

# **MEETING OF THE PARLIAMENT**

Thursday 2 April 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

Thursday 2 April 2009

## Debates

	<b>Col.</b>
<b>POINT OF ORDER</b> .....	16423
<b>CREATIVE SCOTLAND</b> .....	16425
<i>Statement—[Michael Russell].</i>	
The Minister for Culture, External Affairs and the Constitution (Michael Russell) .....	16425
<b>HOSPITAL WAITING TIMES</b> .....	16441
<i>Motion moved—[Nicola Sturgeon].</i>	
<i>Amendment moved—[Cathy Jamieson].</i>	
<i>Amendment moved—[Mary Scanlon].</i>	
<i>Amendment moved—[Ross Finnie].</i>	
The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon) .....	16441
Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab).....	16445
Mary Scanlon (Highlands and Islands) (Con).....	16449
Ross Finnie (West of Scotland) (LD).....	16452
Christine Grahame (South of Scotland) (SNP).....	16454
Helen Eadie (Dunfermline East) (Lab) .....	16456
Ian McKee (Lothians) (SNP).....	16459
Margaret Curran (Glasgow Baillieston) (Lab).....	16461
Alasdair Allan (Western Isles) (SNP).....	16463
Aileen Campbell (South of Scotland) (SNP).....	16466
Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) .....	16468
Jackson Carlaw (West of Scotland) (Con) .....	16471
Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	16474
The Minister for Public Health and Sport (Shona Robison) .....	16477
<b>QUESTION TIME</b> .....	16481
<b>FIRST MINISTER'S QUESTION TIME</b> .....	16489
<b>QUESTION TIME</b> .....	16496
<b>ANTISOCIAL BEHAVIOUR FRAMEWORK</b> .....	16512
<i>Motion moved—[Fergus Ewing].</i>	
<i>Amendment moved—[Paul Martin].</i>	
<i>Amendment moved—[Bill Aitken].</i>	
<i>Amendment moved—[Robert Brown].</i>	
The Minister for Community Safety (Fergus Ewing).....	16512
Paul Martin (Glasgow Springburn) (Lab).....	16516
Bill Aitken (Glasgow) (Con) .....	16520
Robert Brown (Glasgow) (LD) .....	16522
Kenneth Gibson (Cunninghame North) (SNP) .....	16525
Michael McMahon (Hamilton North and Bellshill) (Lab) .....	16528
Michael Matheson (Falkirk West) (SNP) .....	16530
Hugh Henry (Paisley South) (Lab).....	16531
Hugh O'Donnell (Central Scotland) (LD).....	16533
Dave Thompson (Highlands and Islands) (SNP) .....	16536
Sarah Boyack (Edinburgh Central) (Lab) .....	16538
Angela Constance (Livingston) (SNP).....	16540
Cathie Craigie (Cumbernauld and Kilsyth) (Lab).....	16542
Mike Pringle (Edinburgh South) (LD) .....	16545
John Lamont (Roxburgh and Berwickshire) (Con) .....	16547
Richard Baker (North East Scotland) (Lab).....	16549
The Cabinet Secretary for Justice (Kenny MacAskill) .....	16552
<b>DECISION TIME</b> .....	16557
<b>HUNTINGTON'S DISEASE</b> .....	16574
<i>Motion debated—[Hugh Henry].</i>	
Hugh Henry (Paisley South) (Lab).....	16574
Mary Scanlon (Highlands and Islands) (Con).....	16576

Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	16578
Cathie Craigie (Cumbernauld and Kilsyth) (Lab).....	16580
Trish Godman (West Renfrewshire) (Lab) .....	16581
The Minister for Public Health and Sport (Shona Robison) .....	16582

## Oral Answers

**Col.**

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	16481
<b>GENERAL QUESTIONS</b> .....	16481
Energy Companies (Regulation) .....	16482
Fertility Treatment (Guidance).....	16483
Gaelic (Development) .....	16487
National Waste Plan (Review).....	16486
Short-term Holiday Lets (Legislation) .....	16481
Teacher Numbers.....	16488
Tenancy Deposit Protection Scheme .....	16485
<b>FIRST MINISTER'S QUESTION TIME</b> .....	16489
Engagements.....	16489

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	16496
<b>FINANCE AND SUSTAINABLE GROWTH</b> .....	16496
Aberdeen City Council (Finances).....	16503
BAA Airports Ltd (Competition Commission Report).....	16498
Buildings' Energy Performance (Measurement).....	16509
Bus Manufacturing (Support).....	16508
Convention of Scottish Local Authorities (Meetings).....	16504
Edinburgh Trams Project (Funding) .....	16499
Glasgow Crossrail .....	16502
Highland Council (Transport).....	16501
Marine Renewables Devices (Infrastructure) .....	16496
North Ayrshire (Employment) .....	16507
Public Spending Advances.....	16497
Scottish Futures Trust .....	16510
Superfast Broadband.....	16505

---

## Scottish Parliament

Thursday 2 April 2009

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

### Point of Order

**George Foulkes (Lothians) (Lab):** On a point of order, Presiding Officer. I understand that today's First Minister's question time has been suspended. I appreciate that a terrible tragedy has taken place in the North Sea. We all are deeply worried about the position of the families and share in the sympathy for them, but the suspension creates a precedent. There are a number of very serious issues that members on all sides of the chamber might wish to have raised today. The First Minister should be accountable regularly to the Parliament: we are about to go into our two-week Easter recess during which there will be no such accountability to Parliament.

I understand that the matter was discussed at the Parliamentary Bureau, which you chair, Presiding Officer, and that a number of bureau members—or, at least, one—raised concerns on the suspension of First Minister's question time. What guidance will you issue on the circumstances under which First Minister's question time could be abandoned in the future? What should the criteria be, now and in the future?

**The Presiding Officer (Alex Fergusson):** Thank you for your point of order, Lord Foulkes. First Minister's question time has not been suspended. One question will be put to the First Minister—that is what the bureau agreed. Contrary to what you said, no bureau member questioned the form that First Minister's question time will take today, although the bureau discussed alternatives. At the end of the day, however, the matter is for the bureau. That will remain the case in the future.

**George Foulkes:** Further to my point of order, Presiding Officer, I say that the matter is, of course, for the bureau. However, it is also a matter for the Parliament. There ought to be a mechanism under which the bureau has to explain to the Parliament why our parliamentary business has been changed. The criteria for such decisions should be clear, today and in the future.

Tragedies may happen regularly—unfortunately, that is the case. There are tragedies on the road, in the air, as well as on the sea. There are also other reasons why we might be concerned about incidents that take place in Scotland and for which the Parliament and the Executive may have some responsibility.

It would be useful for Parliament to know the basis on which First Minister's question time is changed substantially. I understand that the suggestion now is for political debate to be curtailed. The matter is an important one. The tragedy is sad—we all share deeply in that sadness—but democratic political debate is equally important, and that should continue to be the case.

**The Presiding Officer:** I note the points that you make, Lord Foulkes, but the bureau unanimously agreed the matter, so I suggest that you take up the issue with your business manager. In this instance, Parliament is represented through the bureau. I repeat: the decision is one for the bureau, the points that you have made are valid, and I suggest that you take them up with your business manager. We should move on with the business of the day.

**George Foulkes:** I have discussed the matter with our business manager. I accept what you say, Presiding Officer. I know that he participated in the discussion and that—in the end—the decision was unanimous. However, my point is this: although the matter is the responsibility of the bureau and the change to business was agreed by its members, is it not also the responsibility of the bureau to explain to Parliament the reasons behind its decision? Surely it should have to explain the criteria. If you cannot rule on that today, Presiding Officer, I hope that that can be done at some point. That would enable Parliament to know what kind of precedent has been created today.

**The Presiding Officer:** Your points are noted, Lord Foulkes. The matter may be raised at the bureau. The bureau is the right place for such a discussion.

## Creative Scotland

**The Presiding Officer (Alex Fergusson):** We now move to our first item of business, which is a statement by Michael Russell on Creative Scotland. As always, the minister will take questions at the end of his statement, so there should be no interventions or interruptions.

09:04

**The Minister for Culture, External Affairs and the Constitution (Michael Russell):** I understand that the condolences and concerns of the Parliament about the tragedy yesterday will be expressed later this morning.

As members know well, the level of debate about this Government's intention to establish Creative Scotland is significant, and has been intense. That is to be welcomed. Open dialogue about state support for the arts—not only on the what and the why, but on the how—is central to a modern democracy. However, there is a moment when the talking has to stop: a moment when the focus switches from structures to substance. After a decade of debate in Scotland, I believe that such a moment has come.

Scotland's artists are key contributors to the Scotland of ideas that we all should seek. They help us to frame the wider questions about what we want to be and how we can achieve our aims. As two of our artists, Alexander Moffat and Alan Riach, observed recently:

"All art ... represents and interprets the world. It resists the numbing of the senses, it helps us to live more fully, engaged with the world and critical of it."

For me, that is just the type of creativity that I want to see in Scotland.

There should be no doubt about this Government's continuing commitment to artists and creators of all kinds. The resources that are being made available have been increased. In our approach to structures, we have made it clear that we want to secure a body that is fit for purpose and is able to support, sustain, develop and underpin Scotland's creativity. That body will be the new Creative Scotland.

I am very heartened by the high quality of the work that has been, and is being, done to establish Creative Scotland. I refer to my predecessor, Linda Fabiani; the transition board, which was led by Ewan Brown; the existing joint board, which was led by Richard Holloway; the two chief executives of the existing organisations, Jim Tough and Ken Hay; and the people who work in those organisations whom I have met over the past couple of weeks. The wider arts and creative community—for example, as expressed through

the cross-party group on culture and media, with which I met last night—is also deeply engaged. I am particularly pleased that the transition board now has a transition director working with it: I welcome Richard Smith to that role.

Creative Scotland will come into being in the first half of next year—subject, of course, to the final decision of Parliament. However, in order for it to be much more than the sum of its parts, and for it to be the living, dynamic, forward looking, informed and supportive organisation that it must be, it will need more than just parliamentary approval. All the people I have mentioned are needed at this time and all must be part of the process of change. We must engage their enthusiasm, learn from their experience and keep them fully informed of the bigger picture. That is what I intend to do.

Of course, paramount in the decision making process is the Scottish Parliament. It is therefore to Parliament that I want to outline the final details of the cost of establishing Creative Scotland. I am making this statement not only because I recognise the continuing high degree of interest in the issue, but because I want the debate on Creative Scotland to be based on fact, not on speculation.

The context in which Creative Scotland will be established is that this Government wishes to expand access both to funding for the arts and culture and to participation in the arts and culture. For that reason, we have increased by £33.6 million the money that is being made available for culture in the plans for this spending review period, which is a 14 per cent increase in cash terms. Although we want that type of support to continue, I should enter an early caveat. In common with all other areas of Government, we may need to review our plans for 2010-11 in the light of the heavy cuts that the United Kingdom Government is to impose on the Scottish block grant in that year. I have already intimated such concern to the national companies and the national institutions. I will continue to keep the matter under review.

Whatever the financial situation, the establishment of Creative Scotland requires to be paid for; such a task could never have been undertaken at zero cost. This is not just a transition; it is a transformation. It has involved taking the best from both the current organisations, in which there has been much to praise, and creating a unified organisation that has skilled and confident leadership from the sector's best. In so doing, we want to create a new force that will set a national—and, who knows?—an international standard as a vibrant and forward-thinking organisation.

After detailed work from the two current bodies and with the transition board and the Government, my expectation is that the total cost of the transformation will be just over £3.3 million. I am publishing today a summary of the figure and I talked this morning about the costs to the relevant trade unions, which marked the start of a detailed period of consultation of the unions before we present the figures to Parliament in the financial memorandum to the proposed public services reform bill. That £3.3 million represents our rigorous current best estimate of the full costs that will arise from transition. In essence, it is the establishment cost for a new body and we should see it in that positive light.

For completeness, I say that the figures that we are publishing today include two footnotes on a couple of other costs that do not arise from transition, but which should be noted. The first is a one-off payment that may be required to be made to the pension provider of Scottish Screen as part of pension arrangements for Creative Scotland after vesting. The second may arise from the expectation that Creative Scotland will not have charitable status—indeed, it would never have had that, even under the previous Government's plans. However, I intend to discuss that directly with the Office of the Scottish Charity Regulator before a final decision takes effect.

I hope that this major investment will result in a major return. I expect the skilled leadership of Creative Scotland to set up a lean and intelligent system that will help its staff to help Scotland's creativity in the wider sense. In funding the arts, the Government intends that the money is for just that: for the arts, by means of supporting artists. Consequently, although artists and creators will benefit from the investment, I confirm that they will not pay for it from grants that are intended for their support and assistance. Let me say unequivocally, therefore, that the cost of setting up Creative Scotland will not come from front-line grants to artists, whether they are existing grants administered by the Scottish Arts Council and Scottish Screen, or new initiatives such as the extra £5 million over 2009-10 and 2010-11 for the innovation fund.

The Scottish Arts Council and Scottish Screen have already made provision for costs that have been incurred to date during 2007-08 and 2008-09. Those figures are included in the costs summary that I am publishing today. The Government will meet the remaining transformation costs from within my portfolio budgets. That will be challenging, but it is the right thing to do.

Since I took over this portfolio six weeks ago, I have met a wide range of arts and cultural bodies, and many individuals in the sector. I have said to

all of them that I do not regard it as being the job of the Government, still less as being that of a Government minister, to define what should or should not receive money. I respect and understand the arm's-length principle. However, I believe that we need to be honest about what that principle means. It is not just a principle that stops interference in detail, but one that insists on Government playing a key role in defining the structures, setting the broad parameters and then devolving the key day-to-day decision making.

In short, Government must set the overall context within which our arts and culture can thrive. For me, a successful context means four things: encouraging and sustaining artists and creators of all kinds; ensuring that their work is accessible to all; ensuring that as many people as possible can participate in creative activities; and extending and increasing the wider benefits of arts and culture, including their contribution to the promotion and development of our unique national culture and its place in the wider international sphere. Those aims will be enshrined in the legislation that will set up Creative Scotland. The implementation will be the fruit of the national investment that I have outlined.

This is not just about process, however. While work continues on establishing Creative Scotland—work that will also come to fruition when Parliament gets an opportunity to shape that organisation through modern legislation—much good work in the arts continues. I want to draw attention to some of that now. First, members will recall that some weeks ago I made a promise to expand the board of the transition company. The first new appointment has just been made and I am very happy to welcome broadcaster and cultural commentator and figure, Sheena McDonald, to the organisation. She attended her first meeting last week. One more appointment remains to be made.

Secondly, members will know that I have a particularly strong interest in ensuring that Gaelic is at the forefront of how we present our national story. I am pleased, therefore, to be able to announce today that Gaelic will be integral to the work of Creative Scotland and that funding has been agreed for the appointment of a specialist arts officer to implement the Gaelic arts strategy within the context of Creative Scotland.

Thirdly, I am very mindful that Scotland's creative industries sector makes a huge cultural and economic impact: it contributes over £5 billion in turnover and supports 60,000 jobs. We have already announced the framework agreement, and I am pleased to be able to tell members that, last Tuesday, Councillor Harry McGuigan of the Convention of Scottish Local Authorities and I jointly chaired the first meeting of a short-life group

to put flesh on the bones of that framework. I look forward to a new partnership in support of the creative industries that will fully involve Creative Scotland and COSLA as lead players.

Fourthly, I confirm that the emerging structure of Creative Scotland, which is very much a work in progress, will continue to have a sectoral and subject focus. This issue has concerned many people who are involved in all the arts and creative industries, and who have been worried that experience within the organisations might be lost and that inappropriate models might be used to replace successful support structures. I am determined that we will build on what is good and I regard this approach as having succeeded. Certainly, it needs to be modernised and developed, so I look forward to some new thinking about how it might evolve. In addition, I have asked Ewan Brown and the transition board to let me have proposals for projects—actual projects under Creative Scotland—which can be developed using the innovation fund that we announced last year.

However, there are sectors in which progress has not been made and where there are shortfalls between ambition and policy. Two sectors in particular have given me cause for concern. In one—the traditional arts—we have already put in place a working group led by David Francis to recommend the best national arrangements to support and develop this vital area of interest. The conclusions of that group will feed into Creative Scotland and inform final decision making about the issue.

I believe that literature is another area in which we are, in terms of national policy, underachieving. Accordingly, I can announce that I have established a similar working group, to be led by the literary editor of *The Herald*, Rosemary Goring, which will include writers, publishers and academics. I want that group to review what we are doing and to make radical recommendations about what we should do as a nation to support existing talent, promote new talent and encourage books that are made in Scotland, as well as those who publish and sell them. This group will inform emerging policy within Creative Scotland and will advise me and the chairman of Creative Scotland, Ewan Brown.

I hope that I have put some more flesh on the bones of Creative Scotland. Much remains to do, and I welcome again the input of all those who are joining us, Ewan Brown and his colleagues in making the idea a reality. Creative Scotland will happen: it is time that it happened. We can thereafter devote our national energy and our national resource to the important task of encouraging artists, widening access to their art and securing participation in the arts, and by so

doing, making our national culture deeper, richer and more connected to the world.

**The Presiding Officer:** As I intimated earlier, the minister will now take questions. It will be helpful if members who wish to ask questions would press their request-to-speak buttons. I come first to Pauline McNeill.

**Pauline McNeill (Glasgow Kelvin) (Lab):** First, I apologise to you, Presiding Officer, to members and to the minister for my being late. I thank the minister for the advance copy of his statement.

Of course, we welcome the long-awaited chance to hear clarification of some of the detail on Creative Scotland and its costs. The policy has caused serious concern and upset in the artistic community. The lack of clarity about finance and the detail of the plans for the organisation has sent out mixed messages and has led to suspicion. I agree with the minister that it is time to dispel that suspicion not just in the interests of those who will depend on the new body for their livelihood, but in the interests of Scotland. Labour therefore welcomes the clarity on the transitional costs that the minister has given this morning. We will have detailed questions on that.

I also welcome the setting up of the working group on literature. However, the minister has an opportunity today to give real answers on the detail of the policy. I have some questions that I hope are clear and on which I hope I can get clear answers from the minister. First, on the funding of Creative Scotland, the minister claims that there has been a 14 per cent increase in cash terms: however, that is a stand-still budget in real terms. Even if it was not, Creative Scotland will expand its role. How will the expansion of what Creative Scotland will do be funded? Clearly, there is a gap.

Secondly, on the inclusion of the creative industries, the minister's predecessor announced that the new body would give specialist advice to the creative industries, which I support. She also said that the budget for that would transfer from Scottish Enterprise to Creative Scotland. Is that still the case? Can the minister clarify today whether those funds will transfer from Scottish Enterprise? Does the minister expect that the new body will recruit the types of skills that are needed to provide the specialist advice for the creative industries?

Thirdly, on Scottish Screen, I am sure that the minister will agree that it is a successful brand that has attracted important work to Scotland. Can the minister provide any detail on whether the Scottish Screen brand will be retained in any shape or form? Will Scottish Screen's address still be in Glasgow?



Fourthly, on the new model for grants and loans, many artists are worried about the idea that they might have to seek a loan rather than a grant. Can the minister provide some clarity, at least on what he expects Creative Scotland to do on that? For example, will artists who currently enjoy grants be expected to apply for loans? If the minister would provide some clarity around some of those questions today, I believe that we can put the Creative Scotland policy back on track.

**Michael Russell:** I am grateful to Pauline McNeill for her questions, which are similar to questions that I have been answering from the staff of the organisations and the artists involved. I am happy to provide comprehensive answers to them now, although I will be brief because I am conscious of the time.

First, there has been an increase in cultural funding of 14 per cent over the current spending review period—that is a reality. However, we must be accurate about what we are talking about. I was asked the question last night at the cross-party group on culture and media. The two previous organisations have existing responsibilities in dealing with the sectors and are coming together in a new and dynamic body. There is no expanded role sectorally in that regard—all those concerns already exist. However, the resources of the two organisations will be more focused and will be used more. It is simply not true that there is some vastly increased number of specialities; therefore, there is no funding gap.

An enormous resource is not being made available to anybody at this stage. I have made it absolutely clear that the purpose of the exercise is to ensure that we get more bang for our buck—I have said that openly for the past six weeks. We want to ensure that more money is made available to the sector. That will be the case at the end of this process not just because there has been an increase in funding through the spending review, but because the new organisation will focus its resources on its job. I expect the new organisation to be able to do more, and I am sure that that will be the case.

Secondly, the role of Scottish Enterprise in the creative industries is crucial. Pauline McNeill knows that we are building on the framework arrangement, which has been announced to Parliament and with which members are familiar. It will take the ability and resource of a range of bodies and apply them to the creative industries, with Creative Scotland undoubtedly playing a lead role. COSLA also has a role to play. I was pleased that Jack Perry, of Scottish Enterprise, appeared at the first meeting of the short-life working group and was deeply involved.

Highlands and Islands Enterprise, Skills Development Scotland and the creative industries themselves are also involved in ensuring that all the resources are focused on the task in hand. I will give an example: the resources of the business gateway are not allocated discretely to culture, but can assist many small and medium-sized enterprises in their cultural endeavour. There is therefore a virtuous circle in ensuring that we do things that way. I think that it is going to work. I have also said publicly that I will keep the closest eye on the performance of the enterprise companies—in particular, to ensure that they honour the commitments that they have made.

Thirdly, of course, there is a fondness for Scottish Screen, and its importance is recognised. I am sure that, in some way, the work that it does will continue to appear under that brand. However, the really important prize is the new brand of Creative Scotland. Creative Scotland should, will and must be a highly successful and recognised brand, and all our efforts should go into making it so while not looking backwards, but forwards.

On the location of the body, my predecessor made it clear that there would be substantial problems in siting the new body at a single location, not least of which are the existing lease commitments of the Scottish Arts Council. I remain wedded to the policy that my predecessor announced, which is that the costs of changing its location at present could not be borne. Nevertheless, it is obvious that we need to develop a new culture within Creative Scotland to bring the bodies together. Mr Macintosh, who is sitting on the Labour front bench, was part of the inquiry into the exams debacle in 2000. One of the problems at that time was the fact that there were two bodies—one in the west and one in the east—that did not share a single culture, which created a problem for their performance. I am determined that the cultural bodies should learn from that experience and develop a new shared culture.

Finally, on grants and loans, I am absolutely certain that the good support that exists will continue. Nevertheless, I want to ensure that the way in which we provide that support in Scotland is modernised. That will be the job of Creative Scotland 2009. There is no reason for anybody who is being supported at the moment to have any fears about the way in which they will be supported in the future. In fact, our proposals will improve the way in which people are supported.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** I am grateful to the minister for making copies of his statement available earlier this morning. This is clearly not a happy day for the Government. Although I welcome the minister's attempts at clarification of Government policy, no amount of slamming of stable doors after

expensive horses have bolted can disguise the fact that the botched delivery of Creative Scotland has achieved the seemingly impossible—it has united all sectors of the Scottish arts community in condemnation of the Government.

The minister assures us that not a penny of the huge £3.3 million transition costs will be passed on to the arts sector; however, he has failed to explain why those transition costs are necessary at all. His predecessor repeatedly assured Parliament that the setting up of Creative Scotland would not require new legislation. Why then, when the previous bill collapsed, did the Government not cut its losses and put in place immediately the nuts and bolts of the new organisation? The minister tells us that Creative Scotland will be leaner and fitter, but he admits that the Scottish Arts Council has a lease on its Edinburgh offices that runs until 2014 and that Scottish Screen has a similar lease in Blythswood Street, Glasgow. Is there any real point in amalgamating the two organisations if they cannot physically be brought together in the one place?

Finally, is the minister yet able to tell us which will be the lead body in Scottish arts funding? If, as seems to be the case, Creative Scotland's role will be largely advisory, with the final say on budgets reserved to Scottish Enterprise, will those who are seeking funding not just cut out the middle man and go directly to the latter body?

**Michael Russell:** I regret the tone that Mr Brocklebank has adopted. I would have thought that his interests in the matter would have led him to rejoice at this happy day on which we have clarity at last. I know that Mr Brocklebank is a man who is capable of rejoicing, so let me encourage him to do so. Perhaps he simply got out of the wrong side of his bed this morning. The reality is that there was considerable clarity in the statement, which I am happy to have provided. The statement was, indeed, circulated to the party spokespeople, including Mr Brocklebank, earlier, so he has had time to mull it over and see how clear it is.

I know that Mr Brocklebank has taken a particular interest in Scottish Enterprise's funding of the creative industries. The role that Creative Scotland will have in the process is absolutely clear: Creative Scotland is the lead organisation. However, wonderfully—this is another reason to be jolly—it is also able to open the door to lots of additional money. I have illustrated how help from the business gateway network can come into play, and there are lots of other opportunities. The problem has never been the resource; it has been the perceived difficulty of accessing that resource. Creative Scotland will open the door to that resource. It will free up the process and will be a lead partner in the framework agreement, as Mr

Brocklebank knows. In all those circumstances, things will be better for the creative industries, rather than worse. Mr Brocklebank should welcome that.

I regret—as everybody regrets—the fact that the lease on the Scottish Arts Council premises is as it is; however, it is important to accept the reality of the situation. I would have thought that the Conservatives would be rather relieved that I have taken a pragmatic view of the matter and that, instead of spending more taxpayers' money, I am ensuring that we get the maximum bangs for our buck. I would have thought that Mr Brocklebank would be happy about that.

