without a financial model, and no financial model is in place.

As I was saying, Mr Swinney is still pursuing his zero per cent increase. If he continues on that line, he might be guilty of putting local councils under economic duress.

We know now that the concordat with local government is “just not working”. Those are not

my words, but the words of Ronnie Smith, the general secretary of the teachers union the Educational Institute of Scotland—and he should know. As my colleague Rhona Brankin revealed yesterday, the number of teachers in Scotland has fallen by 1,000 in the past year, 23 of them in my constituency.

The First Minister is fond of pinching other people's election slogans, so let me offer him another one: "It's time"—time for him and his Government to sit down again with local government and negotiate a new deal, because zero per cent council tax increases next year just will not work.

16:49

John Swinney: There was something all-too-familiar about Helen Eadie's contribution to the debate, but there was also something missing. I do not consider it a Helen Eadie speech unless it contains a vociferous assault on Willie Rennie or Jim Tolson, who appear to be two of her bêtes noires. Her speech was therefore very different from normal.

I must correct a couple of points that Mrs Eadie made. She said that an SNP councillor had been in the chair when the Fife Council meeting was unable to take place. I am reliably advised that it was, in fact, Councillor Tim Brett, who is a Liberal Democrat. If Mrs Eadie had wanted a Liberal Democrat to single out for attack in her speech, Councillor Brett would have provided a suitable substitute for Mr Tolson. However, I see that Mr Tolson has now turned up in the chamber—I am glad that I was able to give him a name check.

Helen Eadie: The minister will know that all the politics in Fife Council are led by Peter Grant, who is an accountant. He knows the cost of everything but the value of nothing, and he is a member of the SNP.

John Swinney: I am well acquainted with Councillor Grant, who gives fine leadership to Fife Council. I point out to Mrs Eadie that 400 people who previously paid care charges when the Labour Party ran Fife Council now pay nothing under the SNP-Liberal Democrat administration. If Mrs Eadie had put all the issues on the record properly, she would have made it clear that the approach to care charges that Fife Council has taken is also taken by numerous Labour councils throughout the country. That is reminiscent of the problem that Mr Whitton got himself into when he attacked the use of consultants by Stirling Council and my colleague Mr John Wilson was able to point out a similar use of consultants by North Lanarkshire Council. Members should be a tad careful about the examples that they choose.

Mr Whitton had more than a little brass neck criticising me on the subject of efficiency savings. He was probably the author of the "hungry caterpillar" speech—he used to write all the speeches. He may want to correct the record on that. I was chastised for having modest aspirations for efficiency savings, but the Secretary of State for Scotland is now demanding that I ask for more efficiency savings. I am the first finance minister—one of the previous guilty men is sitting beside Mr Whitton on the Labour front bench—who has allowed local authorities to retain their efficiency savings for reinvestment in front-line services.

Andy Kerr: Mr Swinney is also the first cabinet secretary to give his manifesto commitments to local government without providing the appropriate funding. When the previous Scottish Executive made commitments on bus travel and class sizes, we provided the money to support them.

John Swinney: I notice that Mr Kerr does not refer to the policy of free personal care, on which the previous Government undoubtedly short changed local authorities in Scotland.

The Government has allowed local authorities to reinvest their efficiency savings at the local level, whereas the previous Administration top-sliced them. That is the approach that will be taken by the United Kingdom Government if it goes ahead with its decision to top-slice our budget in 2010-11.

There has been a lot of talk in the debate about local government's share of public expenditure, which is a subject that is dear to Mr Kerr's heart. He and I spar on the issue frequently.

David Whitton: Stick to the facts.

John Swinney: The fact is that the share of the Scottish budget that was allocated to local authorities fell each year from 2003-04 under the previous Labour-Liberal Administration. It fell in 2004-05, 2005-06, 2006-07 and 2007-08. At that point, the SNP Government came into office and reversed the trend, and local authorities' share of the budget is now going back up again.

Andy Kerr: During that time, we invested our resources in the national health service, whereas the SNP Government has chosen to reduce the national health service budget. If the cabinet secretary picks any three years of a Labour Administration and compares the figures with his projections for the next three years, he will find that the average spend under Labour was more than it will be under the SNP.

John Swinney: The minute that we answer one charge from Mr Kerr, he flips on to the other side of the charge. The fact is that the share of the budget that went to local government under the Labour-Liberal Administration declined before the

SNP Government came into office and increased afterwards. He should willingly accept that point.

There has also been a great deal of talk about my previous contribution to a local government finance debate, on local income tax. I would have thought that my announcement that day would bring some cheer to Labour and Conservative members—I accept that the Conservatives have been slightly less grudging than the Labour Party. To Mr Purvis I say that, no matter our view on the issue, we have to face the reality that there was not the parliamentary support to implement the policy. That is one of the factors that we had to take into account.