**Iain Smith (North East Fife) (LD):** I, too, thank the minister for the advance copy of his statement.

Having lost a bill, a board member and a minister, it is time for the Government to take action. The creative industries have suffered from continued uncertainty over the future of Creative Scotland, so I welcome the progress that is being made at last. I welcome the details about the transition costs, but I ask the minister to accept that it was not based on transition costs that the financial resolution was rejected last June. The problem at that time was the lack of clarity about who among Creative Scotland, the enterprise agencies, the business gateway network and Skills Development Scotland would be responsible for what, and the lack of detail about where the finances for the creative industries would lie.

I welcome the framework agreement, which is finally starting to clarify who will do what, although I am surprised that there is no specific reference to the role of Skills Development Scotland in the agreement. I would like an assurance from the minister that the short-life working group that is chaired by Councillor Harry McGuigan will produce clear proposals to ensure that funding for the creative industries will match the responsibilities. In particular, the funding for Creative Scotland should reflect the additional responsibilities that that body will have.

**Michael Russell:** If there were to be additional responsibilities, I would warm to Mr Smith's final point. However, what we will have is a new, leaner, fitter and more focused organisation, and the resources that we are talking about will be applied in that way.

I am glad that Mr Smith has welcomed the short-life working group. It is important that we put flesh on the bones of the framework agreement, although the framework agreement is a big step forward. Skills Development Scotland is part of the group. Yesterday, I met Skillset and discussed its involvement. In addition, individual practitioners will be involved in the group. Out of that group will come great clarity about how the system will

operate, and I am impressed by the commitment of all parties to it.

I am long enough in the tooth in politics to know that, even when there is no reason to complain, the Opposition has to complain. I have done it myself.

**George Foulkes (Lothians) (Lab):** Yes—you have.

**Michael Russell:** Lord Foulkes is shouting from a sedentary position. He is a past master at making something out of nothing, or, should I say, at making nothing out of something?

It is important to welcome the clarity that has been provided and to acknowledge that considerable work is being done to talk to, listen to and learn from the experience of—as I said in my statement—the widest creative community. I hope that the Opposition spokespeople—indeed, the whole Parliament—will not only welcome that work, but will become part of it. I was happy to invite the Opposition spokespeople to the event at the Traverse Theatre in February, and I make a commitment that I am happy to continue to involve Opposition spokespeople in the process so that we can get out of it something that not only the Government, but Parliament is glad about.

**The Presiding Officer (Alex Fergusson):** We have already come to the end of the time that was allocated for our first item of business, but there is some flexibility, as the following debate is undersubscribed. I am keen to get back benches in, but I beg members to ask one short question, which should be followed by one short answer.

**Anne McLaughlin (Glasgow) (SNP):** As a graduate of the Royal Scottish Academy of Music and Drama and as someone who has an interest in, and experience of, the arts, I am delighted that Creative Scotland will continue with the sectoral and subject approach, and I am confident that most people in the arts will be relieved to hear that. Will the minister give us a little more insight into why he believes the sectoral approach is the best way forward for the arts?

**Michael Russell:** By and large, that approach has worked in most, although not all, areas. I have talked about a couple of areas in which it has not. I do not want to tie the hands of Creative Scotland 2009 because it should have flexibility and it should consider a modern version of doing things, but the approach means bringing expertise to bear and ensuring that that expertise encourages best practice.

In New York on Friday afternoon, I shall meet RSAMD graduates who will take part in the Scotland week events. I shall take Anne McLaughlin's good wishes to her former colleagues.

**Cathy Peattie (Falkirk East) (Lab):** I welcome the new proposals for Creative Scotland and am aware of the minister's strong interest in Gaelic. However, I am particularly disappointed that, in the year of homecoming, the Scots language does not have equal status. Will the minister reconsider that matter or say why the Scots language is not being treated the same?

**Michael Russell:** I wish to treat the Scots language in the same way. Although I have made an announcement about a Gaelic officer, I am keen to discuss with all the relevant parties how we can integrate Scots into Creative Scotland.

I think that Cathy Peattie is aware that I told the cross-party group on culture and media last night that at the British-Irish Council summit on minority languages, I opened my contribution in Gaelic and closed it in Scots. I hope that we all recognise that we have a three-voice nation and that we should celebrate all three voices.

**Elizabeth Smith (Mid Scotland and Fife) (Con):** The minister will acknowledge that there has still not been an announcement on the chief executive of Creative Scotland. In his statement, the minister mentioned that a further appointment has still to be made to the transition board. Does he agree that such circumstances do not help to dispel the disquiet in circles about the leadership of Creative Scotland? Can he confirm when he expects those appointments to be made?

**Michael Russell:** I do not agree with Elizabeth Smith. A natural process is taking place. The transition board is prioritising its work, and the chief executive will be appointed in line with the priorities that the transition board sets. I am happy to support it in that process.

I am sure that the existing leadership in the organisations is effective. Ewan Brown is providing the leadership of the transition process, Richard Smith is now working as the transition director, and the new chief executive will be appointed at the right time. I am sure that applications from all over the place—including applications from furth of Scotland—will be considered.

**Margaret Smith (Edinburgh West) (LD):** The costings that the minister has provided for the set-up of Creative Scotland include more than £1 million for voluntary early severance. Will he give details about potential job losses and the other issues that affect staff, and further details about the discussions that he has already had with the trade unions?

**Michael Russell:** Yes. The costs include £1.1 million: half is for 2009-10 and half is for 2010-11. I met the trade unions and the staff of the Scottish Arts Council this morning, and I met the staff of Scottish Screen last week. I intend to follow best practice, and Ewan Brown has echoed that. There

will be a voluntary early severance scheme and no compulsory redundancies. We hope that the voluntary early severance scheme will be the best that it can be.

The process will be difficult for the staff. On Tuesday, I said to the staff of the Scottish Arts Council that my career pattern has not had a straight-line trajectory and that I therefore know about how people suffer in such circumstances. The process is genuinely difficult, and we will do everything to ensure that it is made as painless as possible, although it cannot be completely painless. We will keep close contact with the trade unions. We had a positive discussion this morning. Ewan Brown will now engage in detailed discussions with the trade unions to ensure that we progress matters in the best possible way.

**Robin Harper (Lothians) (Green):** The minister will not be surprised to hear that, as convener of the Parliament's art advisory group, I am more than keenly aware that painters and sculptors in particular in Scotland feel rather left out of the process. He will have received an open letter from the Scottish Artists Union. What will be the flavour of his reply to that letter?

**Michael Russell:** It will be warm, inclusive and positive, and it will show that I am determined that every part of the arts community in Scotland feels involved in the process. Such issues are raised in every meeting. It is absolutely no part of my intention to favour one artistic group at the expense of another or to prefer one artistic group or discipline over another. Everybody must share in the process, and I am determined that everybody will do so. I hope that people will talk directly to me, Ewan Brown or others about their worries and concerns rather than build them up without having discussions with us. I am determined that visual artists remain an important part of our arts infrastructure in Scotland. I will be positive about that matter and am happy to meet the Scottish Artists Union to confirm that.

**Bill Kidd (Glasgow) (SNP):** What role does the minister envisage for Creative Scotland in delivering a lasting arts legacy for the people of Glasgow following the 2014 Commonwealth games in the city?

**Michael Russell:** As Creative Scotland will be a key partner, we obviously want to ensure that we work in Glasgow as elsewhere. The legacy of the games will be important for Scotland as a whole. In December 2008, the Government published the interim legacy plan, which set out our thinking on turning ideas and aspirations into action. Since then, the Government has worked with a wide range of partners, including the Scottish Arts Council, to develop a legacy plan for Scotland. The evolving plan will be published in the summer, and the established mechanisms for partnership

working will mean that everyone will have a part. That means that, when the Scottish Arts Council and Scottish Screen become Creative Scotland, Creative Scotland will have a part too.

**Karen Whitefield (Airdrie and Shotts) (Lab):** Will the minister provide clarification on the summary of costs that was published with his statement today? I refer to the £1.1 million for voluntary severance. How many individuals does the minister expect to go? How many of those positions will the organisation retain? How much of the £75,000 that has been identified for rebranding and leases will be spent on rebranding? Is the minister confident that that money will be sufficient to ensure that the brand is well known?

**Michael Russell:** I am keen that we spend as little as possible on branding, but I am equally keen that the brand is well known. We have to strike the right balance.

The member is right to raise the issue. We should be circumspect, but we should also ensure that people understand the importance of Creative Scotland, which will happen if Creative Scotland is an effective organisation that does good things.

I am sure that, with her long experience of trade union matters, the member recognises that it is entirely proper that the trade unions and Creative Scotland discuss details in a proper negotiating forum. I have set out the context for that and confirmed the key issues. The primary and overriding point is that there will be no compulsory redundancies. With the resources set and the discussions undertaken, I hope that the process will be completed in an orderly and proper fashion. It is expected that there will be two rounds—one in the coming financial year and one in the financial year thereafter—during which numbers will be focused on. We are talking about the minimum number of redundancies possible and ensuring that we get the best organisation that we possibly can.

**Alasdair Allan (Western Isles) (SNP):** Bidh saoghal na Gàidhlig gu math toilichte leis an naidheachd gum bi oifigear ealain Gàidhlig ùr ann. Ciamar a bhios an neach seo ag obair leis na sgoiltean agus saoghal an fhoghlaim? Mòran taing.

The world of Gaelic will be very pleased by the news that there is to be a Gaelic arts officer. How will that post work with the schools and the world of education? Thank you.

**Michael Russell:** As my Gaelic progresses, I will answer Alasdair Allan's questions directly in Gaelic. However, as he used to be my Gaelic tutor, I am a bit nervous that he—

**Christine Grahame (South of Scotland) (SNP):** Oh, go on.

**Michael Russell:** Oh no. I assure members that Alasdair Allan is far better than I am—in every way, I am sure.

It is necessary that we make links between education and Gaelic. The officer in question will focus on Gaelic arts, but, as the member knows, Gaelic arts are integral to education. Therefore, the post will have an impact on education. I want to ensure that Gaelic, Scots and other cultural traditions in Scotland are well represented. As part of that process, art will always be involved in education.

**The Presiding Officer:** Ken Macintosh has the final question.

**Ken Macintosh (Eastwood) (Lab):** Mòran taing, Presiding Officer.

The proposals have undergone many transformations. In light of the minister's welcome agreement to a meeting with the Scottish Artists Union, what are his plans to consult the artistic community more widely on the content of the Creative Scotland bill and to rebuild the support that his Administration has lost?

**Michael Russell:** I must admit that I am slightly surprised by all these suggestions that there are revolting masses of people outside who are ready to stone me.

**Iain Smith:** They are not just outside.

**Michael Russell:** The question whether people in the chamber are revolting I leave to the judgment of members of the public.

Over the past six weeks, I have had the most positive discussions with a large number of groups and individuals. Those discussions have been vigorous and direct, certainly, but they have also been positive. I am absolutely certain that we have to ensure that ownership of the process does not lie simply with me or with the chamber but with the artistic community, in its widest definition.

In my statement, I made it clear that the key issue is the purpose of Creative Scotland. I outlined what I think that purpose should be, and that will be interpreted in the legislation.

To be honest, I do not think that anybody in the artistic community is in any doubt about the fact that Creative Scotland is happening. We should make it happen, and do so collaboratively. I would welcome Mr Macintosh's participation—that is not something that I often say.

I hope that front benchers and back benchers in every party in the chamber will be constructive in making Creative Scotland happen. It will happen best if it happens collaboratively, in a way that involves not just members in the chamber, but people throughout Scotland.

**The Presiding Officer:** I am grateful to members and the minister for ensuring that everybody who wanted to ask a question was able to do so.

## Hospital Waiting Times

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-3848, in the name of Nicola Sturgeon, on hospital waiting times. Cabinet secretary, you have around 11 minutes, but we have a little flexibility.

09:42

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Presiding Officer, I am sure that all our thoughts this morning are with the families of those who lost their lives yesterday in the North Sea, and with all those in the emergency services who are involved in the rescue operation. It was an appalling tragedy, and it puts so much else into perspective.

Before I address the wider issue of waiting times, I want to welcome the confirmation from the Scottish Ambulance Service that it has, for the first time, not only met but exceeded its target to reach 75 per cent of life-threatening emergency call-outs within eight minutes. Figures for March show that the service has reached more than 77 per cent of category A calls across mainland Scotland within eight minutes. I take this opportunity to congratulate the staff on their hard work. It is a significant achievement that will improve outcomes for patients. That said, neither I nor the Ambulance Service is complacent. It will be important that performance be sustained in the coming year, and I look forward to working with the service to ensure that that happens.

I welcome this opportunity to re-emphasise the Government's commitment to driving down national health service waiting times. I commend the NHS for its excellent performance so far in meeting current national waiting time standards and for the progress that is being made towards meeting future targets. I want to give a personal thank you to everyone who works in the NHS. As we know, delivering swift, high-quality care for patients is a team effort, involving clinical and support staff. They all deserve great credit.

Let me also acknowledge—as our motion does—the progress that was made on waiting times by the previous Administration and its successful efforts to reduce maximum waiting times to six months for both first out-patient appointments and in-patient treatment. However, I know that everyone recognised that a 26-week wait to see a doctor, coupled with a further 26-week wait to access treatment, was not a record that we should be satisfied with. That is why I am pleased to say that, in the past two years, the NHS has achieved a level of performance on waiting times that would once have been totally

inconceivable. It has achieved and sustained the maximum waiting time targets of 18 weeks for out-patient consultations, and in-patient and day case treatment, and of nine weeks for key diagnostic tests; and it has achieved and sustained the whole-journey standards of 16 weeks for heart treatment and 18 weeks for cataract surgery, as well as the 24-hour target for surgery for hip fracture.

Moreover, as members will be aware, all NHS boards were expected to meet, by the end of this March, the target that no patient should wait more than 15 weeks for an out-patient consultation or for in-patient and day case treatment. I was very encouraged that, at the end of December 2008, two thirds of the Scottish population were living in health board areas where their board had delivered the targets three months ahead of schedule. I look forward to confirmation that those targets will be achieved throughout Scotland when the next statistics are published at the end of May.

Improvements have also been made in the past few years on cancer waiting times, after some years of little or no progress. The most recent quarterly audit data showed 94.6 per cent compliance with the current target, which is a 10 per cent increase since the beginning of 2007.

Our accident and emergency departments are also continuing to see and treat patients quickly. Even with the considerable challenges of the severe weather that we experienced in December and the increase in the number of patients attending accident and emergency departments, the NHS delivered a performance in which more than 96 per cent of patients were seen and then discharged or transferred within the four-hour target. We should not underestimate the progress that has been made in that area. In March 2007, less than 92 per cent of patients were seen within four hours of arrival at accident and emergency. However, boards are now regularly recording full compliance with the target. That level of sustained performance improvement has been delivered through the application of a focused and systematic approach to quality improvement.

All in all, the past two years have seen the best ever overall performance on waiting times recorded by the NHS. That is impressive in itself, but in my view it is all the more impressive when we consider that hidden waiting lists have also been abolished during that period. We now have a situation in which many thousands of patients who were previously excluded from waiting time standards now have access to health care with the shortest waiting times that this country has ever experienced. The progress to date is impressive.

**Dr Richard Simpson (Mid Scotland and Fife (Lab):** We would all agree that availability status code waiting lists should be abolished. In fact,

Labour set that abolition in train. However, will the cabinet secretary acknowledge that the statistics on waiting times, median waiting times and so on used to take the ASC waiting lists into account but no longer do so? The statistics therefore need to be considered slightly differently, because 100,000 patients are now off the lists, and many of them would previously have been on the ASC lists.

**Nicola Sturgeon:** As a former First Minister used to say to me, the median waiting time is not the true measure of a patient's experience. However, I say to the member that there is now complete and utter transparency around waiting time figures. That did not exist under the previous Administration.

As I was saying, the progress to date is impressive. However, we should not rest on our laurels. We can do much more. That is why "Better Health, Better Care" sets out an ambitious action plan. It also describes our vision of a mutual NHS. I believe that more timely access to health care is an important step in developing that mutual NHS. The benefits of shorter waits for patients are clear: earlier diagnosis and the earlier reaching of a decision to start treatment lead to better outcomes. Moreover, there is less unnecessary worry and less postcode variation.

Shorter waits benefit the NHS too, because they reduce the need to manage large treatment backlogs, and because large sums that have been spent on short-term waiting list initiatives would be better invested in sustainable and timely services. The ambition to do much more is why we have set an ambitious target—that, from the end of December 2011, patients can expect to be seen and treated within 18 weeks of referral. I make that commitment neither lightly nor in isolation. I know that within the chamber there is widespread support for that pledge, and I know that that support also extends to patients and to the public.

Labour's amendment today notes that England is already meeting the 18-week target, ahead of Scotland. That is correct. However, I feel duty bound to point out the reason for that. Whereas the UK Labour Government started working towards the target in England in 2005, it was not until the election of this Government in May 2007 that we started doing so in Scotland. However, I am pleased to say that good progress is now being made on the national 18-week programme. I am also pleased to say that the guidance that sets out the principles and definitions for the 18-week target significantly increases the number of patients who will be included within the standard. It is estimated that more than 100,000 patients who are currently excluded from waiting time standards will be treated within the 18-week target. The additional patient groups include audiology and consultant-to-consultant referrals.

That is good news, but we also need to address waits that lie outside the acute hospital sector. That is why, for the first time, there is to be a target to reduce treatment waiting times for drug misusers to support their recovery.

We are also working to establish a waiting time target for referral to treatment for specialist child and adolescent mental health services in 2010-11—the first ever waiting time target for mental health in Scotland. To support that work, we have established a new health improvement, efficiency access and treatment target. Access to psychological therapies will also receive a similar focus, and I am happy to consider the practicalities of including, over time, adult mental health services as well—a point that the Labour amendment raises.

On cancer waiting times, I have already mentioned the progress that has been made towards meeting the current 62-day target, and work on that continues. However, in "Better Cancer Care, An Action Plan" we set out a next stage for cancer targets, extending the benefits of the urgent pathway to patients on screening programmes whose initial findings give rise to suspicions that they might have cancer. We also set out a new 31-day target from decision to treat to first treatment for all cancer patients. That provides a fairer and more equitable service for all cancer patients after diagnosis, whatever their route into cancer services.

Those targets have to be implemented and achieved by December 2011. The new cancer targets will have other quality benefits, as they will further accelerate diagnosis for routine patients and integrate use of resources across all access targets.

I do not underestimate the enormous task facing the NHS in delivering our ambitious vision for the future. However, the progress that the service has already made gives me confidence that that progress can be continued and accelerated. It will not be easy. It will require the NHS to be prudent in its management of resources and to develop greater capability in innovation, modernisation and service redesign.

**Mary Scanlon (Highlands and Islands) (Con):** Breakthrough Breast Cancer said that it welcomed the 31-day target for first treatment for breast cancer. However, it pointed out that there were no such targets for subsequent treatments such as chemotherapy. Can the cabinet secretary explain why that is?

**Nicola Sturgeon:** We have taken the decision that the next stage in our process around cancer waits should be to have that 31-day guaranteed target for the time between the decision to treat and the first treatment. As Mary Scanlon said,

Breakthrough Breast Cancer has welcomed that target, but it has also pointed out that we will need to be vigilant to ensure that waiting times for subsequent treatment do not become extended. I can give an assurance that we will be very much focused on that.

Progress to date has taken an investment of significant resources, and we cannot achieve our aims without the investment of still more resources. As I have said before in the chamber, the Government is backing up its ambition with the provision of extremely substantial resources and as much support as we can give the front line through the improvement and support team's 18-week service redesign and transformation programme.

I am confident that the combination of sustained resources, the skill and dedication of all NHS staff, strong leadership locally and nationally, and the drive and expertise of our clinicians and health professionals will ensure the on-going delivery of better access for patients and a health service of which we can be proud.

Ultimately, decisions about treatment are always for individual clinicians, but I believe that it is important that there is a maximum waiting time guarantee for patients. If they need to be treated more quickly, they should be treated more quickly. However, there should be a backstop on the length of time that they have to wait, and that is what is being delivered across the NHS. We should be proud of that and back the NHS 100 per cent in its on-going progress.

I move,

That the Parliament welcomes the most recent progress that has been made in reducing waiting times for patients; applauds the commitment, dedication and hard work of all NHS staff who have contributed to delivering these significant improvements for the people of Scotland; notes the progress made by the previous administration; acknowledges the substantial investment being made to increase NHSScotland capacity and the continuing work on integrating, modernising and redesigning services to speed access, diagnosis and treatment, and supports the Scottish Government's commitment to deliver a maximum "whole journey" waiting time of 18 weeks by 2011.

09:54

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** Like the cabinet secretary, I offer my condolences to the families who lost their loved ones in yesterday's tragedy, and associate myself with the remarks that were made about the emergency services.

In last week's health debate, we heard support from across the chamber for the fundamental principles of the NHS, something that I am sure that we will hear again today. In that context, it is worth remembering just how far we have come

since, for example, the run-up to the United Kingdom general election in 1997, when the future of the NHS was central to Labour's campaign because of the fact that, back then, the NHS itself was in need of intensive care. For the benefit of anyone who cannot remember what it was like, I point out that, in the 1990s, it was not uncommon for people to wait for two years or more for their operation, and that many people did not survive their time on that waiting list. In 1995, after 16 years in government, the Tories unveiled their patients charter, which promised that no one would have to wait more than 18 months for elective surgery, although even that commitment was not delivered.

There is no doubt that the last decade has seen a revolution in the approach of the service, with the result that we have ensured that patients are treated more quickly.

There has been a welcome shift in emphasis away from the length of the waiting list and towards reducing waiting times. It was right to set targets to drive down the waiting times and to back up those targets with sustained investment at the UK and Scottish levels. I am pleased that we have successfully increased the capacity in the NHS to reduce waiting times.

The cabinet secretary referred to the Scottish Ambulance Service's success in meeting its targets on the time that it takes to respond to emergencies, and I also welcome that progress and thank the staff who have worked hard to make that happen. It is also right that we thank the staff across the NHS who have worked hard to deliver improvements in waiting times. We all recognise the commitment that they have shown.

Of course, the improvements that we are recognising today raise expectations and bring fresh challenges. Nowadays, the public do not think back to those days of 18-month waiting lists. Instead, they now think of the average waiting time of around eight weeks as nothing particularly exceptional or out of the ordinary; rightly, they consider such a waiting time to be part of the provision of a decent level of service. As Nye Bevan said when the NHS was created,

"the service must always be changing, growing and improving—it must always appear inadequate."

It is with that ambition and in that spirit that I urge the Scottish Government to continue carefully to consider what further improvements can be made. Even in areas in which the most overwhelming progress has been made, we still have to consolidate our gains. It is also important that we continue to invest and build on the work that has gone before. We all welcome the progress that the cabinet secretary has referred to, but we also agree that there is more to do.



As the cabinet secretary mentioned, in December 2008, the UK Government achieved an 18-week referral to treatment target. The current target in Scotland covers only referral to being seen by a consultant. The whole-journey target is scheduled to be met in Scotland by December 2011, and we must focus continued effort on achieving that further improvement as soon as possible. We do not want to meet the target for the sake of a numbers game; it is an important issue for patients. We all recognise that the wait between confirmation of diagnosis and commencement of treatment can be an extremely stressful time for patients.

Our amendment makes particular reference to adult mental health services. We welcome the inclusion of child and adolescent mental health services in the waiting time targets, which the cabinet secretary outlined earlier. However, we are specifically calling for further consideration of the provision of adult mental health services. I think that the cabinet secretary said that she would consider introducing maximum waiting times for mental health service provision in order to bring that area into line with other areas of health care, and I hope that she will report back to Parliament on that matter at some stage. She will be aware that that proposal has support from a wide range of organisations, including the Royal College of Psychiatrists, the Scottish Association for Mental Health and the Depression Alliance Scotland. Given that one person in four in Scotland will face mental health problems at some stage in their life, the move would benefit a vast number of patients.

In tackling mental health problems, we also need to ensure that the full range of health professionals is available. South of the border, for example, there is a programme of 3,000 training placements for psychologists. We have a pilot programme, but I hope that we will ensure that we have the full range of people available to work on tackling problem areas.

On waiting times for alcohol and drug treatment, again, I welcome the fact that progress is being made and will continue to be made. Sadly, however, waits of six months or more are still too common for those who desperately need treatment for alcohol or drug misuse, and in the worst-case scenario there are waits of up to a year. Given that alcohol-related conditions are overtaking the other so-called big killers, and given what we know about the cost to individuals, families and communities as well as to our economy, it does not make sense to continue with that approach. We must make a real effort to drive down waiting times in order to reap the social as well as the financial dividends.

If we get adults into treatment as quickly as possible, we will also minimise the harmful impact

on children who live with drug and alcohol misuse. On that point, I echo the plea that Duncan McNeil made last week for a concerted effort to identify every child who is affected by parental alcohol or drug misuse and to get those parents into treatment programmes.

Other areas where waiting time targets can benefit patients include audiology, which the cabinet secretary mentioned. Again, I welcome the progress in that area, because hearing problems affect the lives of large numbers of people. I hope that we will ensure that further progress is made in the future.

On cancer waiting times, Mary Scanlon mentioned the concerns that Breakthrough Breast Cancer has expressed. We welcome the progress that has been made on cancer treatment. The newly revised 31-day waiting time target covers the period between the decision to treat and the first treatment. That will help patients to access treatment more quickly. However, as Breakthrough Breast Cancer has pointed out, subsequent treatments, including chemotherapy following surgery, are not included. We are trying to do the right thing, but if we focus only on the first treatment, there might be unintended consequences. I welcome the assurance that the cabinet secretary gave on that this morning. I am sure that Breakthrough Breast Cancer will continue to keep her and the rest of us in the Parliament up to date with progress on the matter.