Jeremy Purvis: Will the cabinet secretary similarly respect the way that Parliament has voted on the issue of the referendum?

John Swinney: Having listened to the remarks of Mr Purvis's leader at his party's annual conference in the fair city of Perth, I am not altogether sure where the Liberal Democrats now stand on the issue. They are flip-flopping all over the place.

David Whitton: Will the cabinet secretary give way?

John Swinney: No doubt we are about to hear some flip-flopping from the Labour benches. Maybe Mr Whitton wrote the "bring it on" speech as well as the "hungry caterpillar" speech.

David Whitton: I am afraid that Mr Swinney gives me credit for things that I deserve no credit for.

As Mr Swinney is on the subject of the local income tax, will he take this opportunity to tell us whether he will publish the detailed workings that the Government got in a fankle about and let us see how ministers arrived at the decision to ditch the local income tax?

John Swinney: The Government has published plenty of information on the local income tax and has answered plenty of parliamentary questions on it as well—I seem to remember many late-night parliamentary questions scrutiny sessions.

I will end on some constructive points. Mr Kerr made some points about the difficulties arising out of section 75 agreements, and Mr Brownlee made much the same point in relation to the decline in local authority income from fees and charges and the difficulties with capital assets sales and how that fits into the whole development climate. The Government has a positive view of tax increment finance, and we are already exploring with local authorities how we can take that forward. There are a number of other opportunities for us to try to bring together some of the different components of investment that will still exist in the private sector and the local authority sector. The Government's

capital programme can contribute to that, and we will also be delighted to contribute through the Scottish Futures Trust, which I am sure we will debate next Wednesday.

Various elements are coming together, and I think that we can have a constructive debate that recognises the fact that, at a local level, development issues are a particular challenge, given the economic climate. The Government is very much engaged in addressing that problem as part of our work to support investment in the Scottish economy. That will also be supported by the passage tonight of the order, which will mean that, for the second year in a row, resources will be provided to local authorities to enable the council tax to be frozen.

Business Motions

16:58

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-3780, 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 1 April 2009

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Announcement of Appointment of Scottish Parliamentary Standards Commissioner

followed by Finance Committee Debate: Inquiry into Methods of Funding Capital Investment Projects

followed by Legislative Consent Motion: Apprenticeships, Skills, Children and Learning Bill - UK Legislation

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 2 April 2009

9.00 am Parliamentary Bureau Motions

followed by Ministerial Statement: Creative Scotland

followed by Scottish Government Debate: Hospital Waiting Times

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
Finance and Sustainable Growth

2.55 pm Scottish Government Debate:
Antisocial Behaviour Framework

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 22 April 2009

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by

Members' Business

Thursday 23 April 2009

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
Education and Lifelong Learning;
Europe, External Affairs and Culture

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-3781, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, seeking to allow the meeting of Parliament on Thursday 2 April to begin at 9 am.

Motion moved,

That the Parliament agrees that "9:00" be substituted for "9:15" in Rule 2.2.3 to allow the meeting of the Parliament on Thursday 2 April 2009 to begin at 9.00 am.—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-3782, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out the timetable for stage 1 of the Tobacco and Primary Medical Services (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Tobacco and Primary Medical Services (Scotland) Bill at Stage 1 be completed by 25 September 2009.—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motions

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of 10 Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-3785 to S3M-3794.

The Minister for Parliamentary Business (Bruce Crawford): Do you want me to move them en bloc? Are you sure that you do not want me to move them individually?

The Presiding Officer: I am absolutely certain that I do not want you to move them individually.

Motions moved,

That the Parliament agrees that the draft Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Bankruptcy and Diligence etc. (Scotland) Act 2007 (Inhibition) Order 2009 be approved.

That the Parliament agrees that the draft Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 be approved.

That the Parliament agrees that the draft Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2009 be approved.

That the Parliament agrees that the draft Community Care and Health (Scotland) Act 2002 (Amendment to schedule 1) Order 2009 be approved.

That the Parliament agrees that the draft Housing Support Grant (Scotland) Order 2009 be approved.

That the Parliament agrees that the draft Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Renewables Obligation (Scotland) Order 2009 be approved.

That the Parliament agrees that the draft Victim Statements (Prescribed Courts) (Scotland) Order 2009 be approved.

That the Parliament agrees that the Scottish Government Code of Practice for the Welfare of Equidae (SG 2009/20) be approved.—[Bruce Crawford.]

The Presiding Officer: The questions on those motions will be put at decision time.

The next item of business is consideration of Parliamentary Bureau motion S3M-3783, on the remit and duration of the Review of SPCB Supported Bodies Committee.

Motion moved,

That the Parliament agrees to amend the remit and duration of the Review of SPCB Supported Bodies Committee as follows—

Remit: To consider and report on whether alterations should be made to the terms and conditions of the office-

holders and the structure of the bodies supported by the SPCB; to consider how any proposals, including the addition of any new functions, for future arrangements should be taken forward, including by way of a Committee Bill, and to make recommendations accordingly.

Duration: Until the Parliament has concluded consideration of the committee's report and any Bill which may follow thereon.—[Bruce Crawford.]

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

The next item of business is consideration of Parliamentary Bureau motion S3M-3784, on the designation of a secondary committee.

Motion moved,

That the Parliament agrees to designate the Health and Sport Committee as secondary committee for the purpose of considering Part 9, section 129 and Part 10, section 140 of the Criminal Justice and Licensing (Scotland) Bill at Stage 1.—[Bruce Crawford.]

The Presiding Officer: The question on that motion will also be put at decision time

Decision Time

17:00

The Presiding Officer (Alex Fergusson):

There are eight questions to be put as a result of today's business.

The first question is, that motion S3M-3755, in the name of Gil Paterson, on behalf of the Standards, Procedures and Public Appointments Committee, on the "Review of Section 6 of the Code of Conduct (Cross-Party Groups)", be agreed to.

Motion agreed to,

That the Parliament agrees to amend the Code of Conduct for Members of the Scottish Parliament by replacing Section 6 (in Volume 2) with Section 6 as set out in Annex A of the Standards, Procedures and Public Appointments Committee's 11th Report 2008 (Session 3), Review of Section 6 of the Code of Conduct (Cross-Party Groups) (SP Paper 186), with effect from 27 March 2009.

The Presiding Officer: The next question is, that motion S3M-3756, in the name of Gil Paterson, on behalf of the SPPA committee, on "Changes to the Code of Conduct arising from the Reimbursement of Members' Expenses Scheme", be agreed to.

Motion agreed to,

That the Parliament agrees to amend the Code of Conduct for Members of the Scottish Parliament by replacing Section 7.2.6 and Section 9.1.6(c) (in Volume 2) with Section 7.2.6 and Section 9.1.6(c) as set out in Annex A of the Standards, Procedures and Public Appointments Committee's 2nd Report 2009 (Session 3), Changes to the Code of Conduct arising from the Reimbursement of Members' Expenses Scheme (SP Paper 217), with effect from 27 March 2009.

The Presiding Officer: The next question is, that motion S3M-3757, in the name of Gil Paterson, on behalf of the SPPA committee, on the "Review of Section 8 of the Code of Conduct", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, John (Central Scotland) (SNP)

AGAINST

McArthur, Liam (Orkney) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 100, Against 8, Abstentions 2.

Motion agreed to,

That the Parliament agrees to amend the Code of Conduct for Members of the Scottish Parliament by replacing Section 8 and Section 9.1.6(b) (in Volume 2) with Section 8 and Section 9.1.6(b) as set out in Annex A of the Standards, Procedures and Public Appointments Committee's 9th Report 2008 (Session 3), Review of Section 8 of the Code of Conduct (SP Paper 176), with effect from 27 March 2009.

The Presiding Officer: The next question is, that motion S3M-3766, in the name of David McLetchie, on behalf of the selection panel on the appointment of the Scottish Public Services Ombudsman, be agreed to.

Motion agreed to,

That the Parliament nominates Jim Martin to Her Majesty The Queen for appointment as the Scottish Public Services Ombudsman.

The Presiding Officer: The next question is, that motion S3M-3707, in the name of John Swinney, on the Local Government Finance Act 1992 (Scotland) Amendment Order 2009, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)

Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 99, Against 0, Abstentions 14.

Motion agreed to,

That the Parliament agrees that the Local Government Finance Act 1992 (Scotland) Amendment Order 2009 be approved.

The Presiding Officer: I propose to ask a single question on motions S3M-3785 to S3M-3794, on approval of Scottish statutory instruments and a code of practice. I ask members to indicate if they object to my doing so.

I see that no members object. The question is, therefore, that motions S3M-3785 to S3M-3794, in the name of Bruce Crawford, on approval of SSIs and a code of practice, be agreed to.

Motions agreed to,

That the Parliament agrees that the draft Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Bankruptcy and Diligence etc. (Scotland) Act 2007 (Inhibition) Order 2009 be approved.

That the Parliament agrees that the draft Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 be approved.

That the Parliament agrees that the draft Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2009 be approved.

That the Parliament agrees that the draft Community Care and Health (Scotland) Act 2002 (Amendment to schedule 1) Order 2009 be approved.

That the Parliament agrees that the draft Housing Support Grant (Scotland) Order 2009 be approved.