While welcoming the improvements that are shown by the national waiting time statistics, we must recognise that there are some disparities between waiting times in different parts of the country. If members glance at the figures by health board, they will see that the waiting time for general medicine in Tayside can be as little as one week, while Lothian, Forth Valley and Grampian all have significantly higher waiting periods of up to 18 weeks. For general surgery, hospitals in Lanarkshire and Lothian have waiting periods of two weeks, but patients in the Borders wait for longer—up to 18 weeks.

As with all aspects of health care, it is also important to ensure that the necessary systems are in place to tackle inequalities. I often hear the cabinet secretary talking about the mutual health service that she wishes to develop. I do not disagree with the principle of ensuring that patients are involved in health care. Far from it—I very much support that approach. Initiatives that drive down the number of missed appointments—for example, by making sensible use of phone calls or text messages to remind people of appointments rather than relying on appointment letters—lead to more efficient use of time and therefore help to get people into treatment more quickly. They also ensure that we reach some

patients in the hard-to-reach groups. Offering flexibility in the timing or location of treatments also leads to the sensible use of resources.

As I said earlier, the progress on waiting times during the eight years of the Labour-led Executive—which the cabinet secretary recognised—and more recently by the present Administration is to be commended. As I also said at the outset, however, patients will not regard the current 18-week waiting time as an achievement in itself. They will want progress on the 18-week referral to treatment target. I suspect that we will also hear time and again during this morning's debate that targets must not become an end in themselves and that we should not automatically press continuously to reduce waiting times yet further if that would cut across clinical judgment.

There are opportunities to extend waiting time guarantees to yet more areas of health care to ensure that the capacity that we have built in the NHS is fully utilised for the benefit of patients. Patients also want a quality service, and they judge the success of the NHS on their whole experience and not just on waiting times. We must now focus on that. I look forward to progress being made.

I move amendment S3M-3848.3, to leave out from “acknowledges” to end and insert:

“while welcoming the extension of the waiting times guarantee to include child and adolescent mental health services, calls on the Scottish Government to consider extending the range of specialties to include adult mental health services; further calls on the Scottish Government to ensure sufficient resources to bring NHSScotland in line as soon as possible with the NHS in England where a “whole journey” national waiting time standard of 18 weeks was delivered by December 2008, and notes that this compares to a target of 18 months introduced by the previous Conservative administration.”

10:05

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

On behalf of my party, I acknowledge the remarks of the two previous speakers about the tragedy in the North Sea last night.

We welcome the Scottish Ambulance Service's improvement in reaching category A patients in eight minutes. My colleague Jackson Carlaw will speak further on that issue. We also welcome the earlier intervention for child and adolescent mental health services, but, as those of us on the Health and Sport Committee are finding out, not enough is being done to identify mental health problems at the earliest possible age.

We welcome this morning's debate, which is about not only waiting times but the way in which the NHS allocates resources to meet the targets. Scottish Conservatives want all patients to be seen as soon as possible, whether they are

waiting to see their general practitioner, for accident and emergency services, for surgery, or for other treatment. We welcome the progress that has been made by both the previous Administration and the current Government, and we trust that the previous Administration will not vote against this week's accolade.

However, the focus on waiting times undoubtedly has consequences for service delivery. Any condition that is not included in the waiting time targets becomes something of an afterthought in the priority list for resource allocation. Those conditions are often called Cinderella services, because conditions that are covered by the targets assume higher status. An example is mental health. In July last year, the longest wait to see a psychologist in Highland was four years and seven months. In Lanarkshire and Tayside, there were waits of up to a year. If a patient is referred to a psychologist on the basis of clear clinical judgment, it is difficult for any of us to imagine the effect of a four and a half year wait on that patient's mental health.

The report that Audit Scotland published last week on drug and alcohol services in Scotland confirms that 75 per cent of problem drug users have a mental health problem. In some cases, drug taking could be a form of self-medication. Depression need not be a lifelong chronic condition with no hope of recovery and a level of service that does little to make people feel valued. I thank the Scottish Association for Mental Health for reminding us this week of the promise that was made to me in 2000 by the then Minister for Health and Community Care, Susan Deacon. In response to a parliamentary question, she stated:

“the Mental Health and Well Being Support Group are working closely with the Health Service in Scotland on the development of national waiting times targets in the three national clinical priorities.”—[*Official Report, Written Answers*, 6 November 2000; S1W-10476.]

Those priorities included, and they still include, mental health. Cathy Jamieson might be better to focus on her own record than to look back further than 12 years.

Women in Scotland can wait for up to five years for infertility treatment despite its being age barred. The Government constantly states its opposition to the independent sector, yet its actions force many couples to pay privately for that service.

When a drug addict or an alcoholic reaches the bottom of a chaotic existence, he or she may have lost touch with the world of work, their family and their friends. If they were to seek help at that point only to be told to come back a year later, none of us could accept that the system is working. However, I appreciate the work that is being done on the issue.

Another example is physiotherapy. I welcome the move by some health boards to self-referral, but GPs in many areas simply tell patients that there is no point in their being referred to the NHS because the waiting lists are so long. Instead, they recommend private treatment.

I also want to mention chronic pain, given that, with Gil Paterson, I co-convene the cross-party group on the issue. Although there are excellent services in Glasgow, the services in other health board areas are very much less than excellent. Because of the long waiting list in the Highlands, only consultants can refer patients to the chronic pain service; referrals from GPs are no longer accepted. Of course, the situation is better than it was a few years ago, when there was no service at all. In fairness, I have received a response from the chairman of NHS Highland saying that the board intends to address the problem.

That list is not exhaustive, but those are all examples of services that lose out as a result of the target-driven waiting times for other conditions. Moreover, the waiting time target is simply that—there is no measurement of the quality of patient care or patient outcome. As the British Medical Association states in its briefing paper for this debate,

“Waiting times are not the only, or the most important indicator of performance—patient outcomes, readmission rates, HAI rates, etc. are also important indicators of the quality of care received.”

**Nicola Sturgeon:** I agree with Mary Scanlon’s general point that waiting times are not the only performance indicator. However, does she acknowledge that the range of HEAT targets that health boards work towards reflects the broader priorities?

**Mary Scanlon:** I do not think that that is the case. We have constantly raised concerns in the Parliament about all the issues that I have mentioned. I have never, for example, seen a HEAT target anywhere near chronic pain services.

The assumption behind the waiting time target culture is that every patient has the same clinical need and that despite the pain they might be in, or other conditions that they might have, they must all wait the same length of time. Surely we need to pursue a system that, in partnership with clinicians, delivers care on the basis of prioritised clinical need.

I will be interested to see the legal right set out in the proposed patients’ rights bill, particularly the level of redress and perhaps the compensation that might have to be paid out if targets are not met. I fully commend all those in the NHS and the independent sector for their commitment to patient care throughout Scotland, but I must question whether, with the reduction of waiting time targets,

the requirements of the working time directive, the further 2 per cent efficiency savings that have to be found and the NHS Scotland national resource allocation committee cuts to boards such as NHS Highland, the targets will be delivered with the quality that we all rightly expect.

Unfortunately, the waiting time target does not focus on innovative ways of managing patient care such as the greater utilisation of telehealth and e-health opportunities that could undoubtedly lead to better outcomes and management of care. Sometimes boards are so busy pursuing and achieving targets that they have no time to consider such different systems and types of provision. I welcome the fact that Richard Simpson will be holding a meeting in the garden lobby to raise awareness of the issue—

**The Deputy Presiding Officer (Alasdair Morgan):** Will the member begin to wind up, please?

**Mary Scanlon:** Will do. That meeting will take place on 29 April.

I trust that all MSPs will acknowledge the work of all health professionals who care for NHS patients and support my view that patient care and health outcomes should not be jeopardised to meet targets.

I move amendment S3M-3848.1, to leave out from “staff” to end and insert:

“and independent sector staff who have contributed to delivering these significant improvements for the people of Scotland; notes the progress made by the previous administration; acknowledges the substantial investment being made to increase NHSScotland capacity and the continuing work on integrating, modernising and redesigning services to speed access, diagnosis and treatment, but cautions that, while shorter waiting times are welcome, patient care and health outcomes should not be jeopardised by attempts to meet centrally determined targets.”

10:14

**Ross Finnie (West of Scotland) (LD):** I, too, on behalf of the Liberal Democrats, associate myself with the remarks that have been made by the cabinet secretary, Cathy Jamieson and Mary Scanlon about yesterday’s tragic events. Our thoughts are with the families involved and the emergency services.

Such debates are always difficult. We are right to remind ourselves that this work started because patients were thoroughly dissatisfied—to put it politely—with inexplicably long waiting times. It is all very well to say, “Well, that’s fine. Now we need to move on and put together the perfect solution to all these problems,” but we should remember that patients wanted a great improvement in those times. However, as Mary Scanlon pointed out, the

targets were and are being used to measure the health service's performance, which some have seen as a highly unfortunate move. Indeed, that is why I feel that we need to be careful in how we move forward. However, it would be churlish not to welcome the progress on waiting times, particularly, as the cabinet secretary pointed out, with regard to cancer treatment and A and E.

I very much welcome this morning's announcement of the Scottish Ambulance Service's improved performance, although I point out that response time was not necessarily the core issue in that respect. The Liberal Democrats also welcome the extension of the waiting time guarantee to child and adolescent mental health services and the acknowledgement that was made by the cabinet secretary—and indeed by Mary Scanlon—of the issue of adult mental health services, as raised in the Labour amendment. The fact that treatment for substance abuse will come within the ambit of the waiting time guarantee is very much to be welcomed. Indeed, the Liberal Democrats are keen to explore the possibility of extending appropriate guarantees to other specialised services.

I do not in any way want to give the impression that it is not important to continue to bear down on waiting times. However, although we are making excellent progress, we are in danger of shifting the benchmark of success from achieving satisfactory waiting times for any procedure to achieving waiting times for elective procedures, which after all account for a small proportion of health care expenditure. As we drive forward, we need not only to consolidate what has been achieved but to maintain a balance between directing our attention at waiting times and not losing sight of the other areas that must be considered. I do not suggest that the cabinet secretary's remarks did so, but we must not give the impression that the NHS's performance will be measured solely on whether it bears down on and meets its waiting time targets.

We need to maintain progress, but we also need to think about the areas on which we need to move forward. Although I have no objection to using the independent sector where necessary, I agree with the BMA—and disagree with Mary Scanlon—that it is not a long-term solution to the current problems. Moreover, as my amendment makes clear, we must not, in driving forward with waiting time targets, lose sight of the fact that clinical staff must still be able to exercise clinical judgment.

As Mary Scanlon said, waiting times are neither the only nor, at all times, the most important indicator of performance in the NHS in Scotland; indeed, the cabinet secretary rightly pointed out that HEAT targets have been put in place. However, although we welcome attempts to

improve waiting times for a whole span of conditions, we would also welcome the extension of HEAT targets to all aspects of care to ensure that they receive the same level of response.

The cabinet secretary is right to say that this progress has come at a price. Getting us to this point has required very substantial investment, and we must ensure that as we move forward resources are directed not only at achieving waiting time targets. After all, if boards begin to focus too much on one target, that might have an extraordinary and perverse impact on our ability to address health inequalities.

As we progress, we must be cautious in relation to the Government's desire to give the process legal backing and to provide a form of legal redress. All health care staff have professional standards. Most, but not all, of them are regulated or are seeking to become regulated. They are therefore individually capable of providing redress, as a result of their own practice. I am not entirely clear that we need to go further. A Government-driven and publicly owned health sector is capable of delivering targets and it can be publicly held to account on that. People who work in the service have professional standards that they are personally responsible for adhering to.

I welcome all that has been achieved. It would not be right to be churlish about that. Significant achievements have been made in improving a service that had to be improved. However, we must be cautious and ensure that we achieve the right balance. We need to sustain and consolidate progress on waiting times, but we should not make that the sole benchmark against which the NHS is judged. Clinicians must not believe that their clinical judgment is in some way subjugated to targets that are to be met for the greater good.

I move amendment S3M-3848.2, to insert at end:

"but believes that the achievement of maximum waiting times should ultimately be at the discretion of clinicians to protect those with the greatest clinical need."

10:21

**Christine Grahame (South of Scotland) (SNP):** I am sure that all members acknowledge the value of all those who work in the NHS, particularly the front-line staff such as consultants, nurses and ancillary staff. It is not so often acknowledged that they are always under the direction of good and responsible management. We should also acknowledge the achievements of the previous Liberal-Labour Administration in the early days of the Parliament, when we were all feeling our way. The NHS is like an ocean-going tanker that is seemingly set on a fixed route and carrying necessary life-saving cargo, but which, as

we all know, is painfully slow to change direction or even set another course. I will not go over the history but, as Cathy Jamieson said, we have come a long way in 10 years. That is against the background that expectations of the NHS are rightly high, which is reflected in demand, while treatments and developments are becoming more complex and expensive. The environment in which the NHS works is very different from that in the early days after its establishment.

As the Labour amendment does, I welcome the extension of the waiting time guarantee to child and adolescent mental health services. I will discuss the issue of adult mental health services later, but I assure members that the Health and Sport Committee, which is conducting an inquiry into child and adolescent mental health services, will monitor the situation carefully—that is our job.

I turn to the Conservative amendment. The SNP is rightly set on reducing private activity in the NHS. In a perfect world, I would not have any such activity, as it would be redundant. However, it would be churlish not to recognise that good work can be done in the private sector. “Churlish” must be the word of the day, although I point out to Ross Finnie that I wrote it in my speech before he said it. The Conservative amendment acknowledges the good work that the Government is doing.

Concerns about waiting times becoming the be-all and end-all are expressed in the Conservative amendment and are the meat of the Liberal Democrat amendment. I agree that we should caution against a mantra on waiting times, but the discretion that the Liberal Democrats would introduce on waiting times would put a major hole below the waterline in the SS NHS. That would dispose of certainty and, at the extreme, would make a waiting time obligation almost not worth the paper that it was written on.

We all know that waiting times matter. They matter to those who are delivering, because they understand their obligations and the requirement to organise resources and apply them accordingly, but they matter most of all to the patient, once diagnosed, who wants direction and security in a troubling period of serious concern. The proposed patients’ rights bill will add to security by giving a legally binding agreement on treatment within 12 weeks for in-patients and day care patients. The sooner treatment is instigated, the better for the physical, mental and emotional wellbeing of not only the patient, but the family and the wider community.

We all accept that substantial progress has been made. In particular, I point out the progress that has been made on audiology services, which I always felt were a bit of a Cinderella in our priorities. As I said, I have concerns about waiting

times for adult mental health services, which are also a bit of a Cinderella. We should perhaps consider prioritising services for the elderly, although they are not easy to label. As my late mother said endlessly, Rome was not built in a day—I am full of metaphors today. That applies to the NHS. Even in 10 years, we cannot sort everything. It will take time, but we are moving the great tanker in the right direction.

Ross Finnie raised concerns that the focus on waiting times will distort clinical priorities. Those concerns are understandable and I am sure that the cabinet secretary and the minister are well aware of them and that they will take them into account and monitor the situation. However, it is for GPs or consultants who have a patient before them to consider whether a referral for treatment or examination is necessary. That is where the referral starts and where the clinical prioritisation takes place. It is also when the clock starts ticking. I know that that is a burden on those professionals, but that is their job.

Despite my comments about introducing waiting time guarantees for, inter alia, adult mental health services and, I hope, services for the elderly, I welcome the progress that the Government has made. Indeed, I welcome the progress that the Parliament has made, as we have learned to do our job. The improvements in delivery and accountability in the NHS are not only a result of the work of the staff, to whom we should pay tribute, but proof that devolution, which was long delayed in my lifetime as we should have had it in the 1970s, is doing its job. Just think what more we could do with independence.

10:27

**Helen Eadie (Dunfermline East) (Lab):** As other members have done, I record on behalf of my constituents how much I value the commitment and expertise of health workers and the service that they provide in the private and public sectors. I include in that all clinicians and allied health professionals, right through to the hospital porters, who serve to improve our health in Scotland. There is no doubt that progress is being made, but there are major concerns. As other members have said, it would be churlish not to give credit where it is due. In the most life-threatening cases, targets are being met, but there are many issues that must be addressed by the cabinet secretary and her colleague the minister. We agree that there is a great deal more to be done.

Many conditions simply do not have targets and are not the focus of attention. It is our job as politicians to say that there is much more to be done. Complacency is simply not acceptable. Christine Grahame said that the NHS is a tanker. I once read that the NHS in the United Kingdom is

bigger than the red army ever was. Therefore, to turn round the NHS is a mammoth feat. My key message for the Government in talking about what more needs to be done is to point out that an expert advisory group of clinicians has reported that couples still have to wait up to six years even to begin to access infertility treatment or assisted conception services. By the time couples realise that there is an issue, their biological clocks are ticking. However, the NHS is failing people, so the private sector is their only option. Couples sometimes have to bear costs of tens of thousands of pounds to access assisted conception services, if they have the money. That is simply not acceptable.

I am concerned about the newspaper reports and headlines that we had last November that 100,000 patients had been removed from hospital waiting lists in a bid to meet Government targets. We learned that about 100,000 Scots a year were referred back to their GPs, which meant that they went back to the start of the 18-week maximum waiting time for treatment. Figures that were released last November showed that 27,160 patients were taken off waiting lists in that way in October. My friend and colleague Dr Richard Simpson has pointed out that nearly 30,000 patients were removed from waiting lists; they were denied treatment, sent back to their GP and told to start again. Richard Simpson said:

“Nicola Sturgeon built her reputation by exposing hidden waiting lists”.

Now that she is in government, she has to be honest and accept that people find the removal of patients from waiting lists deplorable. If she was one of the patients who had been moved, she would be angry for them. I am angry for them, too.

We have been contacted by a number of organisations such as Breakthrough Breast Cancer. I echo the concerns that have been raised. I will not reiterate them, because Mary Scanlon and Cathy Jamieson have expressed them amply.

In support of Labour’s amendment, I have to say that mental health is an issue of profound concern for us all. The request that Mary Scanlon made under the Freedom of Information (Scotland) Act 2002 to NHS boards last year revealed that waiting times varied substantially from area to area throughout Scotland. In Lanarkshire, the maximum wait to see a psychologist was more than a year, while in Tayside, more than 120 people waited between 26 and 52 weeks. That is simply not acceptable, given the delivery plan commitment to reduce antidepressant use and the integrated clinical pathway guidance that people with clinically significant depression should be offered brief psychological therapies within six weeks.

**Ian McKee (Lothians) (SNP):** Does the member accept that the patients who are referred back to their GP from the hospital are referred back for clinical conditions that need treatment and that in many cases it would be dangerous to go ahead with hospital treatment at that time?

**Helen Eadie:** I am not sure that all clinicians would agree with that. In the context of prioritising care, the BMA, which has made representations to us, said:

“Doctors believe that waiting list initiatives have distorted clinical priorities in the past resulting in patients with less serious complaints being treated before those with more complex medical problems. 98% of doctors who took part in the BMA survey said that patient waiting times should be based on the individual patient’s clinical needs and not political targets.”

**The Minister for Public Health and Sport (Shona Robison):** Do I take it that the member does not support maximum waiting time targets?

**Helen Eadie:** The minister and the Government should listen to what the BMA and other professional organisations—not me—are saying. The BMA said:

“Doctors believe that NHS managers should encourage local innovations led by clinicians which would have a positive impact on waiting times. 84% would back a system where waiting times for services with outcomes that are not easily measured”—

such as care of the elderly—

“are given equal if not greater, priority than current targets for certain types of elective surgery.

The BMA does recognise that targets are necessary to help governments demonstrate and measure progress. However, the BMA would call on the political parties to work in partnership with clinicians to develop targets that are meaningful, relevant and that deliver benefits to patients who are most in need of care.”

The Scottish Government has recently consulted on the proposals for a patients’ rights bill. Although we and the BMA welcome

“the commitment to articulate the rights and responsibilities of all those using and providing NHS services”,

we all agree that we do not necessarily

“believe that any political guarantee regarding specific waiting times should be placed in legislation.”

That is controversial and we need to debate it further.

The BMA said:

“We believe that without a significant increase in resources, and the provision of extra capacity in the system for periods of unexpected activity, legally binding guarantees could be of detriment to those who may be most in need of urgent care.”

It remains unclear what the legal redress would be under the proposed patients’ rights bill if a minimum waiting time guarantee was not met.

Much has been done, but, as I have demonstrated, much more has to be done. We are simply not performing as well as we could.

10:33

**Ian McKee (Lothians) (SNP):** Who could fail to welcome the tremendous progress made in recent years to reduce waiting times for patients? I join the cabinet secretary in congratulating the NHS staff who have worked so hard to help make that possible, and the previous Administration, which laid some of the foundations for the advance.

There are few more stressful occasions in life than waiting for necessary diagnosis or treatment, and anything that is done to shorten such waits must be applauded.

I am delighted that the Government has expanded the number of procedures that are covered by the 18-week guarantee and that it has the courage to turn its attention to mental health services, which are sometimes called the Cinderella of the NHS but, alas, were treated more often by previous Administrations as if they were the ugly sisters.

As I am well aware from my professional work in the past, there are specific problems with mental health services. Mental health treatment is often long term and time consuming—that is especially true of the talking therapies such as psychology or psychotherapy—but there is abundant evidence that the earlier the intervention, the greater the likelihood that treatment will be successful. Resources invested in reducing waiting times in mental health services is an investment that will cover its cost several times over as years go by.

Presiding Officer, I am sure that you will be pleased that I do not intend to recite a catalogue of targets that our Government has now reached and targets that will be achieved by 2011. No one can listen to either of the ministers in our health team without concluding that our health service is in safe hands. [*Interruption.*] Promotion, please!

I will take a small step back and look at the broader picture of health delivery in the context of the wait for treatment. It is often stated that the need for health services is infinite and that such services must be rationed in some way, either by making people pay—by price—or by increasing the length of waiting lists. For a lot of services, that is arrant nonsense. At any one time, there is a finite need for hip-joint replacements, hernia operations, heart bypasses and many other procedures—if someone does not have the complaint, they will not thank anyone for giving them the treatment. Those treatments should be amenable to one-off waiting time initiatives that shorten the waiting interval and allow it to be kept short simply by keeping pace with subsequent demand.

The situation is more complex for investigations that might or might not lead to a treatment need. Speeding up investigations will allow earlier interventions for those diagnosed as requiring them, which, in turn, might well prolong life and/or preserve health. Although that is almost entirely beneficial, it might incur a greater financial cost for the NHS than a situation in which investigation is prolonged for so long that curative treatment is impossible. A good example is testing blood cholesterol. A high cholesterol level in a person will cost the NHS a lot of money in treatment, but such treatment might save the person from a heart attack or stroke. In strictly financial terms, that treatment might be a more expensive option for the health service than not treating the population and allowing a few patients to die suddenly and prematurely. It is to our credit that we do not proceed along those lines whole-heartedly, but I am afraid that, in the past, we have sometimes succumbed to the temptation to ration investigations, if not by waiting list then by availability, to avoid the cost of treatment.

There are also new health needs—needs that either did not or could not exist some time ago. Many, such as certain cosmetic surgery procedures and unproven alternative treatment, are not even considered to be related to health at all. As Helen Eadie said, the new advances in the treatment of infertility are wildly expensive in time and resource terms and tend to be rationed either by waiting time or availability. Whether such treatment should be available on the NHS is a matter for society, not health workers or health boards, which I suspect would welcome further guidance from society on such matters. There is an opportunity cost with any initiative, and we must always consider whether it is worth it.

That all means that, although waiting time targets are highly desirable, the need to achieve and shorten them should not be the be-all and end-all of our concerns. I am glad that the Government accepts that. I do not always agree with the BMA, but it is right to emphasise that some important services are less amenable to measurement than others and that the quality of a service is usually more important than the speed with which it is delivered. Some conditions might not need immediate attention, while others demand it.

It is always important to look at health services in the round and to consider not only waiting times but readmission rates, health-acquired infection incidence and whether there is a satisfactory outcome. We usually debate those issues when we are discussing hospitals, but there is a huge and relatively untapped pool of experience in primary care, which, if utilised properly, could transform the way that we provide services to those in need.

**Dr Simpson:** The rate of referral for such things as computed tomography and magnetic resonance imaging scans by general practitioners is hugely lower in Scotland than it is in England. There seems to be a major barrier to such referrals. Does the member agree that, if we loosened that up, it would improve the effectiveness and throughput of the service?

**Ian McKee:** I agree with Dr Simpson to the extent that we need a total review of how primary care contributes to achieving waiting list targets and to general health. For example, we used to do lots of minor operations in primary care, but they tend no longer to be done because of the provisions in the Glennie report to protect us against new variant CJD, which the risk of contracting is extraordinarily slight. That also means that some people have to go to hospital because those operations cannot be done in primary care. Such matters should be looked into.

Another example, which has been mentioned, is the early treatment of people with alcohol problems. A relatively small investment in training in primary care—for not just GPs but nurses and even receptionists—could revolutionise how we tackle alcohol problems in the community and shorten the waiting time from several months to a day or two. All that is needed is the drive and the investment in services. I know that the Government will consider how primary care can be used in that way.

I sincerely congratulate the Government on the success that it has achieved and look forward to further progress in years to come, as I am sure my Labour colleagues do—I see them all smiling at the prospect.