That the Parliament agrees that the draft Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Renewables Obligation (Scotland) Order 2009 be approved.

That the Parliament agrees that the draft Victim Statements (Prescribed Courts) (Scotland) Order 2009 be approved.

That the Parliament agrees that the Scottish Government Code of Practice for the Welfare of Equidae (SG 2009/20) be approved.

The Presiding Officer: The next question is, that motion S3M-3783, in the name of Bruce Crawford, on the remit and duration of the Review of SPCB Supported Bodies Committee, be agreed to.

Motion agreed to,

That the Parliament agrees to amend the remit and duration of the Review of SPCB Supported Bodies Committee as follows—

Remit: To consider and report on whether alterations should be made to the terms and conditions of the office-holders and the structure of the bodies supported by the SPCB; to consider how any proposals, including the addition of any new functions, for future arrangements should be taken forward, including by way of a Committee Bill, and to make recommendations accordingly.

Duration: Until the Parliament has concluded consideration of the committee's report and any Bill which may follow thereon.

The Presiding Officer: The final question is, that motion S3M-3784, in the name of Bruce Crawford, on the designation of a secondary committee, be agreed to.

Motion agreed to,

That the Parliament agrees to designate the Health and Sport Committee as secondary committee for the purpose of considering Part 9, section 129 and Part 10, section 140 of the Criminal Justice and Licensing (Scotland) Bill at Stage 1.

Drumchapel Table Tennis Club

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-3622, in the name of Bill Butler, on Drumchapel is top of the table.

Motion debated,

That the Parliament congratulates Drumchapel Table Tennis Club on its 20th anniversary; notes that it is the most successful table tennis club in Britain, with over 400 members, and caters for all levels of ability; further notes that several of its players will be representing Scotland at the 2009 Commonwealth Table Tennis Championships to be held in Glasgow in May; acknowledges the valuable role that the club plays, with support from Drumchapel LIFE, Skyform, Culture and Sport Glasgow and Strathclyde Police, in promoting healthy lifestyles, tackling antisocial behaviour and developing young people's potential through its imaginative after-school programme; pays tribute to the hard work and dedication of its head coach and driving force, Terry McLernon; recognises the positive impact that sports clubs make in communities across Scotland, and agrees with Drumchapel Table Tennis Club that sport must be properly supported at grassroots level and looks to the Scottish Government and local authorities to facilitate such an approach.

17:05

Bill Butler (Glasgow Anniesland) (Lab): It gives me great pleasure to bring this motion to Parliament. Quite simply, Drumchapel table tennis club has for nearly two decades been an asset to the area that I am proud to represent, and has proved itself to be consistently successful both on and off the court. It is more than a sports club; it has put Drumchapel on the map for all the right reasons. I am sure that colleagues will join me in welcoming members of the club to the gallery. *[Applause.]* Earlier today, several of us pitted our skills against club members on the table in the Parliament gym. On behalf of the Parliament, I thank them for going easy on us.

With more than 400 members, Drumchapel table tennis club is one of the largest—if it is not the largest—table tennis clubs in Britain. It also lays claim to being the most successful. In the past 12 months alone, it has qualified for the elite European Table Tennis Union cup, has seen head coach Terry McLernon win the *Sunday Mail* local hero award and—as last night's *Evening Times* reported—it took seven of the possible 13 titles at last weekend's Scottish national championships. The club will also provide several players for Scotland's squad for the Commonwealth table tennis championships, which will be held in Glasgow in May.

However, titles and trophies testify to only part of the club's success. Since it was set up in 1989, thousands of members have passed through it. Some have won national or regional titles, while

others have found a sense of belonging and purpose, forged firm friendships, learned about the benefits of a healthy lifestyle and experienced at first hand the advantages of working together with others in the community. The club's great strength lies in its commitment to catering for all players of all ages and abilities, and in ensuring that they get the most out of their participation in sport and membership of a club. Its facilities are available seven nights a week, and no one who walks through the door is left out.

The club's coaching structure enables more experienced players to gain a level 1 coaching certificate and to pass on their skills to the juniors. The west of Scotland table tennis league gives the club a grant for coaching, which is used partly to provide a training camp for the elite players with an experienced international coach.

The club also provides a safe and organised environment for its members. Over the years, very little—if any—trouble has been reported in the club because its members exercise an informal yet disciplined approach. Care is taken to ensure that young children and people who live outside the area are transported home late at night. In short, members look out for each other. Indeed, the success of the club's approach has been acknowledged by Strathclyde Police, which views it as a great asset in tackling antisocial behaviour not only in that area but in surrounding areas.

Just as important, the club serves as a vehicle for allowing its members to see the world outside Drumchapel. Visits to other clubs and competitions at home and abroad become events. Teams enjoy extended weekend visits, often staying overnight in a new city and learning something new about different locations and cultures. Over the years, the club has visited France, Germany, Holland and Belgium and its twinning with the Amiens table tennis club in France has resulted in regular exchange trips. Players who are unable to pay for their travel are supported by other members to ensure that they do not miss out.

In addition, the club has, in tandem with the Drumchapel LIFE—life is for everyone—project, rolled out its pioneering school programme and breakfast clubs to 14 schools in Glasgow's west end, bringing the sport and the advantages of a healthy lifestyle to a new generation.

The establishment of the only primary school league in the country has fostered a real sense of competition and pride, and is tapping into the enormous potential of the area's young people. Teachers frequently tell of the positive spin-offs of that involvement. For example, pupils who take part show improved attendance and attainment at school, are more alert in class and use the sport as a way of expressing themselves and their innate abilities.

Partner agencies such as Drumchapel LIFE, Glasgow City Council and Culture and Sport Glasgow have all realised the club's potential and have come on board with sponsorship and support. Praise must also be given to local business Skyform Ltd and its owner Jim Campbell—who is himself a Drumchapel boy—for their long-standing financial commitment to the club. That support has allowed the club to push on to European level and is a fine example of a business putting something back into the communities in which it operates.

It must be said that none of that success would have been possible without the drive, commitment and infectious enthusiasm of one individual—the head coach, Terry McLernon, who joins us in the gallery this evening. He eats, sleeps and breathes table tennis and, in particular, his club. He possesses that rare ability to see potential in even the most difficult of situations. The club could have no better or more passionate advocate.

I am pleased to inform Parliament that, impressive though the club's résumé may be, it has no intention of resting on its laurels. With the 2009 Commonwealth table tennis championships almost upon us and the Commonwealth games heading for Glasgow in 2014, it is imperative that both local government and the central Government ensure that thriving and highly successful clubs such as Drumchapel table tennis club continue to grow and prosper. If we are serious as a Parliament about ensuring that communities are able to take advantage of the legacy of such sporting events, we must ensure that such clubs are at the very core of Parliament's strategy.

I hope that the minister will agree that Drumchapel table tennis club ticks all the boxes in respect of social inclusion, sporting achievement, promoting healthy lifestyles and providing value for money. It stands as a model of genuine community engagement, so there is a strong case to be made for Government support to allow it to roll out its schools programme across the rest of Glasgow and beyond.

I also hope that the minister will give serious consideration to coming along with me to visit the club and to witness at first hand the life-affirming work that is being carried out in Drumchapel. Let us look together at how the Scottish Government can support a genuine Scottish success story.

I once again commend all those who are involved in the club for all their hard work and achievements. I thank them, on behalf of Parliament, for putting Drumchapel at the top of the table.

17:12

Bill Kidd (Glasgow) (SNP): I congratulate Bill Butler on having secured a members' business debate on Drumchapel table tennis club and its celebration of 20 years as a focal point for sport in north-west Glasgow.

Drumchapel sports centre has been an exemplar for the sport of table tennis in Scotland. Players travel to it from throughout Scotland because of the first-class coaching at the club. As Bill Butler said, that has been due in great part to the dedication, hard work and passion for the sport of Terry McLernon. He has worked since the 1980s to ensure the development of table tennis as a core activity in Drumchapel. People like Terry have driven sport throughout the country over the years—often without the level of support that their dedication has deserved. I believe that we all want that situation to be addressed sooner rather than later.

The legacy of Glasgow's 2014 Commonwealth games will come into its own in combining established coaching, such as Terry McLernon provides, with a robust infrastructure for sport at the local level. That can be achieved by developing a network of community sports hubs throughout Scotland, as has been proposed, which will bring sport in Scotland fully into the 21st century. Drumchapel table tennis club is an example that should be followed.

We cannot and do not all aspire to be Commonwealth games champions. However, at whatever age and at whatever ability level, Drumchapel table tennis club has shown that the taking part is what it is really all about. If someone happens to become a champion due to their inherent skill and the sheer hard work that that takes, they will also be a role model for others in their community. That in itself is a reward worth seeking.

I recently visited the sports centre at Scotstoun, which is near my home, and was impressed by the on-going developments that are taking place there with a view to the Commonwealth games in 2014. I was even more impressed by the friendly and hard-working staff and by the high level of usage by fellow Glaswegians. I do not use the centre as yet, but I intend to. Many of those people have been greatly encouraged by champions from local clubs such as Drumchapel table tennis club.