10:41

**Margaret Curran (Glasgow Baillieston) (Lab):** I am pleased to be back in a health debate. It is some time since I spoke in one, and such debates have become terribly consensual and friendly in my absence. I will not take that personally.

As an issue in all of our constituency work, health never goes away. Over the years, the Parliament has debated many health priorities—from inequalities to long-term conditions and the general improvement of our population's health. It is common ground that we want all our responses to those challenges to deliver proper and fair access to the services that are available. That idea is wrapped around the debate and that is why we have a substantial commitment to waiting time guarantees as a driver of standards and change.

We must ensure that all people—irrespective of their background, their age and particularly their location—receive the treatment that they need in a clear and understandable framework. Access to

treatment reduces worry and all that goes with that but, in the past 10 years, we have also tried to empower patients and to create a sense of entitlement in the Scottish population. That has meant that families do not have to worry or argue with a service about when treatment will be provided, and it has created the expectation that the best that the NHS offers will be delivered to everyone on a timescale that is laid out.

Significant progress has been made. As Ian McKee said, that has not been easy to achieve, but the focus, drive and resources have allowed that to happen. Sometimes, that has come from politicians, but—as the motion says—it has also come from the national health service's leadership, which should be acknowledged, and mostly from NHS staff, whom all of us recognise, as is proper.

As Cathy Jamieson said, we should remember that reducing the waiting time from 18 months to 18 weeks was a fundamental turnaround, which was not easy to achieve. That change has transformed people's lives, expectations and confidence in the NHS. That is important, and we should understand how that was achieved as we—properly—progress from that.

Mary Scanlon, Ross Finnie, Helen Eadie and Ian McKee referred to the BMA's substantial points about the waiting time guarantee, which we cannot easily dismiss. As Ian McKee said, we should give great consideration to that as we try to answer some of the questions.

Waiting time targets should not be used to distort or direct clinical priorities. In fact, they should be a tool to implement clinical priorities, not an end in themselves. We should never fall for the quality versus time argument: we should always strive to ensure quality, but we should never take our eye off the ball of the time guarantee, which matters much to people and has driven up standards in the national health service. Waiting time targets encourage patients throughout Scotland to have a proper level of expectation about the service that they will receive.

The Liberal Democrats led a previous debate on waiting times in which I spoke, when we discussed legally binding guarantees. They are perhaps a step too far and could prevent us from addressing some of the limits of waiting time guarantees, which have been mentioned. Legal enforcement could upset a system that has—broadly—worked, and it could encourage a compensation culture that involves more lawyers than doctors. None of us wants to go down that road. It might lead us to take our eye off the ball of the need to maintain the focus and momentum with which the service has met the challenges of waiting time guarantees. I re-emphasise what the motion says about the commitment of staff. Legally binding



guarantees would not facilitate the continued empowerment of staff that has happened so far.

Of course, we need to go further. We must focus on the whole-journey waiting time guarantee. I accept the cabinet secretary's point that the 31-day target for cancer treatment is a first step towards a whole-journey waiting time guarantee, but we must take seriously the Breakthrough Breast Cancer campaign's point that we cannot take our eye off the ball of the second phase of treatment.

Labour's amendment makes a critically important point about access to adult mental health services, and I welcome what the cabinet secretary said about that. All of us are aware of the exploration of mental health, the need for appropriate services and the fact that we are not delivering the services that we should for people with mental health issues. We must make a step change in those services.

All of us received the briefing from the Scottish Association for Mental Health, which says that waiting times for mental health services are substantial and vary significantly between areas. We must fully recognise the human consequence of that, and I am sure that all members deal with constituency cases of people who are not receiving the services that they need. That must be fundamentally addressed, and I hope that the cabinet secretary will report to Parliament on how she has fulfilled her commitment to consider including adult mental health services in the guarantee and to lay out a plan for doing that. Having a waiting time target for such services is unavoidable if we are to deliver the quality and range of services that are desperately needed throughout Scotland.

Like Ian McKee, I make the plea that we consider the contribution of not only the acute sector but other health professionals to the general standard of health. We need to meet the challenge of delivering waiting time targets for access to allied health professionals. Such services are often neglected, but they make a vital difference to the quality of health services. I hope that we can rise to that challenge, too, as Scotland would be better served by that.

10:48

**Alasdair Allan (Western Isles) (SNP):** I apologise that I cannot stay for the closing speeches because of a matter that has arisen in my constituency.

The price of reducing waiting lists is constant vigilance, but it is a price worth paying. There is now serious evidence that waiting lists in a range of key services are reducing, and the motion recognises the achievements of the previous and current Administrations in that.

Waiting times are important not just because punctuality is popular but because, as we all know from our respective constituency mailbags, every patient understands the clinical importance of speedy treatment, which is key to providing the best outcomes.

Reducing waiting lists is worth the effort because, in the long run, it saves time, energy and resources by cutting out the bureaucracy of managing and administering queues and backlogs for treatment. It reduces inequalities by addressing variations in waiting times between NHS boards and hospitals, and it wipes out the postcode lottery in health care that prevailed under the previous Executive's stewardship. More important is that decent waiting times have a clear human benefit. They reduce unnecessary uncertainty, concern and sleepless nights for patients and—most important—they lead to earlier diagnosis and treatment.

The Scottish Government has invested £270 million in Scotland's health boards to ensure that waiting times are at their lowest since the relevant records began. It is significant that the Government has abolished the availability status codes that were established simply to doctor the figures.

We are fostering a new relationship with patients by providing them with a legally binding waiting time guarantee. Although others have already alluded to the fact, it is worth mentioning again that, when the Government came into office, it inherited 30,000 patients who had been kept off waiting lists.

The vision is for a truly mutual NHS, in which patients have a say in how their health service is run and organised and a direct say in how they are treated. If we are serious about that, patients have a moral right to know exactly what treatment they will receive and when it will be carried out. Health care should not be something that is simply done to them.

In July last year, the NHS celebrated its 60<sup>th</sup> birthday. One of the many ways in which the event was marked was by a visit by the Cabinet Secretary for Health and Wellbeing to the Uist and Barra hospital in my constituency, where she initiated a variety of new services. The point was made then—and holds now—that the agenda to reduce waiting times is inseparable from the agenda to reduce, where possible, the distances that patients have to travel for treatment. I will not rehearse the distances that are involved for patients in the Western Isles. Suffice it to say that cancer patients in Uist and Barra were relieved to get a chemotherapy service up and running locally in recent weeks, to save them the exhaustion and distress of a regular two-day round trip for treatment.

I know that the Cabinet Secretary for Health and Wellbeing will be concerned that, in recent days, Highland Airways has unexpectedly refused to transfer the materials that are necessary for the chemotherapy service, citing a gap in its safety certification—despite the willingness of NHS Western Isles to pay at least part of the cost of certification and to provide necessary training. I know that NHS Western Isles is working actively to persuade the airline to adopt a more sensible position.

I hope that we now recognise more fully that, just as people have a right not to be subjected to unreasonable travelling times, they have a right to be treated within a reasonable time. With that in mind and with, I would like to think, at least some support across the chamber, the Government has published a consultation on a patients' rights bill. It is vital that patients should see themselves as active partners in life-changing decisions. We want to ensure that they are respected and have entitlements set in statute to ensure that their access, safety and participation are valued and delivered.

As other speakers have mentioned, from December 2011, 18 weeks will be the guaranteed maximum wait for treatment of non-urgent patients following referral by a GP, although most patients will be seen more quickly. The 18-week guarantee is distinct from previous waiting time targets in that, rather than focus on a single stage of care, it focuses on what will be termed an 18-week referral-to-treatment standard. Rather than there being a target time from the GP referral to the first out-patient appointment and then a time from someone being put on a waiting list until treatment is delivered, the RTT standard will address the whole patient care pathway, from receipt of a GP referral up to the point at which each patient is admitted to hospital for treatment. That approach has the advantage of introducing a uniform standard for access that is less complex and should, therefore, be better understood by patients and health professionals alike.

The referral-to-treatment standard will be delivered through a service transformation programme that will engage with NHS boards and look at best practice. The employees of NHS Scotland will play a crucial role and, thanks to the increased investment that we have provided, the overall number of staff who are employed by NHS Scotland has increased and the number of clinical nurse specialists is at an all-time high.

Although all the steps that I have described will make a real difference to reducing waiting times in the short term, Scotland is clearly taking a longer-term and more holistic view of health, of which waiting times are only a single but important part.

10:54

**Aileen Campbell (South of Scotland) (SNP):** I, too, welcome this Scottish Government debate on hospital waiting times. I know that the issue is important to many of the constituents who come to see me at my surgeries across the South of Scotland. The broadly consensual nature of this morning's debate, which acknowledged past achievements, shows just how important we all know that the NHS is for communities throughout Scotland and why it is important for us to work together in a positive way to make it the best that it can be.

Today's debate shows the Scottish Government's commitment to ensuring that our NHS works for the people and responds to their needs. The Government's commitment to delivering a maximum whole-journey waiting time of 18 weeks by 2011 is just one aspect of its work to ensure a healthier Scotland and an improved NHS. I am heartened by the moves that the Government is making to ensure that people are placed at the centre of the health service, because when people come to me with problems relating to the health service it is often because they do not understand what is going on, who has made decisions and why things are happening to them in a particular way. It is distressing for people to have all those emotions when they at their most vulnerable. I hope that equipping people with knowledge of their rights will go some way towards removing remoteness, be reassuring and re-engage them with a service that they love.

As the motion states, the improvement that we seek is partly about valuing the work of the thousands of dedicated staff throughout the country who believe in the principles of the NHS, as well as delivering commitments to reduce waiting times. I have seen first hand how hard my sister, who is a podiatrist in the south of Scotland, and her colleagues work and how important their role and that of other allied health professionals is; Margaret Curran made that point in her speech.

We are all aware of the huge health problems that Scotland faces: rising obesity levels, heart disease and our drinking culture. Our lifestyles put an enormous amount of pressure on the services that the NHS provides.

**Mary Scanlon:** In Highland, it is for many people difficult to access podiatry on the NHS. Will the member commend those podiatrists who treat patients privately in order to maintain their mobility?

**Aileen Campbell:** My sister would not forgive me if I did not commend podiatrists on their work. I know first hand that they work incredibly hard throughout the country. The fact that there are lower waiting times is testament to the work that

NHS staff do, and their achievement is even more incredible given the pressures that all of us place on them.

Reduced waiting times, more staff and the fact that people are being placed at the heart of the NHS suggest a healthy prognosis for the service's future. However, as with everything, improvements will always be necessary, and the Government will need to strike the correct balance on the challenges that lie ahead. The Cabinet Secretary for Health and Wellbeing made that point in her opening speech.

The most immediate and important benefit of shorter waiting times is for individual patients. Faster treatment helps them to return much more quickly to health and a full and productive life. That has a wider benefit for society as a whole, especially in these times of economic difficulty. If we can treat people quickly and enable them to return to work once they are ready to do so, that will have knock-on benefits for the economy and society.

We should also hope that less time spent on waiting lists will mean that there is less chance of people developing complications or of conditions deteriorating. In turn, that will mean that NHS resources are spent much more effectively and can benefit more people. We should see a virtuous circle, as waiting lists reduce and more people can be treated much more quickly. In that way, reducing waiting times helps us towards the badly needed goal of moving the NHS away from being a national sickness service to being a health service that promotes prevention and overall wellbeing, which is good not just for individual patients but for society as a whole.

Since the Government came to power in 2007, there has been a clear, strong commitment to improving the level of care that is provided to people in Scotland. As Alasdair Allan said, £270 million of funding has been provided to NHS health boards between 2008 and 2011 to help them to meet pledges on waiting times. That funding has helped the NHS to take great strides in tackling waiting times in important medical areas such as cancer, drug use and mental health. Figures show that those requiring access to mental health services already receive treatment well within 18 weeks and that 70 per cent of those who are offered an appointment for a drug use assessment are offered a date within 14 days. Those figures, and the abolition of availability status codes, which—as has been mentioned—kept people languishing for months or even years without treatment, demonstrate that the Government has provided the support that allows the NHS to operate in an even better way.

The task of creating an even better NHS will be made much easier if we ensure that the NHS has

the appropriate number of staff. I was pleased to see that the total number of staff who are employed by NHS Scotland increased by 2.1 per cent in the previous year, that the number of clinical nurse specialists is at an all-time high—as has been mentioned—and that the number of allied health professionals has increased.

As we all strive for a healthier nation, it is imperative that we support the Government in its work to provide the health service with the capacity to treat patients within guaranteed timeframes and to provide wide-ranging services that meet the needs of the people of Scotland. Although the move to reduce further the cost of prescription charges, with a view to getting rid of them altogether by 2011, is not the sole topic of today's debate, it has caught the imagination of my constituents. The move, which will ensure that people are not financially penalised because they suffer ill health, is especially welcome during tough economic times. The approach reunites the NHS with its founding principles and makes the service fit the needs of the people. I hope that such moves, along with the reduction in hospital waiting times and increased staffing levels, will create a healthier and fairer Scotland.

11:00

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I associate myself with the remarks that have been made about the tragedy in the North Sea yesterday. I am sure that, like me, many members have flown by helicopter to oil platforms. My first thought was that the tragedy will affect people from my constituency, but I think that we do not yet know who lost their lives. The tragedy could affect any of our constituencies, and the thought of what the families are going through is, I am sure, with us all. Our hearts and minds are with them.

The cabinet secretary talked about driving down NHS waiting times, and Liberal Democrats give credit where it is due. We are also grateful for the cabinet secretary's gracious acknowledgment of the previous Administration's contribution. She said that compliance with the cancer waiting time target has increased by 10 per cent since 2007. In an intervention during her speech, Mary Scanlon was right to flag up that despite such improvements we need to tackle waiting times for further cancer treatment, such as chemotherapy. We should be mindful of the issue, which other members mentioned.

Cathy Jamieson offered a timely reminder of the appalling situation in the past. I was a local councillor in those days—as, I am sure, many members were—and I remember how desperate it was for people who had a long wait for treatment. It is important to remember how far we have

come. Cathy Jamieson reminded us that we have raised expectations to a level that was never anticipated, given continuing health improvements. She also picked up on Mary Scanlon's point about on-going cancer treatment.

I like the language about a mutual health service that involves patients as well as health professionals in decisions. I am sure that the cabinet secretary's comments about appointment times struck a chord with many members, including Alasdair Allan. If we are to drive down waiting times, we must ensure that patients can take up appointments that are made for them—for that reason, members talked about how reminders could be sent to people's mobile phones. For patients in the Highlands who live on the north or west coast, early morning and late afternoon appointments at Raigmore hospital in Inverness can cause problems. Such appointments can also cause problems for patient transport services, and those problems might be a reason for some cancellations, despite the best efforts of the cabinet secretary and her team to drive down waiting times. I have written to the cabinet secretary in the past—I mean the recent past; I am not demanding an instant reply—to ask whether appointment times could be co-ordinated, to help to achieve the outcome that she is working hard to secure.

Mary Scanlon's example of a Highland patient's four-and-a-half-year wait to see a psychologist was a horror story that showed how bad the situation can be. In my experience as a constituency member, there is an issue about waiting lists for physiotherapy and the chronic pain service, so I can confirm what she said. She was right to flag up the potential in telehealth. The approach has got beyond trial stage in two Caithness hospitals, and I hope that it will be rolled out further.

I was intrigued by a comment that Christine Grahame made. If I understood her correctly, she said that the waiting time clock starts ticking when a GP decides to refer a patient. Did she mean that the decision cannot be changed? As Ross Finnie said, some decisions have to be revisited, and a blind adherence to waiting time targets could get in the way of clinical decisions.

**Christine Grahame:** I was making the point that the clinical decision is made by the GP or the consultant, so the clock starts ticking when there is a referral or decision. A patient does not say, "I want to be treated within 18 weeks." If someone does not require treatment, there is no reason to refer them and offer an 18-week waiting time guarantee. Of course, as Dr McKee said, if circumstances change there might be a referral back to the GP: a patient's health might change and a proposed operation or surgical procedure

might no longer be the right approach. The area is quite technical, so I will leave it to the Minister for Public Health to address it in more detail.

**Jamie Stone:** Ross Finnie and I are saying that we want to maintain a balance between waiting time targets and other aspects of the service. As Ross Finnie said, clinical experts make clinical judgments, which should not be in any way subordinate to waiting time targets. Perhaps Christine Grahame and I are not far apart on that, and we will listen to what the minister says. I think that Ian McKee perhaps agrees with the Liberal Democrats because he said that waiting times should not be the be-all and end-all.

Alasdair Allan talked about his constituency mailbag and issues that rural members such as Mary Scanlon and I will recognise. I liked what he said about the local delivery of services such as chemotherapy. The more that we conduct audits that consider what services can be taken out of Raigmore hospital and delivered locally in Caithness general hospital in my constituency and other hospitals in the Highlands, the more accessible we can make services for patients—that brings me back to my point about the timing of appointments. Local delivery of services will ensure greater and quicker throughput and thereby drive down waiting times.

The cabinet secretary congratulated the Scottish Ambulance Service on getting its response times down. I cannot resist the temptation to say that in the far north there remains an issue about double manning and so on, but in fairness to the cabinet secretary I should say that she is aware of that.

**Mary Scanlon:** Does the member share the concerns of many GPs in his home town, Tain in Ross-shire, and elsewhere in the Highlands, who have been told that the waiting list for GP referral to the chronic pain service is closed? Does he share my concern at that example of what can happen when resources are diverted so that targets can be met? I appreciate that the matter is being considered, but many of the member's constituents remain concerned, as do I.

**Jamie Stone:** I associate myself with Mary Scanlon's remarks. I imagine that the issue has been brought to her attention as much as it has been brought to mine. Work is being done, but a solution has not quite yet been reached.

I conclude where Ross Finnie began. I repeat that the Liberal Democrats believe in maintaining a balance between waiting times and other service aspects, and it is crucial that we get the balance right. I whole-heartedly support the amendment in Ross Finnie's name, and I sincerely hope that other parties, including the party of the Government, will do so too.

11:08

**Jackson Carlaw (West of Scotland) (Con):**

This morning's debate takes place against a sombre background, but it is nonetheless an end-of-term occasion of sorts. In the tradition of ends of term, we are presented with a report card, in the form of the motion. That somewhat lavish tribute to the Government has been penned by the Government itself—would that we could all enjoy a lifetime of writing our own reports. If, after two years, the Government has to congratulate itself, in the absence of anyone else to do so, we are at a crossroads. We might have hoped that the new politics, about which members of all parties spoke so engagingly only two short years ago, would have seen an end to self-satisfied, Politburo-style statements—it is ironic that such motions resemble the motions that used to populate Scottish Conservative party conferences two or three decades ago.

However, if we are to take the motion at face value and judge the Government by its own lights, we must admit that welcome progress has been made, for which the Government is entitled to a share of the credit. The question is whether, ultimately, targets are more indicative of progress than outcomes are.

We welcome the commitment and dedication of all the people—I mean “all”—who have contributed to the reduction in waiting times. Last week, Mary Scanlon admonished Shona Robison for having no regard for the contribution of health workers in the independent sector, which has contributed—in however small a way—to the achievement of the Government's targets. As I noted last week, those health care professionals have helped to polish the self-awarded halos that adorn ministerial heads. Perhaps it was too much to expect that the Government would reflect on the shameful disregard that it showed only a week ago for the many workers in the independent sector who—in however small a way, as I said—have, together with all those who work in the NHS, achieved so much. It seems to be business as usual and, in the process, the work of thousands of professional health care workers goes unrecognised by the SNP—

**Christine Grahame:** Will the member give way?

**Jackson Carlaw:** In a moment.

The work of those professionals goes unrecognised by the SNP, riddled as it is with dogma rather than generosity of spirit, with the magnanimous exception of the independently minded Christine Grahame who, like Helen Eadie on the other side of the chamber, made a measured and sympathetic contribution to the debate that was anything but self-congratulatory.

I give way to Christine Grahame.

**Christine Grahame:** It is not necessary for me to intervene now—I fear that I have been handed the black spot.

**Jackson Carlaw:** The member should rejoice at that news.

Our amendment recognises the efforts and success of those who are overlooked by the Government. Indeed, it goes further by supporting the Government's acknowledgement of the progress that was made by the previous Administration, on which Cathy Jamieson lingered long in her opening speech.

During the 23 months of the current session of Parliament, Conservative members have regularly been challenged to pay tribute to the previous Executive. A week has not gone by, nor has a debate been held, in which members opposite have not stood up and demanded that we doff our caps to the earnest good works that they achieved before their rejection by the electorate. It was good to hear from Margaret Curran earlier, who has made that demand a speciality during her time on the health front bench. However, when we acknowledged that very thing last week, we were spurned. Therefore, as I am sure members opposite will agree, it is certainly big hearted of us to persist with yet another attempt in the 24<sup>th</sup> month of the session. We live in hope but, even so, we fully expect that the inclusion of our acknowledgement of their efforts will ensure that our amendment is defeated.

As I said a moment ago, we acknowledge the progress that has been made. However, I question whether progress towards the achievement of top-down targets is the progress that we ultimately need and that will revitalise the morale of dedicated health care workers in our NHS. We believe that far more emphasis should be placed on outcomes.

To illustrate my point, even as we celebrate this morning the success of the Ambulance Service in achieving its attendance targets, it is the case—I have confirmed this with the Scottish Parliament information centre—that if an ambulance achieves its eight-minute attendance target and the patient dies, that is considered to be a success in terms of meeting the target. However, it is deemed to be a failure if the ambulance arrives after nine minutes and the patient lives. That is a peculiar sort of success.

Driving targets ever higher can distort clinical priorities and potentially worsen patient outcomes, which helps to demoralise a workforce whose expertise is in delivering health care. Surprisingly, that point was made by Cathy Jamieson.

**Dr Simpson:** I am fascinated by the member's speech, but is he saying that we should allow ambulance arrival times to drift later and later?

When someone has had a heart attack, for example, speed is of the essence, so the targets are entirely reasonable. They are also rational, as they are set at 75 per cent rather than 100 per cent. The Conservative party's ideological opposition to targets is ridiculous.

**Jackson Carlaw:** I am not opposed to people being treated at the earliest possible point. We are, however, uncomfortable with how it is determined what is a success and what is a failure. The outcome, as well as the speed at which the ambulance attended, is critical to the patient.

Of course, no one advocates a long wait for any patient, but top-down targets can lead to unintended outcomes. Clinical necessities must be our priority—I am sure that the cabinet secretary would not disagree. Many members have spoken this morning about the long waiting times that we want to avoid for patients, and about areas in which much work remains to be done.

We believe that there should be far more emphasis on NHS outcomes. We should record the result of the care that a patient experienced: whether they lived or died, and for how long they survived a cancer. We believe that health care professionals see value in a system that measures results rather than just processes and in which that information is used to drive up standards. It is the result that matters, rather than how it is achieved. We support the emphasis that Ross Finnie and Ian McKee placed on the need to achieve balance.

As for the rest of the Government's report-card motion, in addition to congratulating all health care workers on the outstanding job that they do, we acknowledge the further investment that the Government is making. We support that, as we supported the reversal of the deeply damaging accident and emergency cuts throughout Scotland that were planned by the previous Executive and championed by Scottish Labour. We welcome the investment in new health care facilities; in the treatment of cancer—to which Alasdair Allan referred—in both adults and children; in tackling health inequalities; and, hopefully, in tackling health care associated infections through the use of electronic bed and infection tracking technology.

On the Government's report card, we note, "Well done. Ministers are making progress and showing a determination in their application. They are brightish pupils, and we wish them well, but we caution against being narrow minded and dogmatic in their dealings with others, or self-congratulatory. Pride, after all, comes before a fall. Stick to it—try to be imaginative and flexible, and the rewards may speak for themselves."

11:15

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I associate myself with some of the sombre remarks that members have made about yesterday's accident.

The debate is serious and it must reflect where we have come from. Although she did not linger on it, Cathy Jamieson mentioned that we have moved a considerable way, not only in terms of what has been achieved in our health service, and what is continuing to be achieved under the present Administration, but in terms of the aspirations that we all have for the quality and timely delivery of the service.

I join the cabinet secretary and the other members who have praised NHS staff for their achievements during the past 10 or 12 years in moving the health service forward. When I entered practice in 1970, I referred my first patient to an orthopaedic surgeon and received a note back that said that there was no doubt that the patient needed an operative procedure, but it was not urgent and would not be done before the surgeon retired. I inquired when the surgeon would be retiring, and was told that his retirement was about five years away. We have moved a long way from those rather dark days, when the health service's waiting lists were appalling.

As I think the Liberals mentioned, NHS staff have not always found targets comfortable but, to be frank, I will not apologise to them for that. If clinical priorities are being distorted in a way that would put patients at risk, we need to take that seriously, but I do not believe that that is happening. I will return to that point later in my speech.

When I carried out a word search on the draft of my speech, I found that the word "welcome" was used on about seven occasions. I thought, "My goodness—this will be a hard speech to deliver," so I will get the welcomes over quickly.

I welcome the addition of the target on child and adolescent mental health, on which the Health and Sport Committee is currently carrying out an inquiry. There is a long way to go on that issue, but the target is welcome. I welcome the cabinet secretary's assurance in her opening speech that the Government will consider the situation with adult mental health.