The Commonwealth games will come and go, as such events do, but their legacy should be facilities that ensure that Scotland loses the sick-man-of-Europe tag as a result of our citizens, young and old, taking regular exercise. If that is in the form of organised sport, such as that provided by Drumchapel table tennis club, so much the better. The approach that we should aspire to is

about taking part and doing our best. I believe that all Scots will support that approach, which is demonstrated by Drumchapel table tennis club, for which I thank it.

17:16

Bill Aitken (Glasgow) (Con): I, too, congratulate Bill Butler on bringing the matter before the Parliament. His comments were encouraging—perhaps even inspiring would not be too strong a word. We know that there have been problems over the years in Drumchapel. I know from experience—I come from an area that had its problems—that in one's youth diversions such as physical activity or sport can help a great deal. Drumchapel table tennis club provides such a diversion. The figures on the throughput of members over the years are frankly spectacular and it has a current membership of 400, which in itself is a significant achievement. I congratulate the club on the trophies that it has won, but the service that it provides in a progressive and professional manner to the youth in the Drumchapel area is much more important.

When youngsters get involved in sport, they do not get involved in other activities that would probably have me, wearing another hat, in full condemnatory flow. That can only be a good thing, as it gives youngsters the opportunity to work off the high spirits that they inevitably have and to meet friends and associates. Some of those friendships probably last for many years, if not for all their lives, which must be a good thing. Such organisations add greatly to the social cohesion of an area. I, too, offer my congratulations and thanks to people such as Terry McLernon, who through their commitment and dedication do so much for some of Glasgow's young people who otherwise might not have had the opportunity to engage in sport.

This afternoon I had the pleasure of joining youngsters from the club for a brief table tennis session. That was one of life's more humiliating experiences—although at least I was not quite as bad as Frank McAveety—but it was thoroughly enjoyable nevertheless. From speaking to some of the youngsters, it was obvious that they really enjoy their table tennis. They are also rather good at it, as various members discovered to their cost. I do not think that too many members are likely ever to be table tennis champions, although possibly I speak for myself and perhaps you, Presiding Officer, have knowledge and abilities in that direction that I do not have.

The Deputy Presiding Officer: The chair cannot express an opinion on those matters.

Bill Aitken: That is very wise.

The youngsters were extremely good and sociable, which at the end of the day is what the club is about.

Through you, Presiding Officer, I say to those who are involved, "Carry on the good work." I ask those who provide the leadership to continue doing that, and I ask those who simply enjoy the activities to look to the years ahead so that, in time and in turn, they can contribute that leadership and give back to the Drumchapel community what has been given to them.

17:20

Mr Frank McAveety (Glasgow Shettleston) (Lab): We have heard from three Bills in a row, but I will break that duck with my speech.

Bill Butler and the other members who have spoken have acknowledged the strong work that Drumchapel table tennis club has done in the past 20 years in response to the challenges that peripheral estates such as Drumchapel face. I acknowledge the work that people have done in coming together and developing something from a small idea. I am sure that, like many organisations, the club started in small premises, but it has grown to such an extent that it has now realised some of its aspirations and made significant achievements.

Bill Butler mentioned three or four important themes, and other members echoed what he said. I will focus on three lessons that we can all learn, and I hope that the Minister for Public Health and Sport will take them forward in relation to the emerging sports strategy in Scotland.

First, we should encourage as much access as possible to whatever sports are available. The Drumchapel example illustrates a willingness to accept that all children have talents and all young people have a contribution to make, whether that involves just the sociable fun of a sport or the development of talents for particular activities. As was mentioned, a number of us tested our skills this afternoon. I asked Terry McLernon whether he observed among the parliamentary group any skills that were worth developing, but I realised from his knowing look that none of us will be getting a call from him in the next 24 hours. However, he told me that he can spot a talented youngster quickly. They might just come along for an evening with their friends, but when he spots a talented youngster, he can fast track them through a development programme.

My second point is that good coaches matter. We can all testify to that, whatever sports we have been involved in. Individuals who show leadership, innovation and a willingness to be patient and supportive can make a difference and develop youngsters' potential. Again, the Drumchapel example shows that. Sometimes that leadership is

put in place by accident rather than design, or regardless of whether there is enough support from the local authority, various sports agencies or other Government agencies. That will always be a debatable point, but the fundamental point is that we should try to put in place good coaching opportunities so that people can develop.

The third lesson is clearly visible from what Terry McLernon and his team have done over the years. They have not just hoarded their knowledge. We can see in the experience of other sports that some individuals hoard their knowledge because they think that, in that way, they can continue to be successful. If they move on, their skills and expertise are lost to their organisation or club. From the discussions that I have had, and from what Bill Butler said, I know that Terry McLernon and the other individuals who are involved in the Drumchapel table tennis club develop experience in young people, so that when the young boys and girls come through into adulthood, they have a level of skill and experience that they can develop in their own innovative ways.

In the Drumchapel club, we have good coaching, a willingness to let go when that is required, and, more important, recognition that young people have every possibility of succeeding if they are encouraged to do so.

We are all committed to ensuring that the 2014 Commonwealth games in Glasgow are successful. Recently, Terry McLernon's staff and youngsters came across to the east end of Glasgow and demonstrated their expertise at an event in Tollcross. That energised people and created enthusiasm in other parts of Glasgow that perhaps do not have the infrastructure that has been painstakingly developed in Drumchapel in recent years. I am sure that Terry and his staff will continue to encourage people to endeavour to develop the infrastructure throughout Glasgow. I welcome what Bill Butler said about trying to roll things out to other schools in Glasgow and even beyond.

I express one word of caution. I recognise the aspiration that we all have to ensure that the 2014 Commonwealth games work, but I am not convinced that either the games or the activities that will lead up to them and take place afterwards will necessarily address the fundamental health inequalities in the city.

I do not want the debate to be solely about such matters. It should be about the intrinsic worth of sport and the intrinsic value of participating in sport. In my experience with those who are involved in the table tennis club, they have shown that they genuinely believe that youngsters can enjoy table tennis, that many youngsters can access it, given the right opportunity, and that

many youngsters can continue it into adulthood. If we get those three aspects right, we will start to make inroads into tackling the health issues in the city, which Bill Kidd—understandably—identified. That would be a testament to the work that has been done.

As the people from the club have heard, we commend their work. We hope that many other Terry McLernons run other such clubs throughout not only Glasgow, but Scotland. As a nation, Scotland benefits from the activity and commitment of such people day in, day out. I wish the club and all who are involved in it good luck for the future.

17:25

Kenneth Gibson (Cunninghame North) (SNP):

I, too, congratulate Bill Butler on securing the debate and Drumchapel table tennis club on its 20th anniversary and its tremendous success over many years.

I start on a somewhat sour note, because I take issue with Bill Butler's comments about the parliamentary team's performance. If I did not have a dodgy shoulder and had not hurt my leg a couple of days ago, I am sure that I would have delivered the decisive victory on behalf of my colleagues in the Scottish Parliament. I consider what happened this afternoon to be but a tactical setback, rather than the humiliation to which Bill Aitken referred.

It is clear that Terry McLernon is the driving force behind the club. He told me something that is almost so obvious that it has probably escaped some members. Table tennis is a fantastic sport for Scotland because it can be played in all weathers—it is an indoor and inexpensive sport. One wonders why more people do not play table tennis. I am pretty sure that, with modest support—whether from the Scottish Government, local authorities or agencies—table tennis could and should take off much more in Scotland than it has in recent years. Of course, it is a growing sport. North Ayrshire has clubs in Beith and Dalry and, just a few short weeks ago, I took my two sons to a club in West Kilbride.

I hope that the sport will develop and continue for the future. We have heard some of the reasons why that should happen. Table tennis gives young people a tremendous opportunity to engage with one another and with adults in a way that is positive for their health and their lifestyle.

Frank McAveety touched on the intrinsic value of sport, which is an important point to develop. Sport has a value in itself—it is not just something that is done for other reasons.

Another great aspect of Mr McLernon's work is how he has encouraged other organisations, such as Drumchapel LIFE, Skyform, Glasgow City Council and Strathclyde Police to get behind the club. We look for that multi-agency and co-operative approach when we try to encourage clubs.

As we saw today in room M1.22, a table tennis table can fit into one small corner. My two assistants—James Stewart from Millport and Katie Tanner from California—had a go at playing. Katie did pretty well, but she explained that she has a table tennis table in her house, which was somewhat cheating in comparison with the rest of us. However, she did California no harm as part of our effort.

Although the Drumchapel table tennis club went easy on us, the club members are serious about their sport. They want not just to participate, but to bring back glory for themselves, their club, Glasgow and Scotland. I wish the club all the best for the future. It is a tremendous asset to Drumchapel and to Glasgow and it is the kind of organisation that we want to encourage for the future and the present. As Mr McAveety said, what matters is not just 2014, but the here and now and giving people something to indulge in and enjoy regularly.

I thank Bill Butler again for his energy and enthusiasm in dragging us all down for this afternoon's table tennis and for making the debate happen. Of course, I also thank Terry McLernon and all the young people who are in the public gallery and who did so well this afternoon.

17:29

The Minister for Public Health and Sport (Shona Robison): I thank Bill Butler for bringing the debate to the chamber. I agree with him that there is no better example of the impact that a sports club can have on its local community than Drumchapel table tennis club.