Ian McKee, Mary Scanlon and Helen Eadie have referred to the enormous waiting lists for psychological treatment. There are workforce problems in relation to psychologists, which—although it will be difficult for the Parliament—need to be addressed. I am concerned that, in contrast with England, where 3,000 new therapists are being trained, we do not have the talking therapists who will be required to deliver on the

joint targets on driving down the levels of antidepressant prescriptions. Those targets will not be met unless the therapists are in place. I hope that the NHS pilot on cognitive behavioural therapy by phone is successful, but I do not believe that it will be enough.

I welcome the decision to have a HEAT target on drug waiting times, although—as I said yesterday—I have some concerns about exactly how the new drug and alcohol partnerships will deliver on that. It is an NHS target, and the local authorities will now be put in a more central spot through the community planning partnerships.

**Mary Scanlon:** With his extensive expertise, does the member agree that it is not only the treatment that is important for drug addicts but the support that is provided over time through the recovery services?

**Dr Simpson:** Mary Scanlon is right. The support has to be sustainable. I am sure that no member feels that waiting more than six months for assessment is good for the 872 patients who have had to do that, or for their families or children—we have debated that aspect; nor is it good for the public safety of the patients' communities, because some of the patients will commit crimes. It will be interesting to see the targets that the Government brings in for those areas, as it has announced that it will.

Labour's 2007 manifesto promised that, if returned to power, we would tackle a number of issues—I am glad to say that most of them are being taken forward by the present Administration—including the use of availability status codes, which were always referred to as hidden waiting lists. I know that the press were persuaded to use that term; reporters had to ask me what the ASC actually meant. The availability status code was a simple system whereby people were put on a separate waiting list if they could not make themselves available or if their doctor decided that they were not available. The fact that the system was abused by management to deal with waiting lists was both unfortunate and regrettable, but we all agreed that the ASCs should be got rid of and they have been got rid of. Therefore, we developed the new ways waiting times, which were then carried on by the current Administration.

However, there are problems with the new ways waiting times. As Helen Eadie mentioned, I have pointed out some of those problems on previous occasions. The fact is that 100,000 people have been put off the lists for one of the 14 reasons. I welcome—another “welcome”—the fact that the reasons listed as items 50 and 51 in the index to the new ways waiting times document, which relate to interconsultant referrals, will now be cancelled. At least we will now have two fewer reasons why people should be put off the list.

I remain concerned about the effect of the new system on some groups of people, including those with learning difficulties; those with communication difficulties, such as the deafblind; elderly people, especially those who are unsupported or have early dementia; the homeless; travelling people; prisoners; new immigrants; asylum seekers; some from black and minority ethnic communities who might have language problems; and some with mental health problems. We have a small amount of evidence so far that suggests that those groups might be squeezed by the new bureaucracy, but we do not have enough evidence to make a case or to have a debate on the matter. Nevertheless, I ask the cabinet secretary to ensure that the Audit Scotland review looks closely at whether those vulnerable groups are being squeezed by the new bureaucracy that has been created.

Another target on which we are all agreed is that no one attending accident and emergency should wait for more than four hours. More than any other, the four-hour A and E target has been the subject of protests from clinicians about false decisions being made in order to squeeze inside the target. We should send out the clear message from the Parliament that such targets are designed not to force clinicians into inappropriate decisions but to ensure that management supplies the resources that are necessary for the clinicians to undertake their work. I still hear from A and E consultants who are angry that, at three hours and 50 minutes, clinically unqualified managers almost bully them into sending patients home so that the target can be met. If a patient can be moved to a clinical decision unit to await the results of tests rather than be sent home just to meet a target, we need to find some more sophisticated way to allow that process because it is in the patient's interests. The interests of the patient should always be borne in mind. In that regard, I urge the cabinet secretary to look again at the emergency department information system—EDIS—which several reports suggest is not user friendly and might need to be reviewed.

As many members have mentioned, people are also waiting for appointments with allied health professionals. Last year, a census showed that 94,000 patients are on that waiting list. Is that the new hidden waiting list? We will see. As other members have mentioned, people are waiting to see podiatrists and physiotherapists as well as—I would add—orthoptists. Many groups of people are experiencing serious problems of waiting. Labour's manifesto committed us to delivering a nine-week waiting time guarantee for AHPs. I urge the cabinet secretary to consider that issue closely. In that regard, I understand that referrals from consultants to allied health professionals or from allied health professionals to consultants do

not come within the current waiting time guarantee. That needs to be sorted.

**Mary Scanlon:** I remind the member that the most recent survey on the waiting list to see physiotherapists—of course, details are not held centrally—was carried out in 2005. At that time, 28,000 patients were on that waiting list.

**Dr Simpson:** As I understand it from my discussions with allied health professionals and from my reading of the census that was carried out last year, there are 2,600 separate waiting lists. This is not a criticism of the Government—we did not tackle the issue because we had other priorities, which the Government now shares—but I believe that the issue now needs further attention. I hope that Shona Robison will refer to that when she sums up the debate.

The Labour amendment draws a comparison with waiting times in England. I do not suggest that we emulate England's approach, which was taken to tackle the particular problems that it faced. Over the past 10 years, the Scottish health service has adopted a collaborative and co-operative approach that does not seek—this is one reason why we will not vote for the Tory amendment this evening—to build capacity within the private sector. Nevertheless, the fact that 93 per cent of in-patients and 97 per cent of out-patients in England now have a whole-journey wait of less than 18 weeks for treatment is a significant achievement. We are now falling behind, so we need to redouble our efforts if we are to maintain things. The cabinet secretary said that median waiting times do not reflect the individual patient's experience. That is of course correct, but the median waiting time in England for the whole journey for in-patient treatment is now 62 days compared with our 79 days. We need to be realistic about the fact that we are falling behind and we need to ensure that pressure is maintained.

Finally, we need to look ahead. We need to begin now a process of debating a more sophisticated system that goes beyond the target that has been set for 2011. We need to begin the discussion with the public, with professionals and within the Parliament on how we can achieve individual waiting time guarantees for conditions to reflect the needs of patients more appropriately. That discussion could begin now.

I ask members to support our amendment.

11:26

**The Minister for Public Health and Sport (Shona Robison):** Like others, I associate myself with the remarks that were made about the tragedy in the North Sea. Our thoughts are with the family and friends of those who have been affected.

This has been an interesting, worthwhile and quite consensual debate. Members have made a wide range of points that demonstrate the high level of interest in patient waiting times and how vital health care services are to us all in Scotland. I am encouraged that we appear to have general cross-party support on a number of issues, including the need to improve on the current waiting times standards by giving patients a clear indication of the maximum time that they will need to wait from referral to hospital treatment.

Delivering on the 18-week target will be challenging and will require an enormous shift in how hospital services are provided. Although Richard Simpson suggested that England was in some ways ahead of us in doing that, I should point out that England started on that process in 2005, whereas the previous Scottish Executive decided not to do so in 2005. Therefore, rather than falling behind, we are now catching up because of the efforts that were taken two years ago to move towards the 18-week target. As I said, the target is challenging, but it can be achieved by building on the changes that are already taking place and by continuing to develop the NHS as an integrated service in which the patient's experience is smooth, swift and seamless.

Mary Scanlon and Jamie Stone suggested that targets somehow distort clinical priority. I strongly disagree with that. As we have stated on a number of occasions, patients whose clinical need requires that they be treated quicker than the maximum waiting time should indeed be treated much more quickly. That is the very essence of a clinically driven system and we will always support and defend that. The maximum waiting time is a backstop, as the cabinet secretary said in her opening speech.

**Mary Scanlon:** If the waiting time is based on clinical need, does that apply to the waiting time for mental health services, physiotherapy and fertility treatment? As Jamie Stone will know, many people in the Highlands have been unable to wait for a psychologist and—I am sorry to say—have taken their lives with their own hands due to the long wait.

**Shona Robison:** I am very aware of some of the challenges that exist with mental health services. That is why, for the first time, we have moved to bring some of those treatments within the waiting time target. Clinical priority is still very important in those areas and most people are treated within the 18 weeks, but there are still too many people who wait too long. That is an issue that we are determined to address.

Mary Scanlon and others mentioned the issue of long waits for patient groups that are currently outside waiting time standards. I assure those



members that the Scottish Government is committed to ensuring that patients have swift and safe access to the full range of services that they need from the NHS. Already, an increase of more than 100,000 patients to whom the standards will apply has been brought within the waiting time target for 2011.

The development of the mental health waiting time target for children and adolescent mental health services has been welcomed by many members, as has the work that we are taking forward on access to psychological therapies. I note the workforce challenges that were highlighted by Richard Simpson. We are considering that area. However, it is to be welcomed that, for the first time ever, we have waiting time targets for mental health services.

We continue to focus on other services. We are well advanced on the drug treatment HEAT target. Alcohol-related problems were mentioned by some members. Work has begun on the development of the alcohol HEAT target. However, it is important to recognise that, although it is important that we develop a HEAT target, we have not rested on our laurels when it comes to alcohol-related problems. That is why we have invested a huge resource—up to £120 million—in alcohol-related services, many of which are directed at brief interventions. That perhaps answers Ian McKee's point. It is very important that the staff who are delivering those brief interventions, whether it is a GP or a nurse working in A and E, have received the training to do so. That is an important development, which members should welcome.

Helen Eadie talked about infertility services. I recognise the challenges, in that some of the waits are longer than we would want them to be. That is a long-standing issue, which goes back many years. Progress has been made, though, and those waits are not as long as they were. However, we recognise that there is more work to be done. We want to work in partnership with members to broaden our focus and ensure that all patients get a service that is continuously improving. I hope that other members share the same objective and will work with us in that positive spirit.

Although the debate has focused on waiting time performance, sustained delivery of that performance depends on having a workforce in place to deliver the highest level of care to the people of Scotland. I am pleased that more doctors, nurses and allied health professionals are working in Scotland's hospitals and community settings. Richard Simpson raised the issue of allied health professionals. If we are going to meet the 18-week referral-to-treatment target, we require to reduce waiting times to see allied health

professionals. In turn, meeting the target will drive down waiting times.

The latest figures show that, at September 2008, the total number of staff employed in the NHS in Scotland was 165,551—an increase of 2.1 per cent. While I am on the subject of staff, I assure Jackson Carlaw that I appreciate the efforts of all health workers, no matter which setting they work in. I hope that he will welcome the improvement in staffing levels within the NHS, which will deliver for patients throughout Scotland.

As the cabinet secretary said in her opening remarks, we are investing more money in the NHS than ever before. We have increased spending on health in Scotland per head of population to record levels and have delivered record investment, which will exceed £11 billion by 2010-11. Capital investment totalling £1.676 billion was made available to the NHS in Scotland over the period 2008-09 to 2010-11—delivering real change and real progress for the NHS so that it can be better equipped and resourced than ever before to improve the quality of the patient and staff environment.

As the cabinet secretary stated, we are committed to giving patients better access and to providing a health service of which the Scottish people can be proud. We believe that the maximum waiting time is an important element of that. It focuses the attention of those running the health service on what patients expect, which is quick and safe access to treatment in the NHS. That is what the SNP Government is determined to deliver for the people of Scotland.

**The Deputy Presiding Officer (Trish Godman):** As we have finished early, I suspend the meeting until 11.40, when we will have general questions to ministers.

11:35

*Meeting suspended.*

11:40

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

##### Short-term Holiday Lets (Legislation)

**1. Sarah Boyack (Edinburgh Central) (Lab):** To ask the Scottish Executive with what legislation landlords offering short-term holiday lets must comply. (S3O-6514)

**The Minister for Housing and Communities (Alex Neil):** There is no specific legislation with which all landlords who offer short-term holiday lets must comply.

**Sarah Boyack:** Is the minister aware that many of my constituents have to endure deeply unpleasant antisocial behaviour by people in overcrowded flats—often drunk revellers—that presents not just serious fire and health and safety issues but makes their lives a misery?

The minister's predecessor, Stewart Maxwell, made it clear to me in a letter that the Scottish Government did not intend to take legislative action to tackle what is acknowledged by the local council to be a loophole in the legislation. Is that still the case, or is the minister prepared to listen to the evidence of my constituents' experiences?

**Alex Neil:** I am always prepared to listen to more evidence, but the current position is that if people are engaging in antisocial behaviour while residing in holiday let flats, they are subject to the legislation relating to antisocial behaviour, and the police and others have powers to deal with that effectively. If the member feels that there is a loophole in the law that requires to be addressed, I am happy to listen to any additional information that she brings to the table. So far, however, we have not seen any information to justify a separate law relating to holiday lets.

**Aileen Campbell (South of Scotland) (SNP):** Will the minister explain how holiday homes are taken into consideration as part of the affordable homes strategy?

**Alex Neil:** There are two aspects to holiday homes. First, in some areas, particularly rural areas, they add to the pressure on affordable housing provision. We are actively examining the impact of that on the supply of affordable housing in rural areas and, in due course, we will decide whether there is anything we can do to relieve it. Secondly, the fundamental way in which we are dealing with the problems of the shortage of

affordable houses is to drive up the number of affordable homes that we are building.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I emphasise to the minister how serious the problem is in developments such as Western Harbour in my constituency, where a large number of stag and hen weekends are based. The people who are trying to impose the law are telling us that there is a problem with the legislation, so will the minister undertake at least to examine the problem and to consider options to address it? It is an increasing problem, and it came up at the local community council last night.

**Alex Neil:** As I have said, there are already provisions for dealing with antisocial behaviour and related matters, but I am happy to listen to any further evidence. So far, we have not received any evidence to demonstrate that a specific law relating to holiday lets would make any material difference.

##### Energy Companies (Regulation)

**2. Bob Doris (Glasgow) (SNP):** To ask the Scottish Executive, in light of any implications for fuel poverty, whether it will respond to the Office of Gas and Electricity Markets consultation on proposals in relation to the regulation of energy companies. (S3O-6488)

**The Minister for Housing and Communities (Alex Neil):** Yes. I welcome any move to ensure that everyone in Scotland pays a fair price for their energy. We want the advantages of competition to benefit everyone, including the most vulnerable customers. Some of the proposals in the forthcoming consultation seem long overdue. They include action to ensure that prices for different payment methods reflect their true administrative costs. That is particularly important for customers who are on prepayment meters. Measures to ensure that customers are given clear, transparent information about the available tariffs and about switching are also welcome.

**Bob Doris:** I thank the minister for that answer, particularly with regard to prepayment meters. When the minister responds to the Ofgem consultation, will he make the most powerful representations about the lack of action on tariff differentials, whereby customers on prepayment meters pay far more than those who pay by direct debit—the difference is £118 a year, on average. I ask him to bear it in mind that 22 per cent of people on an income of less than £10,000 a year use prepayment meters.

**Alex Neil:** I share the member's concerns and we have made it clear to Ofgem that the Scottish Government shares them. The primary responsibility lies with Ofgem. We are happy to

make continuing representations until we find a permanent solution to the problem.

**Mary Mulligan (Linlithgow) (Lab):** The new energy action package, which is aimed at tackling fuel poverty, starts this week but we have not yet heard anything about the home insulation scheme. Can the minister say when the home insulation scheme will be introduced and how the resources will be distributed? Will he expect local authorities to contribute to the package of measures?

**Alex Neil:** I should point out that insulation is part of the energy assistance package that we announced this week, through which there is now record spending on tackling fuel poverty. I take it that the member is referring to the new home insulation programme that was announced at the time of the budget, to which we committed £15 million. We expect to get matching funding of a further £15 million. We are currently engaged in detailed discussions with the Convention of Scottish Local Authorities and other stakeholders. I hope to be in a position to make a further announcement on the scheme shortly.

### Fertility Treatment (Guidance)

**3. Helen Eadie (Dunfermline East) (Lab):** To ask the Scottish Executive, further to the answer to question S3W-1716 by Shona Robison on 20 July 2007, what progress it has made in monitoring NHS boards for consistency in applying the guidance issued in relation to the provision of fertility treatment. (S3O-6520)

**The Minister for Public Health and Sport (Shona Robison):** We wrote to national health service boards in December 2008, asking for information on the implementation of the updated guidance. We have received responses from all NHS boards. They show that seven areas are now fully compliant with that guidance and that a further three have partly implemented it.

**Helen Eadie:** Why, then, does there continue to be a postcode lottery for infertility services in the NHS in Scotland? Why does the Scottish Government guidance say that the age limit is 40 whereas NHS Fife says that it is 38? Why does the expert advisory group on infertility services in Scotland advocate an age limit of 41, yet the Scottish Government sticks with 40? Why does the guidance on the meaning of a cycle of treatment encompass fresh and frozen embryos, yet NHS Fife regards a cycle as involving frozen embryos only and does not include both fresh and frozen ones as the guidance from the Scottish Government clearly states? Why are couples with a child from a previous relationship refused NHS treatment for fertility services by the Government?

**Shona Robison:** All the issues that Helen Eadie raises are complex and long standing. Progress

has been made on some of them, particularly waiting times, although some of them remain longer than we would like, but they are not as long as they were. I hope that Helen Eadie acknowledges that the issue is a long-standing one. I am not sure whether she has raised it previously. Perhaps if action had been taken on some points 10 years ago, we would not be wrestling with some of the issues today.

I can assure Helen Eadie that we are aware of the issues that she has raised, which are not easy to address. We are determined to work with NHS boards to get a more consistent pattern across Scotland with regard to access, criteria and waiting lists, but I reiterate the point that the issues are complex.

**Mary Scanlon (Highlands and Islands) (Con):** Yesterday, I received a written reply to say that the Government is

“currently considering how best to ensure equity of access across Scotland”—[*Official Report, Written Answers*, 1 April 2009; S3W-22040.]

for fertility treatment. Aside from the points that Helen Eadie raised, will that “equity” take account of the age bar and of the inability of some people to pay for private treatment?

**Shona Robison:** As I said in reply to Helen Eadie, these matters are interrelated and complex. I reiterate that seven health boards—seven areas out of 14—are compliant with the guidance. Another three have partly implemented the updated guidance and four have not made the progress that I would have liked them to make. I am discussing with them when and how they will make progress. There are other complex issues that surround that of waiting times, which we are more than aware of. As I said in reply to Helen Eadie, we will consider how to address them.

**Ian McKee (Lothians) (SNP):** Can the minister explain what the current eligibility criteria are for the provision of assisted conception treatment and why she believes they are important?

**Shona Robison:** The current eligibility criteria are—I cannot find them among my papers. [*Laughter.*] I will ensure that I write to the member with the current eligibility criteria, which of course cover issues such as age. I would not want to mislead him by giving him the wrong ones; I want to ensure that I give accurate information.

Helen Eadie’s point is important. The criteria that we have issued and the updated guidance have been followed by some boards but not by others. It is only fair that, no matter where someone lives in Scotland, there should be consistency in access. We want to progress that.

### Tenancy Deposit Protection Scheme

**4. Mike Pringle (Edinburgh South) (LD):** To ask the Scottish Executive what progress it has made since the members' business debate on a tenancy deposit protection scheme on 18 June 2008 towards preventing tenants in the private rented sector from having their security deposits unfairly withheld by landlords. (S3O-6558)

**The Minister for Housing and Communities (Alex Neil):** On 14 August 2006, the Scottish Government set up a stakeholder working group that comprised representatives of Citizens Advice Scotland, the local authorities, Crisis, the National Union of Students Scotland and many other bodies, with remit to examine the various approaches to improving tenancy deposit practice before we decide how to proceed. The private rented sector review, which was published last week and presented to the working group, gathered, systematically and for the first time, information on tenancy deposits. We will now take the issue forward and actively consider the available options with a view to seeking agreement on the most appropriate way to tackle the issue.

**Mike Pringle:** I look forward to receiving further information about that. I welcome the findings of the Government's recent review of the private rented sector but am disappointed that, even following the review's publication, and as noted in the executive summary of the key findings and policy implications section, there are still disagreements about the scale of the problem of unfairly held tenancy deposits. In accepting the existence of a problem that involves thousands of tenants and millions of pounds every year, will the Government now commit to using the Housing (Scotland) Act 2006 to implement a national tenancy deposit protection scheme?

**Alex Neil:** We now have a much clearer idea of the scale of the problem. Based on the tenant and landlord survey that was undertaken as part of the PRS review, we estimate that the actual amount of wrongly withheld deposits in Scotland is somewhere up to £3.6 million per annum, which affects up to 11,000 tenants at any one time, which is up to 4.7 per cent of all tenants. We are actively considering all the implications of the report on the PRS review, including how to take forward the issue of wrongly withheld deposits. I am keen, as the member is, to find a permanent resolution of the problem.

**Claire Baker (Mid Scotland and Fife) (Lab):** Does the minister recognise that there is significant support in the Parliament for a tenancy deposit scheme in Scotland? Now that we have the research results, we can see that it is indeed a significant problem that the Parliament must address. Will the minister outline today how and

when the Government will proceed in the event that it cannot secure consensus between landlords' and tenants' organisations?

**Alex Neil:** I am aware of the strength of feeling on the issue across the chamber. I will take cognisance of that, which is why I have given a commitment that we will actively and timeously consider the implications and recommendations of the PRS report and make decisions in due course. Clearly, it would be far better if we can achieve consensus and agreement, but if we cannot the Government will decide how best to take the matter forward.

### National Waste Plan (Review)

**5. John Park (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what progress has been made in its review of the national waste plan. (S3O-6544)

**The Minister for Environment (Roseanna Cunningham):** Good progress is being made and we intend to consult later this year. We have established a steering group, which has considered a first draft of the new plan. We have begun work on the costs and benefits of meeting municipal waste targets and a strategic environmental assessment. We are also carrying out research on landfill bans. While the new plan is being prepared, progress continues; the most recent recycling rate for Scotland is 32.9 per cent.

**John Park:** The minister may be aware that Fife Council has an excellent recycling record. However, proposals to move to four-weekly collections are being debated in Fife just now. Can the minister, perhaps along with other members in the chamber, encourage Fife Council to engage effectively with the communities in Fife to ensure that the public is fully engaged in the process and that their views are taken on board?

**Roseanna Cunningham:** The member is, of course, quite right that Fife Council has a good record on recycling. It produced one of the best performances in Scotland, with a recycling rate of 41.3 per cent. Members will realise that that figure is significantly above the Scottish average. Fife Council recycles more tonnes than any other local authority. The council is considering how to go forward on waste collection, but it is my understanding that no decisions have yet been made and that the council has set up a cross-party, member-officer group to consider the question.

Obviously, a decision on the frequency of collections of household waste is a matter for each individual local authority, which will have regard to its own local needs and circumstances. I advise the member that it might be useful to have a look at what has happened in some other local

authority areas, because there are examples of extremely good practice. I hope that all local authorities, including Fife Council, look at those examples of good practice and think about adopting them in their own practice.

### Gaelic (Development)

**6. Dave Thompson (Highlands and Islands) (SNP):** To ask the Scottish Government what progress is being made on the development of the Gaelic language. (S3O-6505)

**The Minister for Culture, External Affairs and the Constitution (Michael Russell):** Very good progress has been made in terms of our structural support for the Gaelic. The progress that I still want to see is that, while we strengthen our structural support further, we must ensure that it is effectively and urgently used to increase the use of Gaelic in the home, school, community and workplace.

**Dave Thompson:** The minister will appreciate that Gaelic road signs are an important factor in increasing awareness of Gaelic and raising its status. He will also be aware that funding of the Government's current trunk road bilingual road sign programme ends in 2010. I believe that a review of the policy and programme is taking place. Can the minister tell us when it will be completed and when we will receive confirmation of an extension of the trunk road bilingual road sign programme beyond 2010?

**Michael Russell:** I certainly agree with the member that the visibility of Gaelic in Scotland is important and a valuable means of raising the status and use of Gaelic and demonstrating the strong links between Scottish heritage and the Gaelic heritage. The Scottish Government wants a continuing increase in the visibility of Gaelic and to ensure that road signs, for example, reflect the importance of Gaelic. That is why, since becoming Minister for Transport, Infrastructure and Climate Change, my colleague Mr Stevenson has extended the use of Gaelic road signs on the A82 through Inverness, building on the existing programme being implemented on other trunk roads.

Transport Scotland has a responsibility to evaluate its policies, including the bilingual one, but I know that Stewart Stevenson is clear that he wants any review to be fast tracked and completed as soon as possible. I have been assured that results will be available in 2010 before the current signage programme ends. I understand that Mr Stevenson has asked senior officials for advice on accelerating that even further. The research will be conducted by Transport Research Laboratory, which will carry out an evaluation study, including an examination of changes in accident patterns that will of course be scientifically and properly

based. We will continue to discuss how we can spread the important visibility of Gaelic even further.

### Teacher Numbers

**7. David McLetchie (Edinburgh Pentlands) (Con):** To ask the Scottish Executive whether it expects the number of full-time equivalent teachers employed in publicly funded schools at the teacher census date in September 2010 to be higher or lower than the number employed in September 2006 or 2008. (S3O-6472)

**The Minister for Children and Early Years (Adam Ingram):** As the member knows, it is local authorities' responsibility to employ teachers and, as is well known, the Scottish Government and local authorities have jointly pledged to maintain teacher numbers at 2007 levels. We will meet local authorities soon, and we will meet the Convention of Scottish Local Authorities today, to discuss the issue. Our objective and expectation is to deliver on the concordat pledge of teacher numbers around the 2007 level.

**David McLetchie:** The minister will therefore be aware that the number of teachers employed at the census date in 2007 was 54,559. He will also be aware that the number employed at the most recent census date, in 2008, was 53,584—which is 975 fewer teachers one year on. In view of the SNP's manifesto pledge to maintain teacher numbers, which was repeated in the concordat, can we take it that the Government's policy in practice is to reduce teacher numbers in Scotland and to carry on doing so?

**Adam Ingram:** Mr McLetchie should also note that the fall in teacher numbers between 2007 and 2008 was largely concentrated in a small number of local authorities. I am sure that positive engagement with those authorities could turn around their performance. It is also worth reminding Mr McLetchie that the purpose of maintaining teacher numbers is to reduce class sizes, particularly in the early years, so that every child will get the attention he or she deserves. Mr McLetchie and his party are opposed to that policy. Unlike him, the Government is determined to ensure that every child gets the best start in life.

## First Minister's Question Time

12:01

**The Presiding Officer (Alex Fergusson):** As members are aware, the Parliamentary Bureau agreed last night to a change in the normal format of questions to the First Minister in recognition of the tragic helicopter accident in the North Sea yesterday afternoon. Iain Gray will ask the first diary question. That will be followed by supplementary questions from the main party leaders, after which I will suspend the meeting until 2.15.

### Engagements

**1. Iain Gray (East Lothian) (Lab):** To ask the First Minister what engagements he has planned for the rest of the week. (S3F-1601)

**The First Minister (Alex Salmond):** I am grateful to you, Presiding Officer, for allowing me to make a short statement concerning yesterday's tragic events in the North Sea. The Secretary of State for Scotland, to whom I have spoken, will make a parallel statement in the United Kingdom Parliament in the next few minutes.

Just a few minutes ago, I received the latest update from Grampian Police. Eight bodies had been recovered following the accident. Another eight people remain missing and are, we must now accept, presumed dead. The names of the victims of this terrible tragedy will be released this afternoon. The Solicitor General for Scotland has authorised their release now that the next of kin have been informed.

The personal impact of the accident will fall heaviest on families in the north-east of Scotland, but it will fall also on other parts of Scotland and the United Kingdom, as well as further afield. A book of condolence was opened this morning at the Kirk of St Nicholas, in Aberdeen. The whole chamber and, I am sure, the whole nation will want to join me in expressing our deepest sympathy and condolences to the families, friends, colleagues and loved ones of those who have been tragically killed in this appalling incident.

The facts of the incident, as we understand them at present, are that a Bond Super Puma helicopter, which was on its way back from the Miller field, came down in the water about 14 nautical miles north-east of Fraserburgh at just before 2 o'clock yesterday afternoon. Sixteen people—14 passengers and two crew members—were on board. The crash was catastrophic and the aircraft sank quickly.

A search and rescue operation was launched immediately and included two Royal Air Force

helicopters, which were scrambled to the scene along with an RAF Nimrod that was diverted to the area. Lifeboats from Peterhead and Fraserburgh and a supply vessel, the Normand Aurora, were also involved, as were many other vessels including oil support boats and fishing boats that were in the area. I will talk about the emergency services in a few seconds, but we should also recognise the efforts of those—for example, in the fishing industry—who are not part of the emergency services but who respond as seafarers when an emergency is under way. The search, which is now a recovery operation, continued late into last night and was resumed this morning. Eight bodies were recovered and returned to Aberdeen at 04:30 this morning.

Activity at the scene is now focused on the recovery of the remaining eight bodies and of the aircraft itself. The details of the latest police report to me are that their priority remains to recover, identify and reconcile the deceased with their families and to support a thorough and full joint investigation of the accident. A humanitarian assistance centre for relatives was established this morning and is being supported by Aberdeen City Council, Grampian Police and representatives of the companies involved—Bond Offshore Helicopters, BP and KCA Deutag. The procurator fiscal is chairing a meeting today between the Crown Office, Grampian Police and the air accidents investigation branch to determine the next steps in conducting a thorough investigation into yesterday's tragic events.

The Cabinet Secretary for Justice and I went to Aberdeen last night to see the work of the emergency services, including that of the police, the coastguard, and the Royal National Lifeboat Institution. On behalf of the whole community, we expressed our gratitude to the highly professional and committed individuals who carried out the search, rescue and recovery operation in such trying circumstances. As I said, the recovery operation is on-going. Our thoughts and support remain with our colleagues in the emergency services and, indeed, with the many organisations that are providing and will provide support and comfort to those affected.

The mood in the operations centre last night was sombre. People said to Kenny MacAskill and me that it contrasted with the elation that the same people felt only six weeks ago following a totally successful operation to rescue 18 people from another helicopter incident. The tragic outcome of yesterday's event tells us that sometimes even the heroic efforts of the emergency services cannot overcome catastrophic events. Our respect for those in the emergency services should be absolute.

It is understandable that concerns have been heightened because of the close proximity of two helicopter incidents in the North Sea. However, we now know that the incident six weeks ago, which involved a different model Super Puma, was almost certainly weather related—the result of a fog bank. The incident yesterday was of a quite different nature. It was catastrophic in its impact and deadly in its effect. In terms of its death toll, it is likely to have been the second-worst aircraft incident in the North Sea, surpassed only by the Chinook disaster of 1986.

The investigation of yesterday's crash by the air accidents investigation branch began yesterday. I spoke to the Secretary of State for Transport, Geoff Hoon, yesterday evening. I know that he shares the wish of us all to arrive at an explanation for yesterday's tragic events so that we can learn the lessons and take whatever action is required. It seems clear to me that an inquiry in public will have to be considered. Law officers and ministers will consider that matter once the full facts are established.

We are all aware of the economic benefits—the millions, indeed billions, of pounds—that are brought by North Sea oil and gas. The Miller field alone, for example, has produced some 350 million barrels of oil in its producing lifetime. However, we are equally aware that those benefits can come at a dreadful cost in human lives. With the latest incident, more than 100 crew and passengers have lost their lives in aircraft accidents in the North Sea over the past 30 years. Of course, it is important to understand that in context. During that period, more than 60 million passengers have been carried, and tens of thousands of flights take place every year. Nevertheless, it is the Government's and the Parliament's duty, working with the oil and gas industry and its workforce, to learn the lessons of the accident and to do all that is in our power to ensure that safety is the ultimate priority for those who work in the North Sea. Let that stand as a memorial that we can give to the lives of those who died so tragically in yesterday's accident.

**Iain Gray:** The Labour Party, too, sends its condolences to the families, friends and workmates of those who have been lost in the tragedy, and we join the First Minister in thanking those who have been involved in the rescue and recovery operation.

We often debate the oil and gas industry in the chamber. We argue about its future, its price, who owns it or who should own it, how it should be taxed and how that tax revenue should be spent or saved. We even argue about the extent to which oil and gas should be replaced by cleaner or less finite sources of energy. Meanwhile, we expect the tens of thousands of people who work in the North

Sea to continue to deliver oil and gas day in, day out. Perhaps we would do well to reflect more often on the difficult conditions in which they do that work and the risks that they take, in an industry that is at the heart of our economy, to produce a commodity that flows pervasively throughout our society. That we do not do so is testament to an astonishing safety record in the industry, which makes tragedies such as yesterday's rarities.

Of course, offshore travel—usually by helicopter—is an intrinsic part of the work of the men and women who work in the North Sea, and their helicopter journeys have always been recognised as one of the most hazardous aspects of their jobs.

I have travelled offshore just once; others in the chamber have done so more often. Anyone who has done so knows how meticulous and how relentless is the approach to health and safety in the oil and gas industry. That, however, is no consolation at all to those who have suffered the loss of a loved one, and our thoughts and prayers are with them today.

Those who lose their lives just doing their job are special to us all. We remember them each year on workers memorial day, later in this month. Thirty-two workers lost their lives doing their jobs in Scotland last year, so the scale of this tragedy is indeed very significant.

Does the First Minister agree that, beyond the immediate recovery, the important thing is to find out definitively what happened yesterday and why the crash was so catastrophic? Will he ensure that all concerned can do everything in their power to support that objective? How quickly does he think that findings or interim findings might become available?

**The First Minister:** I thank Iain Gray for his question. It is entirely right that, on an all-party basis, we have the opportunity to express condolences on behalf of the whole chamber.

The air accidents investigation branch started its investigation immediately yesterday. That investigation is on-going as we speak. Obviously, a key priority is to recover the helicopter and the black box, in order to understand the causes of the incident.

Iain Gray rightly says that, despite the generally excellent record in the North Sea, tragedies have occurred. This incident is devastating, clearly and obviously because of the death toll—the cost in human lives—but also because of its nature, which is very difficult at this stage to explain. That makes the priority of the AAIB all the more urgent as it tries to get to the facts. It has the ability, through working with the Civil Aviation Authority, to issue any interim instructions that it is necessary

to issue. Both the AAIB's inquiry and any public inquiry that follows will be taken forward with the greatest urgency.

As I said a few minutes ago, the best and most lasting memorial in incidents such as those that have taken place in the North Sea is for us all to rededicate ourselves to finding out the causes, addressing whatever issues have to be addressed, and trying to ensure that safety is always paramount in North Sea activities.

**Annabel Goldie (West of Scotland) (Con):** Presiding Officer, may I echo the sentiments already expressed by the First Minister and by Mr Gray? On behalf of the Scottish Conservatives, I express our sorrow at the tragic events of yesterday. We extend our sympathy to the families, friends and colleagues of all those who have lost their lives.

For many of us, the petrol in our cars and the heat in our homes are everyday facts of life. It takes a dreadful accident such as this one to give us a stark and sharp reminder of just how dangerous the environment is for all those who work in and support the oil and gas industry in the North Sea. Of course, an inquiry will have to take place. We hope that sufficient facts will be available to explain what happened and why, and whether there are lessons that can be learned.

We pay tribute to everyone who took part in the search and recovery operation. As the First Minister has suggested, people from all sections of the community rallied to the call. They are to be commended for their dedicated efforts.

The community in the north-east of Scotland is close-knit, as are all those who work in the oil and gas industry. We hope that this Parliament's witness of their grief at this very sad time will bring some comfort.

**The First Minister:** I thank Annabel Goldie for the point that she makes on behalf of her party. She rightly says that the search and rescue operation by the emergency services mobilised people. The operation extends to literally hundreds of people who took part yesterday and who are taking part in the on-going recovery today. We do these things incredibly well, in terms of the immediate mobilisation of every assistance that can be brought to the scene. Within minutes, the first rescue craft was on site yesterday. The likely tragedy, in terms of the death toll, is a reminder that sometimes even those heroic efforts are not enough to save lives.

Annabel Goldie says, quite rightly, that the community in the north-east of Scotland has endured many tragedies in the oil and gas industry and the fishing industry. However, the impact extends through the North Sea family, through Scotland, through the United Kingdom and,

indeed, across the world. As I indicated, now that relatives have been informed, the Solicitor General has authorised the release of the victims' names. Eight of them are from the north-east of Scotland, one is from Angus, one is from Dundee, one is from Dumfries, one is from Cumbernauld, one is from Liverpool, one is from Norwich, one is from the West Midlands and one is from Riga in Latvia.

The impact of the tragedy will be keenly felt by the victims' families and by people in the chamber and across the nation.

**Tavish Scott (Shetland) (LD):** Today, and for weeks and years to come, our thoughts and prayers will be with the loved ones, families and relatives of the lost. We on the Liberal Democrat benches give our support to those who are involved in the continuing recovery work.

I have many friends at home in Shetland who work offshore. The helicopter is the lifeline transport service that keeps the North Sea working. Flying a helicopter requires immensely skilled men and women. However, it is not a pleasant flight. I have flown offshore in the North Sea with people from the oil industry. The strong men and women who ignore mountainous seas and gale-force winds do not enjoy the helicopter flights to work or back to Aberdeen or Scatsta in Shetland. There is nothing glamorous about helicopter flights. The islands that I represent remember all too well the tragic Chinook crash of November 6 1986, when 45 men who were inbound from the North Sea's Brent oilfield perished, one minute's flying time from Sumburgh airport. On that occasion, the impact and trauma were enormous, and that is the case again today.

Twenty-three years ago, emergency staff faced huge pressures and responded with the utter professionalism and courage that we expect. We had hoped that their abilities might not be needed in this way again, but it is already clear that the same professionalism and courage have been the hallmark of the offshore and onshore recovery work that has taken place yesterday and today.

It would not be fair to ask the First Minister questions about matters for which his Government has no responsibility. My colleagues Alistair Carmichael and Malcolm Bruce are pursuing those matters with United Kingdom ministers in relation to the statement that, as the First Minister said, is being made in the House of Commons.

The air accidents investigation branch and the CAA must act quickly. The immediate issue is to reassure men and women who are asked to fly today, tomorrow and next week. They must know that the helicopters are safe. If the UK Government needs to ground Super Pumas, it should. Lessons must be learned. However, today, our support is for the emergency services teams,



and our thoughts and sympathies must be with the loved ones of those who have tragically lost their lives.

**The First Minister:** On Tavish Scott's last point, when I spoke yesterday to the UK Secretary of State for Transport, Geoff Hoon, he was fully seized of the necessity of ensuring that the investigations proceed as at rapid a pace as possible. The AAIB is on the scene and the investigation has started. Lessons will be drawn and information will be gathered, and factually based action will result as soon as possible.

I understand that Bond Offshore Helicopters has suspended flights as a mark of respect. I also understand that the opportunity has been taken to carry out a full engineering check of the aircrafts. I hope that that will come as a reassurance to people, as the need for reassurance is urgent. Tavish Scott can take it as read that any findings of the AAIB will be brought quickly and firmly into course.

On the point about the rescue and emergency services, Tavish Scott is absolutely correct to say that the mobilisation that takes place is extraordinary, as are the efforts that are made by professionals and volunteers, such as those in the RNLI.

Kenny MacAskill and I can tell members that the atmosphere in the control room in Queen Street in Aberdeen was sombre as it became clear that the efforts would probably not result in the rescue of any human life. The staff contrasted the atmosphere with the elation that they felt only six weeks ago. Tavish Scott, I and everyone else in the chamber recognise and respect their efforts. We know that, in every instant, they make every possible effort to save as many lives as possible.

12:20

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Finance and Sustainable Growth

##### Marine Renewables Devices (Infrastructure)

**1. Rob Gibson (Highlands and Islands) (SNP):** To ask the Scottish Executive what plans there are to build the port and transport infrastructure that is needed to launch marine renewables devices in Scottish waters. (S30-6491)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Ports in Scotland have a major role to play by providing strategic transport infrastructure, thus contributing strongly to the Government's core purpose of increasing sustainable economic growth. The ports sector in Scotland is diverse and adaptable. It is well placed to pursue commercial opportunities in partnership with the expanding marine renewables sector.

The recently reconvened forum for renewable energy development in Scotland's marine energy group is considering the marine renewables industry's port and transport needs. The identified needs will be set out in the Scottish Government's renewables action plan, which is to be published later this year.

**Rob Gibson:** I thank the minister for that reply and for sharing my view on the need for urgency in the drive to install clean energy machinery. Will he identify the Scottish, United Kingdom and European Union funding streams that ports such as Scrabster, Scapa Flow and those in the Cromarty Firth can access to speed up what the minister and I both wish to see, which is the development of tidal and wave devices in the Pentland firth and so on?

**Stewart Stevenson:** It is indeed important that we maximise access to all sorts of funding sources for our harbours, and that funds are available from all. That is particularly the case in light of the substantially higher than expected interest from developers, as a result of the Crown Estate's recent round 1 leasing programme for the area. We will keep a very close eye on funding from all possible sources.

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** One possible funding source is the Nuclear Decommissioning Authority, which has very deep pockets. I am thinking of the on-going work to decommission Dounreay. Can the

minister give an assurance that, when he comes to consider the potential of harbours including Scrabster and Wick, he will co-ordinate closely with the NDA with a view to getting as much money as possible from the authority for those two harbours?

**Stewart Stevenson:** I am always a very good friend of anyone with deep pockets. The NDA is certainly a key player in the far north of Scotland, where it plays a very important role. I would be very happy to discuss with the NDA any role that it could play in the development of harbour and wider transport infrastructure.

**Lewis Macdonald (Aberdeen Central) (Lab):** The minister will be aware that the best tidal energy resource in Scotland is to be found in the central part of the Pentland Firth, which is—as he will also be aware—an international shipping channel. Will he ensure that steps are taken to reduce the risk of conflicts between tidal energy development and the safety of those at sea? Will he work with the Crown Estate and the Maritime and Coastguard Agency to ensure that the issues are given the highest priority?

**Stewart Stevenson:** Mr Macdonald is entirely correct to point to the potential for conflict and to identify by his reference to the MCA the need for different jurisdictions to work closely together to ensure that their respective responsibilities are focused on the same direction. He can be assured that we will do that.

### Public Spending Advances

**2. Ross Finnie (West of Scotland) (LD):** To ask the Scottish Executive whether it considers that the advances made to it by Her Majesty's Treasury to allow it to accelerate public spending in the recession should be paid back. (S3O-6552)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** In his pre-budget report, the Chancellor of the Exchequer offered us the opportunity to have early access to some capital spending provided that it is repaid in 2010-11. That is the basis on which we took up the offer. It would be nice not to have to pay it back, but I believe that that would be a difficult case to argue.

The real point of the question is to draw attention to the grave risk in implementing the changes to the United Kingdom budget from that which we expected for 2010-11. The consequence of the Whitehall baseline changes and the Chancellor of the Exchequer's so-called efficiency savings is a reduction to capital. My answer on that is that those cuts should not be made. Over many weeks and at every opportunity, both the First Minister and I have made urgent representations to the Prime Minister and the Chief Secretary to the Treasury on the matter.

**Ross Finnie:** I am grateful for that response. I appreciate that not having to repay money may be beyond the powers even of our estimable Cabinet Secretary for Finance and Sustainable Growth, but there is an important point on which I wish to press him further. I understand perfectly what he says about the timing of any repayments, but I seek from him an assurance that when we talk about the repayment of moneys, the Government is not against the principle of repayment but is concerned about the timing of any repayments.

**John Swinney:** Mr Finnie makes a fair distinction. When the chancellor produces his budget on 22 April, we will have further information on the likely profile of public expenditure in 2010-11, when the sums of money in question fall liable to be repaid. In my estimation, the economic situation has changed significantly since the chancellor set out his expectations in the pre-budget report, in which he made it clear that the accelerated capital expenditure would be required to be repaid in 2010-11.

As a consequence of the fact that the chancellor's prediction that the recession is likely to improve by the third quarter of 2009 is unlikely to be realised, the issue that Mr Finnie raises—whether it would be appropriate to repay the accelerated public expenditure in 2010-11—is substantial. As things stand, I am concerned that there will be a significant drop-off in public expenditure in 2010-11, at a crucial time of economic recovery, so I would be happy to discuss with Mr Finnie and his colleagues in due course how we might marshal the arguments to protect the continuity of public expenditure through what will be a difficult economic recovery.

### BAA Airports Ltd (Competition Commission Report)

**3. Jamie Hepburn (Central Scotland) (SNP):** To ask the Scottish Government what it considers the implications to be for transport policy, tourism and the economy of the recommendations in the Competition Commission's report in relation to the future of BAA airports in Scotland. (S3O-6494)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Competition in the airport sector can drive investment, innovation and the further development of Scotland's direct international air links, which can make Scotland more accessible for inbound tourists and improve business connectivity, thereby contributing to sustainable growth in the Scottish economy.

**Jamie Hepburn:** The minister will recall that I have written to him on the issue on a number of occasions. Does he share my concern that every opportunity to ensure that local authorities and other parts of the public sector that have an

interest in having at least an equity share in any BAA airport that is sold should be explored? Does he agree that their having such a stake might allow for the greater pursuance of strategic transport, tourism, environmental and economic objectives?

**Stewart Stevenson:** The member may be aware, as others are, that the top-performing Scottish airport in the *Which?* survey of user satisfaction—Inverness airport—is publicly owned. I take the opportunity to congratulate the staff and management there for that highly significant achievement.

It is clear, therefore, that it is possible to have well-performing public airports. If local authorities are in a position to come to the view that they should take an equity share in any particular airport that is sold off by BAA in Scotland, we will watch the outcomes with interest and hope that they take the opportunity to emulate the top-notch performance at Inverness airport.

**Charlie Gordon (Glasgow Cathcart) (Lab):** What is the minister's view on the planned 12 per cent reduction in the number of flights from Glasgow airport this summer? Is he alive to the danger of asset stripping prior to any sale of Glasgow airport?

**Stewart Stevenson:** I suspect that the reduction in the number of flights is more a reflection of the difficult economic circumstances in which we find ourselves. If BAA were to decide that Glasgow airport is to be sold, I am sure that it would be in its interest to ensure that flight numbers are maintained to maximise its return. If the member feels that there are issues that I can respond to directly, I would be happy to interact with him further.

#### Edinburgh Trams Project (Funding)

**4. Margo MacDonald (Lothians) (Ind):** To ask the Scottish Executive whether it will ensure that adequate funding is made available to the City of Edinburgh Council to enable the completion of the tram project. (S30-6479)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The Scottish Government has agreed to provide £500 million. Any funding beyond that to enable completion of the project is entirely a matter for the City of Edinburgh Council.

**Margo MacDonald:** I thank the minister for his reply but I hope that I can change his mind. I hope that he will take comfort from the fact that the project has a new boss, Richard Jeffrey, who has already shown that he can run a very big project extremely well. Added to that, since "not a penny more, not a penny less" was said about the cost of the tram project in Edinburgh, things have

changed. We now desperately need the jobs that the project affords. All that I ask is that the minister display the same flexibility and imagination in relation to end-of-year spending that he displayed yesterday in relation to the Dunfermline Building Society.

**John Swinney:** On the issue of end-year flexibility in general—nothing to do with the Edinburgh trams—I advise Margo MacDonald that the Government can deploy end-year flexibility only when we have the consent of Her Majesty's Treasury and after we have declared something as end-year flexibility. The point that the First Minister made yesterday on the Dunfermline Building Society was entirely contingent on agreement by Her Majesty's Treasury that the Scottish Government could use some of that end-year flexibility at that time and in that fashion.

As Parliament knows, I have negotiated with the United Kingdom Government a three-year approach to the utilisation of end-year flexibility, which is factored into the Government's spending plans. There are no other facilities within our existing spending plans to increase financial support for the trams. If I were to do that, I would have to take resources from another part of the Scottish Government's budget. We have made it abundantly clear, in Parliament and by correspondence, that the Government will contribute £500 million. That is the limit of our commitment to the project.

**Shirley-Anne Somerville (Lothians) (SNP):** I share Margo MacDonald's concerns about the fact that Edinburgh council tax payers will pay any additional costs that the project incurs. Will the cabinet secretary ensure that, unless we get an assurance from Transport Initiatives Edinburgh that the project will be delivered on time and on budget—something that now seems highly unlikely—it is the responsibility of the politicians in the Parliament and in Edinburgh City Chambers who voted for the project to explain to the residents of Edinburgh what impact their decision will have on other services in the city?

**John Swinney:** I am sure that it will be clear to members of the public where the political support for the tram project came from, in Parliament and in the City of Edinburgh Council. For the record, the Government lost the vote in Parliament when it proposed that the project should not proceed. We accepted the will of Parliament on that occasion and we have made clear the limit of the resources that we will make available for the project. That is the approach that we have taken in the discussions regarding the Edinburgh tram project.

In my answer to Margo MacDonald, I should have said that I welcome Richard Jeffrey to his post as the chief executive of TIE and wish him well in his job.

**Des McNulty (Clydebank and Milngavie)**

**(Lab):** The response from Mr Swinney's ministerial colleague to a number of questions that I asked about the tram project was that it is a matter strictly for the City of Edinburgh Council. The cabinet secretary repeated that in his answer to Margo MacDonald. I remind him that £236 million has so far been invoiced from public funds to enable the project to go ahead. Can he assure me that ministers and Transport Scotland are not entirely disengaged from the process of delivering the project or from the expenditure of public money that is associated with it?

The cabinet secretary will recall that he has been in power for nearly two years and that the SNP shares the power in the City of Edinburgh Council. I am afraid that the responsibility rests with him.

**John Swinney:** I really enjoy Mr McNulty's gymnastics on the floor of Parliament. It was Mr McNulty, perhaps from where Mr Park is sitting just now, who lambasted and berated the Government, demanding that it accept the will of Parliament. Indeed, Mr McNulty was party to dragooning the Government into proceeding with the project. So it is a bit rich for Mr McNulty to come here today and start the usual Labour Party reinvention of history and wriggle out of responsibilities that he and his reckless parliamentary colleagues forced on this Government.

I assure Mr McNulty that the Government takes seriously its responsibilities for managing and distributing public spending in every respect, whether the funding is deployed on behalf of a local authority, a public body or, in the case of the tram project, the City of Edinburgh Council.

We should be spared Mr McNulty's reinventing history for his own convenience in Parliament today.

**Highland Council (Transport)**

**5. Rhoda Grant (Highlands and Islands)**

**(Lab):** To ask the Scottish Executive what plans it has to assist Highland Council to find long-term alternative transport options in light of the recent decision by the Royal Mail to withdraw five post-bus routes in Caithness, Sutherland and Ross-shire. (S3O-6525)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** I have written to, and the Minister for Enterprise, Energy and Tourism has met, Royal Mail to urge it to work with Highland Council to find a way to continue those vital rural bus services. The Scottish Government is already providing local government in Scotland with record levels of funding over the period 2008 to 2011. It is the responsibility of each

local authority to allocate its total financial resources on the basis of local needs and priorities, which include the subsidy of local bus services.

**Rhoda Grant:** The minister has said in previous answers to similar questions that he will put in place someone to advise Highland Council on rural transport options and funding. No matter how worthy the person might be, would not the money for that post be better spent on front-line services? Decisions on post buses were taken after budget settlements were made. If the post has to be funded from Highland Council's pot of money, it will mean cuts in other areas. Will the minister provide the finance?

**Stewart Stevenson:** The advice provided by the person who will be appointed will be for all councils in Scotland. That is on top of the funding per capita for buses that the Scottish Government provides, which is more than 20 per cent higher than that in Wales and in England outside London. Our support for buses is very substantial.

The member would have to be accountable to the 31 other councils that would be denied the opportunity to have the advice and encouragement that would improve their bus services if we diverted the modest amount of money involved in providing an individual who will promote bus services with councils. I intend to proceed on the basis that was previously advised.

**Glasgow Crossrail**

**6. Cathie Craigie (Cumbernauld and Kilsyth)**

**(Lab):** To ask the Scottish Executive whether it will approve the Glasgow crossrail project. (S3O-6518)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Improving cross-Glasgow connections is an important part of the west of Scotland rail enhancements recommended by the strategic transport projects review.

Transport Scotland is working in partnership to develop a delivery plan for the package. That work will examine the interactions of the crossrail proposal with the proposed wider strategic enhancements.

**Cathie Craigie:** I am sure that the minister will be aware that my constituents in Cumbernauld and Kilsyth would benefit greatly from any cross-Glasgow improvements. Will the minister give me an assurance that the crucial need for cross-Glasgow connectivity is still paramount in his considerations? Will he give timescales for implementation of the enhancements proposed in the SPTR, including the light metro system?

**Stewart Stevenson:** I certainly agree with the member's observation about the importance of providing Cumbernauld—and many other communities—with cross-Glasgow access.

We had an initial meeting with Strathclyde Partnership for Transport, Network Rail, First ScotRail and Glasgow City Council on 7 January. A steering group has been established to progress work, which we hope will be completed around the middle of this year.

The difficulty is the constraints in particular parts of the network south of Glasgow Central station, where the longer-term needs—the commitment is already made to improve railway services to the south-west of Glasgow—make it very difficult to consider short-term issues without tackling the long-term ones. Nonetheless, the steering group will show us the way to make progress. There is substantial collaboration and co-operation among all the bodies with an interest, and I remain optimistic that we will deliver a plan in early course.

#### **Aberdeen City Council (Finances)**

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

To ask the Scottish Executive what recent discussions it has had with Aberdeen City Council about its financial situation. (S30-6512)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** I have had a number of exchanges with Aberdeen City Council regarding its current financial situation over the last year.

**Richard Baker:** The cabinet secretary will be aware of the funding problems of Aberdeen City Council in finding finances to enable it to proceed with the 3Rs project, which is to provide badly needed new schools in the city. Following the financial problems of Landsbanki, which has been financing the scheme, has the cabinet secretary had any further dialogue with the council on how the Scottish Government might be able to provide the council with support to ensure that the project can go ahead?

**John Swinney:** The Government has, of course, been in touch with Aberdeen City Council on this matter and discussions are on-going. We will continue that dialogue with Aberdeen City Council. Obviously, the primary responsibility for resolving the issue rests with Aberdeen City Council, which is the contracting party for the project. However, the Government will, of course, maintain its dialogue with the council on this question.

**Maureen Watt (North East Scotland) (SNP):** Does the cabinet secretary welcome, as I do, the progress that has been made by Aberdeen City Council—since the Scottish National Party took

control in the city and in this Parliament—in redressing its historical spending problems? Will he join me in welcoming the restructuring of Aberdeen City Council's top tier of management as a result of last May's inquiry by the Accounts Commission? The tier now includes a new post of economic development project manager.

**John Swinney:** A whole programme of action has been implemented by Aberdeen City Council to repair a budget problem that we all know has grown up over many years. The problem had reached the point at which the Accounts Commission had to take necessary action. I required the city council to follow the recommendations of the Accounts Commission.

Good progress is being made by Aberdeen City Council. It is having to take tough decisions, but it is doing so in a mature fashion. The council is also benefiting from the injection of new direction that has come about following the appointment of Sue Bruce as its chief executive. She is building on the substantial progress that was made by the acting chief executive, Mr Coomber, who took office as a consequence of the intervention of the Accounts Commission and the Government. The city council obviously has some distance to go in completing the challenge that it faces, but good progress has been made, and I welcome that.

#### **Convention of Scottish Local Authorities (Meetings)**

**8. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Government when the Cabinet Secretary for Finance and Sustainable Growth last met the Convention of Scottish Local Authorities to discuss the impact of the equal pay settlement on local authorities. (S30-6538)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** Under the concordat arrangements, I meet COSLA regularly. Those meetings have included discussion about funding pressures, including the costs associated with the equal pay settlement that local government is implementing.

**Duncan McNeil:** On 18 March at the Local Government and Communities Committee, the Cabinet Secretary for Health and Wellbeing agreed with the view of Glyn Hawker of Unison that equal pay is about taking women out of poverty. The cabinet secretary said that she would raise the issue with her colleagues in cabinet. What discussions has the finance secretary had with his colleagues? What influence does he have to ensure that we break the logjam that is denying justice to some of the lowest-paid female workers in Scotland?

**John Swinney:** Mr McNeil will know from my discussions with the Local Government and

Communities Committee, of which he is the convener, that the Government takes the issue seriously. Fundamentally and properly, it is an issue for local government to resolve, and many local authorities around the country are taking steps to address these questions. Many local authorities, if not all, have made financial provision to tackle the problem.

The issue of equal pay has not just appeared in the past couple of years but been with us for a significant number of years. However, I note that it engages local authorities in working towards a solution. Of course, the Government is also engaged in that discussion, and will continue to be so.

### Superfast Broadband

**9. Liam McArthur (Orkney) (LD):** To ask the Scottish Executive what information it has on when the superfast broadband that is to be offered to some internet users in Glasgow and Edinburgh next year will be rolled out across Scotland. (S3O-6554)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** Other than parts of Glasgow and Edinburgh, as per BT's announcement of 20 March, we have yet to hear specific plans for the further roll out of superfast broadband in Scotland. However, we continue to engage proactively with BT to seek clarification of its roll-out plans.

**Liam McArthur:** Although I welcome the fact that some customers in Scotland will soon have access to broadband speeds of up to 40 megabits per second, I am concerned about the growing digital divide that is opening up in Scotland. I accept that the current Government has continued to roll out broadband and is building on the work of, and some funding that was set aside by, the previous Executive.

Will the minister agree that access to good quality broadband services is increasingly key to sustaining businesses and communities in our remote and island areas? Does he accept that there is now an overwhelming case for a universal service obligation to be put in place, to ensure that all parts of the country benefit from current and future advances in technology? What assurances can he give my constituents that this Government has learned the lesson from the rural priorities scheme—that making Government services accessible exclusively online further disadvantages those who do not have access to quality high-speed broadband?

**Jim Mather:** In responding to the United Kingdom Government's "Digital Britain" interim report, we were supportive of the universal commitment, and Scottish Government officials

continue to engage directly with the Department for Business, Enterprise and Regulatory Reform, although the United Kingdom Government is yet to articulate its position on that matter.

Next week, we are running a session that will bring together the Office of Communications, public bodies, business organisations and people from telecommunications and computer companies. Liam McArthur and others who are proactively interested in the area are welcome to take part in that meeting. Following that, we will commission further research to strengthen the case for future broadband investment.

**Peter Peacock (Highlands and Islands) (Lab):** Although I welcome the news of BT's investment, I have, as Liam McArthur has, concerns that the roll-out will mean that, at the end of the day, parts of urban Scotland and big towns in Scotland will have access to broadband speeds of up to 40 megabits per second, while very rural areas might have access to broadband speeds as low as half a megabit, which might mean that the gap will widen rather than narrow.

Would the minister support efforts, with Ofcom, to encourage BT to change the habits of a lifetime and invest early in the remote areas of Scotland, not just in our cities and big towns?

**Jim Mather:** As a member who represents a rural constituency, I continue to have that dialogue. However, it is evident that an adequate broadband speed of around 2 megabits per second allows businesses to move forward and, in the current economic climate, we need to focus on getting more businesses active in rural areas. At the moment, the extremely high broadband speeds are mainly aimed at gaming and entertainment. Let us for now focus on making the most of what we have. We are well ahead of what is happening elsewhere in Europe, and we can ensure that rural businesses benefit from broadband as it exists at the moment.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** From the Highlands to the Borders, rural areas need that kind of broadband coverage and, indeed, the momentum of investment that started with the pathfinder north and the pathfinder south projects under the previous Administration.

In discussions that I have had with BT on the first tranche of the roll-out, I have not been made aware of any formal Scottish Government submission to BT to press the need for investment in rural parts of Scotland, including the Borders. Can the minister confirm whether any minister has made a formal submission to BT? If that has been done, when was it done, and will he publish it?

**Jim Mather:** We are involved in clear and open engagement with BT. Jeremy Purvis is welcome to

sit in on the session that I mentioned earlier and to help us frame the research that we hope to conduct as a result of that session.

### **North Ayrshire (Employment)**

**10. Irene Oldfather (Cunninghame South) (Lab):** To ask the Scottish Executive what action it is taking to increase the number of employment opportunities available in North Ayrshire. (S3O-6543)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** The Scottish Government remains focused on delivering our core purpose of increasing sustainable economic growth across Scotland, including Ayrshire.

Through our Government economic strategy and our six-point programme for economic recovery, we are using all the levers that we have at our disposal to lead Scotland out of this downturn and to position our economy to take early advantage of the recovery. That includes the acceleration of nearly £293 million in capital expenditure into 2009-10, on top of £30 million in 2008-09, which will support 5,800 jobs across Scotland. Many of those employment opportunities will be in Ayrshire.

**Irene Oldfather:** The minister will be aware that, as at February 2009, unemployment in my constituency of Cunninghame South was the highest in Scotland, at 6.3 per cent, compared with the national average of 3.8 per cent. This week, the NACCO Materials Handling Group closed the doors of its fork-lift truck factory after many years in Irvine. Does the minister agree that there is simply no room for complacency in Cunninghame South? Will he consider direct intervention, including the relocation of civil service jobs to the area? The previous Scottish Executive relocated the Accountant in Bankruptcy to Kilwinning, as well as undertaking large transport infrastructure projects.

**Jim Mather:** In essence, we are continuing to focus on all areas of Scotland, trying to bring them up to a better level and encouraging them to take part with us in a mechanism whereby we activate the local community and local businesses and make the best possible proposition to garner other investment in the area. I look forward to continuing to do that with Ayrshire.

**Willie Coffey (Kilmarnock and Loudoun) (SNP):** Will the minister join me in calling on the Chancellor of the Exchequer, Alistair Darling, to use his budget to boost jobs by introducing a trade-in scheme to boost new car sales, cutting VAT on home improvements, and ending the alcohol duty discrimination against Scotch whisky, which is putting jobs at risk in my constituency?

**Jim Mather:** I thank Willie Coffey for those constructive ideas. I am sure that they will get serious consideration at Westminster. We will certainly consider them carefully in Scotland as we make our budget submission to the chancellor.

**The Presiding Officer:** Questions 11 and 12 have been withdrawn.

### **Bus Manufacturing (Support)**

**13. Michael Matheson (Falkirk West) (SNP):** To ask the Scottish Government what consideration it is giving to supporting bus manufacturing. (S3O-6497)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** The Scottish Government provides a wide range of support to manufacturing companies, including bus manufacturing companies. That support is delivered through Scottish Enterprise, Highlands and Islands Enterprise, Scottish Development International, local authorities and Skills Development Scotland.

We are committed to supporting all manufacturers in Scotland to improve their productivity and ensure that they can compete globally. The Scottish manufacturing advisory service, which is delivered by Scottish Enterprise, is in the process of expansion. Industry-experienced practitioners work with enterprises throughout Scotland to increase the value of their products and businesses and advise them, as required, on lean manufacturing, waste reduction, process efficiency and product innovation.

**Michael Matheson:** The minister will be aware that Scotland's largest bus manufacturer, Alexander Dennis Ltd, which is based in Falkirk in my constituency, recently announced 150 redundancies. Will the minister assure me that the Government and its agencies are doing everything possible to support the company at present? Also, will the Government consider encouraging bus operators in Scotland to consider using hybrid buses? That would not only benefit our environment, but help to boost our economy through companies such as Alexander Dennis, which is a world leader in that area of technology.

**Jim Mather:** I am very conscious of that. I met Bill Simpson of Alexander Dennis when he was selling to the Mexican president in Aberdeen on Tuesday 31 March. Yesterday, Scottish Enterprise officials met Alexander Dennis, the local council and Scotland Europa. We are determined to do everything we can to help Alexander Dennis through these difficult times. We will check out every possible opportunity for the company and help it to encourage sales. Scottish Development International has been working with the company to identify opportunities through the World Bank, and recently it participated in a focused mission to

the Inter-American Development Bank in Washington, which followed up on a meeting that we had with President Moreno of the Inter-American Development Bank in Edinburgh last year.

**John Park (Mid Scotland and Fife) (Lab):** In response to an earlier question, the minister said that there is to be a manufacturing summit, which I understand will take place later this month. However, that event will be only two hours in the Parliament. Does the minister agree that the right approach to take at the present time would be to hold another larger event that would take a proactive stance and kick-start consideration of manufacturing?

**Jim Mather:** The manufacturing summit is one of a series of events. We have already had two sessions on engineering and one on manufacturing. It will be a serious session. I was distressed today to see reports in the press that suggest that some members think that it will be a facile gathering. We have had 86 such gatherings, all of which were serious events that came out with action points.

We will begin our work on the next meeting with the action points that emanated from the previous one, and we will issue to members who will attend the questions that were asked at the national economic forum. These meetings have serious inputs and a serious focus, and the work that is carried out at them will continue beyond them.

#### **Buildings' Energy Performance (Measurement)**

**14. Robin Harper (Lothians) (Green):** To ask the Scottish Executive what its position is on the most efficient way to obtain and register accurate measurements of the energy performance of buildings. (S3O-06480)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** For calculating energy use in buildings based on standardised occupancy patterns for different building types, the Government uses as its calculation tools the standard assessment procedure 2005 for dwellings and the simplified building energy model for non-domestic buildings. The tools calculate only the energy loads that are directly associated with the building—that is, lighting, heating and cooling—and do not take account of process loads or the use of domestic appliances.

We welcome the UK Government's announcement of the roll-out of smart meters to all domestic customers by the end of 2020. Indications are that it will take around two years to design and establish the full details of the roll-out, after which there will be a 10-year roll-out period.

**Robin Harper:** This is a highly technical and complicated issue. Will the minister meet me and my advisers so that we can bring to his attention a paper that points the way to methods of measurement that are far more efficient, quicker and easier to apply than current methods. I apologise for not sending him the paper in advance of my asking this question.

**Stewart Stevenson:** I am always prepared to listen to good ideas, wherever they come from, and I will be happy to sit down with Mr Harper and see what he has come up with.

**Gavin Brown (Lothians) (Con):** A recent Audit Scotland report entitled "Improving energy efficiency" has stated:

"In 90 per cent of councils, energy management teams or officers are in place, compared to only 59 per cent of NHS bodies and 36 per cent of central government bodies."

Why is the central Government figure so low?

**Stewart Stevenson:** We in central Government have taken considerable steps to reduce the cost of, and to green, the energy that we use. For example, we are looking at replacing the heating system in St Andrew's house and are carrying out similar activities elsewhere in our estate. We are actively engaged in stepping up to the mark on this important issue.

#### **Scottish Futures Trust**

**15. Marilyn Livingstone (Kirkcaldy) (Lab):** To ask the Scottish Executive what construction projects the Scottish Futures Trust has pending. (S3O-6531)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The Scottish Futures Trust is taking forward a series of community-focused projects across Scotland as part of the hub initiative, and is working in a supporting role with public sector partners on a range of projects that will be announced over the course of this year. We will also confirm the next part of our schools investment programme, which will involve working with local authorities to take forward capital investment through the SFT.

**Marilyn Livingstone:** I thank the cabinet secretary for his answer, but I point out that, despite the fact that 832 schools throughout Scotland need to be repaired or replaced, the Scottish Executive has delayed the building of new schools. For example, in my constituency, Fife Council has reneged on its commitment to make Kirkcaldy East school a priority, even though the site is in an area that is both a regeneration area and an area of high deprivation.

Will the cabinet secretary explain why the SFT board has met only twice in seven months? According to the Scottish Building Federation, that



situation has prompted delays that have resulted in 20,000 people in the construction industry losing their jobs.

**John Swinney:** I am not sure whether Marilyn Livingstone joined us for yesterday's debate on the Finance Committee's report on methods of funding capital investment projects. If she had, she would have heard me say that the SFT is taking forward a range of different projects as part of the dialogue that it is having, and the requirement that the Government has placed upon it. Much of that activity is focused on the hub initiative in the north-east and south-east of Scotland and the next part of the schools investment programme.

Marilyn Livingstone should be also aware of the Government's extensive capital investment programme, which is carrying on regardless of the arrangements for the Scottish Futures Trust. The total capital investment in the forthcoming financial year will be approximately £4 billion, and construction activity is going on in every part of the country.

As we all know, there has been a clear decline in the construction sector as a consequence of the global economic position. However, I assure Marilyn Livingstone that the Government has seized—and will continue to seize—every opportunity to accelerate capital investment and to support and sustain activity in the construction industry in Scotland.

**Kenneth Gibson (Cunninghame North) (SNP):** On a point of order, Presiding Officer. I realise that you only came into the chair a few seconds ago. Question 10 was specifically about North Ayrshire and, although I had been waiting since 2.15 to ask a supplementary question, the Presiding Officer instead took a question from my colleague Mr Coffey, who does not represent North Ayrshire. When questions are asked about a specific area, is not it appropriate for members who represent that area to be given priority in asking supplementary questions, especially when that supplementary is to do with the member's constituency?

**The Deputy Presiding Officer (Alasdair Morgan):** I understand Kenneth Gibson's point of view, but selection of speakers is a matter solely for the Presiding Officer. If you wish to take the matter further, you should write to the Presiding Officer.

## Antisocial Behaviour Framework

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-3849, in the name of Fergus Ewing, on the antisocial behaviour framework.

14:56

**The Minister for Community Safety (Fergus Ewing):** I am delighted to open this debate on antisocial behaviour. Two weeks ago, Councillor Harry McGuigan of the Convention of Scottish Local Authorities and I published our shared vision for preventing antisocial behaviour. We have united national and local government to deliver a framework that has been devised not by what we might call armchair experts, but by local service providers—the police, councils and the fire service, among others. It is therefore a framework from the front line. Councillor McGuigan and I set aside party politics, which was not really a challenge to either of us, and united in a belief that communities are best served by not having to experience antisocial behaviour in the first place and that prevention through meaningful community engagement offers the best hope of success.

Our new framework is supported by COSLA, the Society of Local Authority Chief Executives and Senior Managers, the Association of Chief Police Officers in Scotland, the Chief Fire Officers Association, the Scottish Children's Reporter Administration, the Association of Directors of Social Work, the Judicial Studies Committee, the centre for regional economic and social research, Victim Support Scotland, Sacro, YouthLink Scotland, Action for Children Scotland, the Scottish Youth Parliament and our communities. It therefore truly is a partnership document. I thank each and every one of those organisations for the huge amount of work that they did to produce the framework document. It is not therefore purely supported by the Scottish Government; it is supported by the practitioners whose job is to tackle antisocial behaviour and who are therefore best placed to inform the task of how we do so in future.

**Hugh Henry (Paisley South) (Lab):** I am delighted that practitioners support the new framework and strategy. The minister said that the strategy is also supported by communities. Will he list for our attention the communities that have indicated their support for the strategy?

**Fergus Ewing:** I have personally engaged with several communities that have been supportive of our approach. For example, I recently visited Penicuik crime prevention panel. Harry McGuigan has emphasised the importance of engaging with

communities, perhaps as his key point. If I call Harry McGuigan long in the tooth, he will not take undue offence, so if someone with his experience in local government—as a result of which he is now a spokesperson for COSLA—says that he has engaged with communities, that is good enough for me.

Our framework is called “Promoting Positive Outcomes”. That is significant for three reasons. First, we are promoting; we are not dictating from the centre what should be done. There is no compulsion and no micromanagement. We have removed the 83 ring-fenced funding streams to allow local government to make local decisions about local solutions.

Secondly, we are focusing on the positive, not the negative. We are championing good practice, promoting good behaviour, selling success stories and helping people to fulfil their potential.

Thirdly, we are judging success on outcomes for communities, not on how many antisocial behaviour orders are served. Communities want long-term solutions, not short-term fixes.

There is a role for the Government, but, equally, there is plainly a role for parents. I fully support that and I accept the part of the Labour amendment that acknowledges that. Many people in Scotland are rightly concerned about the lack of supervision that a minority of parents give their children. We all want all parents to recognise their social responsibility to keep their children safe and, sometimes—such as late at night—indoors and to ensure that their children behave appropriately. It is not for Government to abrogate the role of parents. I am sure that we can all unite in the sentiments that I have expressed.

Promoting strong families and good parenting is vital. This Government is committed to providing early support to families to promote positive parenting skills. We should not take such skills for granted. I had the pleasure of meeting John Carnochan again this week in St Andrews. He reminded us that we cannot take the basics of parenting for granted. That is why the work that local authorities and others do to promote parenting skills is so appreciated.

Our framework signals a new direction. We are placing prevention and early intervention at the very centre. I will give three examples of projects that typify our approach. The first is street base in South Lanarkshire, which I visited on 21 October last year. The project recognises that alcohol abuse causes antisocial behaviour and works with young people to address their drinking. Through education and diversion and through going out on to the streets to speak to children who were passing the time by glugging the Buckfast or whatever, the programme has diverted children

from that habitat and into more positive outcomes. That project has reduced street drinking by 67 per cent and vandalism by 63 per cent. That is what I call a successful outcome.

The second example is operation youth advantage, which is run by the police and the Army in my constituency. The programme provides discipline and education on issues such as drugs and builds confidence and team working through physical activity. I know that it, too, has been very successful in preventing young people—boys and girls—from reoffending and in encouraging them to make positive choices. That is what I call successful intervention and diversion.

The third example is twilight basketball, which is one of the cashback projects in which we use money confiscated from drug dealers and other criminals to provide young people with things to do. Twilight basketball uses positive role models and mentors to engage with and inspire young people from deprived communities. They provide educational time-out sessions on healthy living and good citizenship. I encourage everyone to read the profiles of Stefan Caldwell and Rob Yanders—the captain of Scottish Rocks basketball team—in our framework, to see what a difference such projects can make to people’s lives. One child from Easterhouse could have ended up on the ropes, but, instead, he is undertaking a scholarship in the United States of America, thanks to the project.

**Dave Thompson (Highlands and Islands) (SNP):** The minister might be interested to know that twilight basketball was described as a gimmick by Andrew MacKintosh, the Scottish Labour Party candidate in the Inverness West by-election for Highland Council. Does he agree that twilight basketball and other such things are gimmicks?

**Fergus Ewing:** I did not see that particular comment, but any comment of that nature would be unfortunate. I met the professional basketball players who are giving their time freely and without charge to help young people. They told me, “We are not parachuting in and out. We are here to stay. The work we’re doing is not here today, gone tomorrow. It’s work that we’re doing for all time.” They are determined to help young people. They have had advantages; they want young people to have them, too. We want to get away from the approach that any negative remark represents.

I mentioned several projects that are aimed at young people, but I want to dispel a couple of myths. First, “antisocial behaviour” is not a synonym for “youth”. Not all antisocial behaviour is by young people, although that is the insidious myth that a stigmatising media perpetrates, unfortunately. Not all young people are tearaways, running wild in our communities. Only a tiny

minority misbehave. It is about time that someone stood up for all the young people who make a positive contribution to their communities. It is a strange and dark country that chooses to demonise its next generation. We want no part of that.

Instead, we want to give people more choices and more chances. Things to do are at the top of the list for the young people whom we have spoken to and consulted. That is why we are investing more than £12 million in cashback for communities schemes for young people.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I was heartened to hear what the minister just said about not demonising young people. Do the Scottish Government's proposals to ban 18 to 21-year-olds from buying alcohol demonise those young people?

**Fergus Ewing:** That is not my understanding of demonising, but perhaps that is a Liberal Democrat construction of the word—I will have to check my dictionary later. We want to promote messages about the sensible use of alcohol. The evidence shows that the pilot schemes in places not far from here had a significant, positive and welcome impact on our young people.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Will the minister take an intervention?

**Fergus Ewing:** I think that I have to—

**Mike Rumbles:** Not if it looks like the last one.

**Fergus Ewing:** All right—since I am reasonable.

**Cathie Craigie:** It is the minister's fault for mentioning cashback for communities. I welcome such investment in communities, but how are communities selected for a share of that money?

**The Deputy Presiding Officer:** I ask the minister to sum up after responding to that intervention.

**Fergus Ewing:** Communities are selected fairly; YouthLink Scotland plays a key role. It is plain that spreading money evenly around the country is difficult. We have not reached everywhere yet. I look forward to working with Cathie Craigie to extend the scheme so that it is even more successful in the future.

On 17 June 2004, the Parliament united to vote overwhelmingly in favour of the bill that became the Antisocial Behaviour etc (Scotland) Act 2004. That was an important step. Media coverage has suggested that we will scrap parts of that act. We will not. The measures in that act will remain tools in the box that local authorities are free to choose when appropriate. However, they will not be ordered to choose them or told to use them. We will leave that to their judgment, which is the appropriate way forward.

I hope that the Parliament can unite today to recognise that we need to tackle the causes of the problems and not just the symptoms. We recognise that antisocial behaviour blights communities and blights some people's lives—particularly those of vulnerable and elderly people. None of us forgets that for one moment. Serious criminal behaviour should be dealt with seriously.

The framework provides the way forward for dealing with antisocial behaviour. Harry McGuigan and I are united in our belief that the framework takes the right approach for Scotland. We realise that it will not be easy and will take time to deliver, but it will work for the benefit of people throughout Scotland.

I move,

That the Parliament notes the publication of the new Antisocial Behaviour Framework, *Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland*, which has been developed in partnership with the Convention of Scottish Local Authorities (COSLA) and other national partners; further notes that it builds on the success achieved since the Parliament introduced the Antisocial Behaviour etc. (Scotland) Act 2004; agrees that antisocial behaviour blights the quality of people's lives and should not be tolerated but believes that prevention is better than cure when it comes to protecting communities from disorder; values the cross-party and cross-organisational input and support that the framework has received; appreciates the wealth of good practice across Scotland and the importance of replicating it as widely as possible, and embraces the framework's commitment through enhanced prevention, integration, community engagement and communication to making our communities safer and stronger.

15:08

**Paul Martin (Glasgow Springburn) (Lab):** Our amendment makes it clear that although we note the framework—particularly its references to projects that were delivered in the Labour years, which we recognise—we must express our dismay that, after 18 months of review, the Government has provided little vision or leadership on how best to tackle antisocial behaviour in our communities throughout Scotland.

Of course we want to prevent antisocial behaviour. That is why, when we were in government, we did not just talk a good game; we put money on the table for local authorities to spend on projects. That is why youthbuild and the clean Glasgow campaign were introduced, and that is why twilight basketball was introduced in the Labour years. Twilight basketball is an excellent project that has operated in my constituency and in other constituencies throughout Scotland. During the Labour years, we did not hide behind the so-called historic concordat—we took a direct interest in ensuring that diversionary activities were in place.

What is invisible in the document is any reference to the fact that sometimes we must use legal remedies to give our communities respite from the individuals who blight them. We should make no excuses for taking such actions. It is all very well for members, from the comfort of the chamber, to talk a good game about prevention, integration and all the other buzz words that appear in the document, and to launch nice, glossy documents with carefully orchestrated photographs.

**Dave Thompson:** Will the member take an intervention?

**Paul Martin:** I will do so in a moment.

People who live in communities such as Blackhill that are blighted by antisocial behaviour do not benefit from that comfort zone and look to their local politicians to be on their side. Perhaps Mr Thompson would like to respond to that point.

**Dave Thompson:** The member mentioned the fact that twilight basketball was introduced by the Labour Government. Does he condemn Andrew James MacKintosh, the Scottish Labour party candidate in the Inverness West by-election, who says that twilight basketball is a gimmick?

**Paul Martin:** Too many people, including the Government, are quick to make excuses for the tiny minority who perpetrate antisocial behaviour. It is a pity that such haste is not afforded to the majority of people in our communities, who want politicians genuinely to understand their plight and not to patronise them with warm words and glossy documents; we have heard such warm words in the chamber on many occasions.

We want our communities to be safer and stronger and to feel confident and reassured that, when they report antisocial behaviour, we will follow through on their concerns in a concise and concentrated manner by taking action, where appropriate. We also want to give local communities the power to take action. That is why today we propose that they should be able to apply directly for antisocial behaviour orders. Our communities are best placed to stand up to the antisocial behaviour that they encounter, so they should be empowered to do so.

**Robert Brown (Glasgow) (LD):** Does Paul Martin understand that some people object to the approach that he is setting out not because it emphasises legal remedies, which are important, but because it fails to emphasise the need to deal with the causes of the problem? That is our problem with Labour's position on these matters.

**Paul Martin:** Labour members have made clear that they want to do both—it is a pity that other parties do not.

We call on the Government to consider the proposal that constituted community groups be given the power to apply for antisocial behaviour orders. All too often our communities must depend on others to pursue their concerns. Our proposal is a creative opportunity to give communities a real say in making their area a safer place in which to live.

The Scottish Labour Party has said on many occasions—I make the point on the record again today—that the perpetrators of antisocial behaviour are not all young people. That was confirmed by closed-circuit television images that I saw when a dispersal order was being considered in my constituency. There is evidence that the perpetrators of antisocial behaviour have a number of different age profiles. However, we cannot move away from the fact both that young people are victims of the antisocial behaviour and that such behaviour is perpetrated by a tiny minority of young people.

I welcome the minister's commitment to dealing with the issue of greater parental responsibility, which the chamber should not avoid. A minority of parents simply fail to take responsibility for their children's actions. Many of the young people who are involved in unacceptable behaviour are influenced by their parents, who lack parenting skills. All too often I hear from police officers who report that, when they return children to their homes, the parents are more concerned about missing an episode of "Eastenders" or the football than about dealing with their and their children's responsibilities.

There is no God-given right to be a parent. Parenthood should be valued—members should frequently affirm that notion. We accept that families sometimes face difficulties and need support. That is why the 2004 act introduced parenting orders, which provide opportunities to address concerns.

**John Lamont (Roxburgh and Berwickshire) (Con):** How many parenting orders have been issued?

**Paul Martin:** I will come on to exactly that point. I am glad that the member raised the issue.

Parenting orders provide opportunities to ensure that a young person is attending school and completing their homework and is at home and under supervision at certain times of night—that matter has been raised with members on a number of occasions. Anyone who attends meetings of community organisations will be aware of anecdotal evidence that many young people are unsupervised late in the evening, which is unacceptable. We should take action by imposing parenting orders, which we should regard as a positive intervention.

I say in response to Mr Lamont that I think that local authorities are not implementing parenting orders because of what I call the database of excuses. Officers who do not live in the community that is blighted by the antisocial behaviour think that the issue is not their problem.

The Government talks about the cost of implementing antisocial behaviour orders for under-16s. I am sure that Mr Fergus Ewing will mention that, but I ask him to consider the cost of repairing my constituent's car, which had battery acid poured over it after she spoke out against antisocial behaviour. There are many such stories throughout Scotland. A bus company spent £1 million in one year on repairing 8,000 broken windows. Dundee City Council paid out more than £800,000 on repairs as a result of vandalism. Those are the costs to people of antisocial behaviour.

**Fergus Ewing:** Is the member suggesting that if ASBOs had been served on the individuals involved that behaviour would not have arisen?

**Paul Martin:** We should ensure that we stand up for communities, which should not be left by the Government to stand alone. We will be on the side of the majority of constituents throughout Scotland. We will stand up to unacceptable behaviour. We will make no excuses for the tiny minority who engage in such behaviour. We will ensure that all possible opportunities are provided for such people, but we will stand up not just to young people who engage in antisocial behaviour but to anyone whose behaviour is unacceptable and should be challenged.

The majority of people in our communities want to live constructive and peaceful lives. We should encourage them to do so and make them aware that we will take action to deal with people who cross the line. I ask members to support the amendment in my name.

I move amendment S3M-3849.2, to leave out from first "notes" to end and insert:

"believes that too many communities in Scotland are still blighted by antisocial behaviour and recognises that the Antisocial Behaviour etc. (Scotland) Act 2004 was a response to these concerns; further believes that there should not be reduced use of legal remedies, which have been effective in providing individuals and communities with relief from the selfish activities of a minority; recognises that while the Antisocial Behaviour Framework is right to highlight good practice and preventative measures, such initiatives must be properly resourced; acknowledges that, while only a small minority of young people engage in antisocial behaviour, parental responsibility is crucial in addressing this problem, and believes in widening access to legal remedies for communities that wish to tackle problems of antisocial behaviour in their areas."

15:18

**Bill Aitken (Glasgow) (Con):** Like the minister, I am in a conciliatory mood. I will not mention that the Government's policies are inconsistent in many respects. I could refer to the soft-touch Scotland approach that is so beloved of Mr MacAskill, but I will eschew the opportunity to do so. I could talk about the measures that the Government has failed to take, the few ASBOs that have been issued or how the Government seems to have walked away from confronting bad behaviour, but I will not do so.

I will concentrate instead on the "Promoting Positive Outcomes" document, which consists of 95 pages of psychobabble and social-workspeak. When the document is translated phrase by phrase we find that it says little. Indeed, it is difficult to disagree with what it says: we all believe that prevention is better than cure, in every walk of life. Let me start by considering prevention, because there are things that we can do and things in the document that are worth while.

The minister and Paul Martin said that the vast majority of young people are not problematical and make a positive contribution. I sincerely endorse those remarks, but some young people do not make a positive contribution, and we must consider how we prevent them from causing problems.

We should first concentrate on the activities that young people could undertake. There was a classic example last week: under the aegis of Bill Butler, we met a group of table tennis players from Drumchapel table tennis club, through which something like 4,000 young table tennis players have passed over many years. They were nice kids, and it was clear that they were interested in what they were doing. As a consequence of that activity, the level of disorder, vandalism and so on in that area has fallen.

There is a shortage of recreational facilities for young people. Although schools are there 24/7, 365 days a year, they are frequently locked at night. The playgrounds could be opened, and miniature goalposts could be put up and balls thrown out so that kids could play football. That would have an effect on disorder in particular areas.

**John Wilson (Central Scotland) (SNP):** Does Mr Aitken agree that one restriction on youth clubs and other organisations using many of the available school facilities is the cost of hiring them under the public-private partnership and private finance initiative schemes?

**Bill Aitken:** I will not enter into an economic argument during this debate—that is for another occasion.

I underline the principle, which we should fully endorse, that more recreational facilities should be available for children. However, I part company quite radically with the report in relation to its implication on page 62 and thereabouts that the problem is perhaps not as bad as we think. It contains a slight degree of criticism of people for overreacting to bad behaviour within their areas. In fact—as we state in our amendment—when there is a problem, it should be reported and that report should be acted on. We should remember that there is a clear duty on all members of the community to report bad behaviour and on the police and other authorities to take the appropriate action.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Does the member agree that a fundamental problem is that the behaviour, vandalism and aggression of a small minority towards other young people constrict the ability of those young people to participate in the diversions that are available? Unless we tackle the aggressive group seriously, the others will not be released to fulfil their aspirations.

**Bill Aitken:** The member's point is well made. Indeed, Paul Martin underlined in his speech that many young people are themselves the victims of crime, and many are deterred from participating in activities that are available to them because of fear of their peers. It is not a comfortable situation in which we find ourselves.

The report—glossy as it is—contains certain aspects that are worthy of support, but we must recognise that much of the 2004 act has not been properly enacted and built on. We must also acknowledge—and my colleague John Lamont will deal with—the fact that, although there have been successes, such as in the Borders, there has not been the same level of success in Glasgow, for example. We need to address the differing results in different parts of Scotland.

With regard to the statistics, it could be argued that the 2004 act is not currently being used to a great degree by the authorities. Fixed-penalty notices for antisocial behaviour are fairly substantial, but one wonders how many of them have been paid. A total of 107 ASBOs have been issued, but, as I pointed out in 2004, they are simply one tool in the box. They were not my preferred option, but I thought that it would be worth while for them to be on the statute book. On the basis of the figures that I have before me, it would appear that very limited use has been made of them.

By all means let us work together in a happy-clappy, consensual atmosphere, as outlined in the nice glossy booklet. I am sure that Harry McGuigan's contributions were worthy, and a lot of the report makes sense. However, it is time that

we stopped talking about what we all agree on and taking action somewhere down the road and started to make some of those things happen.

I move amendment S3M-3849.1, to leave out from "it builds" to end and insert:

"the success of the Antisocial Behaviour etc. (Scotland) Act 2004 has not been universal; agrees that antisocial behaviour blights the quality of people's lives and should not be tolerated but believes that prevention is better than cure when it comes to protecting communities from disorder and encourages communities to report all incidents of crime and disorder so that they can be properly addressed, and appreciates the wealth of good practice followed in some areas of Scotland and the importance of replicating it as widely as possible."

15:24

**Robert Brown (Glasgow) (LD):** There is something about debates on crime and law and order that brings out the real nature of political parties. I think that we have seen that today.

The framework for tackling antisocial behaviour is a serious document for a serious issue. Unusually for me, I commend the Scottish Government for publishing the document, which strikes exactly the right balance on what is a challenging and complex issue. Although sometimes described as low-level crime, antisocial behaviour can be frightening to individuals of all ages and highly destructive of the cohesion and confidence of local communities, as members from all parties have pointed out. As the minister said, the strategy tries to build on our previous work in providing legal remedies, social remedies and the panoply of other mechanisms that are in place to deal with such behaviour.

One of the strengths of the Antisocial Behaviour etc (Scotland) Act 2004 is the requirement that it places on local authorities and chief constables to produce antisocial behaviour strategies. Such strategies look to tackle both the incidence of the problem and the services—both for adults and for under-16s—that are designed to tackle it.

Crime and disorder figures can be notoriously elusive. An increase in stop and search by the police can give the wrong impression that the number of people who carry knives is going up; the carrying of knives is a problem, but whether the numbers doing so are going up is more difficult to get at. We all support the provision of more community officers in local communities—including the famous 1,000 extra police officers, however they are defined—but that might also produce more public confidence in reporting offences and more police officers to witness them. Again, that can lead to erroneous impressions in the statistics.

Across the board, overall recorded crime rates appear to be declining. The numbers of recorded

cases of vandalism, minor assault and breach of the peace have all decreased. According to the Scottish crime and victimisation survey of 2006, 91 per cent of people regarded antisocial behaviour as a problem but a much smaller number—22 per cent—were likely to be the victim of any crime.

I do not underrate the significance of that 22 per cent in any shape or form, but all of us who have worked in the community as local councillors, activists, lawyers or teachers know that a large part of the trouble in any area is caused by a small number of individuals or families. Often such families have an intergenerational history of bad or irresponsible parenting—as Paul Martin mentioned—and of drug or, more often, alcohol abuse, as well as lack of skills, unemployment and possibly mental health and other problems. Around those individuals, there congregate others who can be either drawn into the trouble or diverted into more positive things. The potential for endemic problems is aggravated by multiple deprivation, alienation and lack of community confidence.

From the start of the new Labour project, the Labour Party has successfully positioned itself to the right of everyone else on crime issues—at least, I thought that until I heard Bill Aitken's speech. Labour was right to recognise that local communities need to feel a sense of control and that they can tackle the abusive, intimidatory and vandalistic behaviour that plagues many areas, and we all accept that a speedy and effective policing response is required. Paul Martin talked about the need for vision and leadership, but somewhere along the line the Labour Party seems to have lost its belief that any other remedies can be effective.

It is perhaps odd that I as a lawyer recognise the limits of the ability of the law to effect social change, whereas Paul Martin as a non-lawyer has an almost touching belief in the power of legal remedies. The issue is a matter of emphasis, given that we all want effective action on antisocial behaviour and we all recognise that that involves a variety of approaches. Nevertheless, there is a fairly stark divide between those whose default position is always to wield a big stick and to talk tough on enforcement, sanctions and police and court procedures and those whose instinct is to tackle the problem at its root by giving people—not least young people—positive options that divert them from the destructive reliance on booze and drugs and give them employment skills so that we can start to break the intergenerational cycle.

**Paul Martin:** Does Robert Brown accept that some individuals will not respond to the diversion activities that we delivered in coalition Government? That is unfortunate, but it is a fact of life so such individuals need to be dealt with via a legal remedy. That is the only option left.

**Robert Brown:** Yes, I accept that entirely. I recently met some young people like that when I visited Polmont. I could see very clearly by the aggression and the alienation that came from them that the chance of dealing with them by using more positive remedies was very much for the long term. However, that does not undermine the point that, when it is possible to do so—and I think that it is possible in many more cases—we should try to divert young people from crime into more positive activities.

The Government rightly proposes a change of emphasis from enforcement to prevention—to the PIER model of prevention, intervention, enforcement and rehabilitation. All the evidence and measurements of the extent to which it reduces crime suggest that that is a more effective approach.

Paul Martin will know—because it is in Petershill in his constituency—the effects of operation reclaim. It is based on the motivational power of football, and it claims to have reduced crime in the area by 35 per cent. A series of other projects throughout the country have had similar success, such as the one in South Lanarkshire to which the minister referred. The Renfrewshire primary support project, which works with children aged five to 11 with behavioural issues, aggression and lack of self-esteem, has made a positive difference. Action for Children's youthbuild was touched on in the debate, and there are many others, such as the football project in South Lanarkshire.

I take some of the figures with a pinch of salt. Nevertheless, it is clear that projects such as those ones—properly organised, properly targeted and persistent—can make a substantial impact both by reducing the trouble and fear caused in local communities and by vastly improving the life chances of young people who are otherwise almost certainly doomed to fail.

I am pleased that there is a commitment to an annual report to Parliament, but it would be helpful if the minister were to give us an idea of how the Government believes success can be measured. This is a serious issue. Most people do not harass their neighbours, gather in drunken crowds or throw things at windows, so we need to focus on what works with the small minority who think differently. I hope that members will use the opportunity presented by the debate not only to discuss these matters in depth but to support the Government's approach to antisocial behaviour, with the addition of the Liberal Democrat amendment.

I move amendment S3M-3849.3, to insert at end:

“; welcomes the framework’s emphasis on addressing the causes of antisocial behaviour, such as drug and alcohol addiction and deprivation, and on improving life chances; supports the promotion of the new prevention, early intervention, enforcement and rehabilitation (PIER) model, including the use of acceptable behaviour contracts pioneered by Liberal Democrats in Islington, and regards increased community involvement and empowerment as vital components of success in action to tackle antisocial behaviour.”

15:31

**Kenneth Gibson (Cunninghame North) (SNP):**

It is a pleasure to follow such a positive and thoughtful speech from Robert Brown. Prevention—[*Interruption.*] Sorry, I was interrupted by Mr Rumbles, being rumbustious as usual. Prevention is better than cure, and it is essential that, rather than control problems after the fact, we use tools to stop lives being blighted by ASB in the first place. As Johann Lamont rightly said in June 2004:

“If one confronts a problem in one’s local community, one owes it to the community to implement solutions in a logical manner. One should examine the problems rather than address them from a pre-determined set of views that one brings to them. One should work with the local community to see what the solutions are.”—[*Official Report*, 10 March 2004; c 6455.]

The framework tries to do exactly that. In case anyone has got the wrong impression, enforcement powers in the Antisocial Behaviour etc (Scotland) Act 2004 will be enhanced in the areas of premises, closure orders and vehicle seizure orders. We are building on the work of the 2004 act rather than detracting from it.

As we have heard in previous debates, the SNP is recruiting more than 1,000 additional police officers in order to tackle antisocial behaviour directly. Labour promised no extra police in its manifesto, and it is the party, if any, that is the soft touch—if one wants to use that phraseology on law and order.

**Richard Baker (North East Scotland) (Lab):**

Let us be clear: Labour promised year-on-year increases in police numbers. Members have represented that correctly in their speeches.

**Kenneth Gibson:** There was no mention in the Labour manifesto of any additional police; the manifesto made it clear that any additional expenditure would go on education. Mr Baker cannot have it all ways.

The Tory line today is a slap in the face of the experts who drew up the strategy, including the Association of Chief Police Officers in Scotland, the Society of Local Authority Chief Executives and Senior Managers, Victim Support Scotland, the Crown Office and the Chief Fire Officers Association Scotland. The ASB framework recognises the fundamental problem of

prevention. The Tories failed to suggest any constructive alternatives, and I was disappointed that Bill Aitken’s contribution was all rhetoric. I expected a lot more from him.

Let us consider the people who support the framework. We have heard about Harry McGuigan, COSLA’s spokesperson for community wellbeing and safety. He said:

“I wholeheartedly endorse this new Antisocial Behaviour Framework—it’s a valuable resource, which underpins a positive new approach, supported by successful practice from around Scotland and further afield.”

Labour MSPs might want to discuss that issue more with their council colleagues, given what seems to be a gulf in approach between them.

Chief constable Norma Graham of ACPOS and Fife constabulary said:

“I welcome this new Framework.”

She went on to say that its adoption

“will help deliver long-term, sustainable solutions. Prevention rather than cure.”

David McKenna, chief executive of Victim Support Scotland, said:

“We very much welcome this modern strategy towards better, safer communities throughout Scotland. Together, and it is together, we can rid Scotland of the blight of anti-social behaviour.”

David Hume, SOLACE community safety spokesperson and chief executive of Scottish Borders Council, said:

“I am delighted to endorse this Antisocial Behaviour Framework ... The evolution of the Framework benefited hugely from the active contribution of practitioners, policy makers and experts working in the public, private, community and voluntary sectors.”

There is more, colleagues. Neil Turnbull of the Chief Fire Officers Association Scotland said:

“The Chief Fire Officers Association (Scotland) are fully supportive of the Governments review of antisocial behaviour ... The inclusive nature of the consultation adopted in creating this new strategy ... will undoubtedly lead the way for other government and multi agency reviews in the future.”

Jim Sweeney, chief executive of YouthLink Scotland, said:

“It is with pleasure that I endorse this new Antisocial Behaviour Framework.”

He went on to say that it

“will help us reduce antisocial behaviour and counteract the demonisation of young people ... I commend this approach to you.”

Andrew Girvan of Action for Children Scotland said:

“We welcome the publication of the Review of Anti Social Behaviour legislation. The review process has been inclusive, robust and evidence based. We fully support the



greater emphasis on approaches based on early intervention and prevention ... We also welcome the intention to ensure that when enforcement measures are used, support measures will also be put in place."

**Hugh O'Donnell (Central Scotland) (LD):** I just make a general inquiry to see whether your researcher has been on holiday. You seem to be using everyone else's words instead of your own.

**The Deputy Presiding Officer:** Before Mr Gibson starts again, I urge members not to use the second person. They should address their remarks through the chair.

**Kenneth Gibson:** I realise that, in using these quotations, I might put some of my colleagues who follow me at a disadvantage, as they will not wish to repeat them all. The point of quoting those people is to emphasise that the framework is not just something that the Scottish Government has cobbled together—working with the Liberal Democrats or others. It represents the genuine view of many organisations that have to work at the coalface.

**Cathie Craigie:** Will the member take an intervention?

**Kenneth Gibson:** Before I let in Cathie Craigie, I will quote what she said in 2004:

"The Communities Committee highlights the need for community involvement and discussion and sees mediation and youth work as being necessary options for communities. I agree totally with that, as do local authorities."—[*Official Report*, 10 March 2004; c 6464.]

**Cathie Craigie:** I thank the member for reminding me of that quotation. I still agree with it, although there is always the need for sanctions when other options do not work.

Will the member accept this quotation? I will change the name to keep my constituent's confidentiality, but Mrs Blair from Kilsyth said, "I'm at the end of my tether, and I can take no more of this." What is the SNP Government going to do to ensure that local authorities are using the powers that they already have?

**Kenneth Gibson:** One might ask what the Labour-controlled North Lanarkshire Council is doing about it, but I will tell the Parliament about some of the things that the Government is doing: there is £11 million from the cashback for communities initiative; there is £1.6 million to support the community initiative to reduce violence, which will target 55 gangs that are prone to violence and knife crime in Glasgow's east end; and the Government is spending £120 million on tackling alcohol misuse. As we know, alcohol plays a significant role in violence in many of our communities.

15:37

**Michael McMahon (Hamilton North and Bellshill) (Lab):** Throughout my time in the Parliament, I have had to do a lot of thinking about antisocial behaviour. I have had to deal with the issue in one part of my constituency or another on a permanent basis since 1999. My constituency takes in two local authority areas, South and North Lanarkshire, which have different attitudes to dealing with antisocial behaviour. Much has been made of South Lanarkshire Council's initiatives regarding young people, but is it not striking that that council, which is held up as an example, has actually used the measures that are available in the Antisocial Behaviour etc (Scotland) Act 2004 more often than North Lanarkshire Council?

North Lanarkshire Council's strategy was introduced in 2005 and was entitled, "Building Better Neighbourhoods". The main aim of the strategy was to make North Lanarkshire a place where people want to live, choose to work, do business and have a fair chance in life; a place where children and young people are safe, respected, responsible and included. If we compare that strategy with the SNP Government's framework, we note that the Government has set out a similar objective. It is hardly surprising, therefore, that Councillor Harry McGuigan, COSLA spokesperson for community wellbeing and safety, said:

"I wholeheartedly endorse this new Antisocial Behaviour Framework",

given that he is a councillor in North Lanarkshire. For me, the key word in that quotation from Councillor McGuigan is that he believes the Government's framework to be a positive "new" approach, but it cannot be new if the council that he serves was marked out for the antisocial behaviour pilot in 2004. It had the same objectives then as the SNP-COSLA alliance want to con us with now.

I know only too well the plight that antisocial behaviour can cause my constituents, and I understand their frustration at what can often be a lack of progress when they try to persuade the local authority to use the existing antisocial behaviour legislation. The minister spoke about Councillor McGuigan listening to local communities. I well recall the meeting at which almost 100 residents of the Jewel scheme in Bellshill pleaded for support from the local authority and the police to take action to end the blight of antisocial behaviour in their area. On that occasion, I shared a platform with Councillor McGuigan. If he heard the same message that I heard that night, I am surprised that he could put his name to the Government's document.

The difficulty of securing ASBOs is no reason not to use them. I know that Kenny MacAskill

believes that youths in our community treat ASBOs like a badge of honour, but how can he explain his comment when, up until March 2008, only 14 ASBOs had been issued on young people between the ages of 12 and 15? On that evidence, ASBOs do not appear to be as popular a symbol as he would suggest. If they were de rigueur, surely more young people would seek