As members have said, any reference to the club must be made in tandem with mention of Terry McLernon, who is undoubtedly the driving force behind its immense success. His tireless work to improve the lives of young people has rightly received nationwide recognition, most recently at the *Sunday Mail* Scottish sports awards 2008, where he picked up the local hero accolade—and quite rightly so.

I am sure that we all agree that the club can be proud of its achievements since 1989, including for the number of champions that it has produced and its remarkable success in competitions not only in the United Kingdom but in Europe.

However, I am sure that Terry McLernon and other club stalwarts are most proud of the impact that the club has had on local kids. As the motion suggests, Drumchapel table tennis club is to be applauded for its work in promoting healthy lifestyles, tackling antisocial behaviour in a supportive and positive way, and helping youngsters to fulfil their potential in an area that was once associated with social problems and economic hardship. We are talking about a real success story.

I understand that the club's schools programme, which began in 2006 with six local primary schools and 300 children, now involves a dozen primary schools, a local high school and more than 800 participants. The value and potentially life-changing aspect of such a programme cannot be underestimated. Together with its equally important partner organisations, the club deserves national recognition for that work. I add my admiration to that expressed by other members in the debate. I would be happy—delighted—to take up the offer of a visit to the club to see the good work for myself.

The final part of the motion addresses the role and impact of sports clubs and how Government, sportscotland and local authorities can facilitate support for sports at the grass-roots level. The Government recognises the valuable and important role that local sports clubs can play in galvanising a community and developing the sporting potential of tomorrow. In Scotland, we are fortunate to have an army of volunteers and coaches who are tireless in dedicating their time and energy to the development of sporting talent and imparting their skills, experience and passion to that end—the giving something back that Bill Butler and Frank McAveety mentioned. It is only right for us to build on that talent and expertise while also supporting and recognising the valuable contribution of those volunteers and coaches.

That is why "Reaching Higher: Building on the Success of Sport 21", the national strategy for sport, provides a renewed focus on investing in club development and improving coaching education. It also provides a wide range of sporting opportunities from an early age—the access issue to which Frank McAveety referred. "Reaching Higher" also provides a renewed focus on additional support for parents, teachers, coaches and volunteers and strengthening the links between local authorities, leisure trusts and sports governing bodies through the sharing of resources, knowledge and expertise.

Naturally, the implementation and ultimate success of "Reaching Higher" is dependent on the Scottish Government, local authorities, key agencies such as sportscotland and other partners fulfilling specific roles. Sportscotland recognises

that sports clubs and community opportunities are absolutely vital if we are to provide a full and diverse range of sporting opportunities. There has to be something for everyone. Sportscotland's community regeneration programme will strengthen the impact that local authorities can have in supporting clubs. That focused investment, coupled with strong relationships with local authority partners, will support directly the development of clubs and sporting opportunities in Scotland's most deprived communities, where opportunities are fewer.

Glasgow City Council provides an excellent example of how community regeneration funds can be used to build capacity in local clubs. Its project aims to target 50 voluntary sports clubs and community organisations that promote partnerships and provide programmes to support sports participation and development opportunities. The principal aim is to build capacity within organisations so that increased and sustained opportunities are created for children and young people to take part in sport in their local community at an affordable cost. In order to realise the potential of sport, all local authorities and community planning partnerships will want to consider the development of the local sporting outcomes, indicators and actions that have the greatest impact on local communities and which, ultimately, will contribute to the Scottish Government's national performance framework.

Frank McAveety raised the sporting legacy that will emerge from the 2014 games. The focus of the legacy is on building on infrastructure for sport at the local level and implementing a network of community sports hubs across Scotland.

Although a number of local authorities have established community sports clubs in their areas, community sports hubs are a new, fresh idea that builds on existing good practice, maximises the use of existing resources in new ways and will gain impetus and momentum from the staging of the Commonwealth games in Glasgow. However, the games will last only 11 days. Frank McAveety was right to make the point that what we do before and after the games to galvanise talent in Scotland and to encourage young people into physical activity and sport will be the legacy that we want to leave behind. The approach that we are taking will ensure that we are able to replicate the success that has been achieved at clubs such as the Drumchapel table tennis club by building stronger community clubs and increasing opportunities for participation in sport across all ages, abilities and ambitions.

It is right for the Parliament to take the time to acknowledge and highlight the sometimes unsung work that a great many people, organisations and, in this instance, an important sports club

undertake in communities throughout Scotland. There are many more clubs that do sterling work across Scotland. I thank Bill Butler for lodging his motion, which has given us the opportunity to recognise the valuable work and shining example of Drumchapel table tennis club. I hope that the club will keep up the good work, and I look forward to visiting it and seeing more of its work. I wish club members the best of luck in the future.

Meeting closed at 17:36.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 1 April 2009

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers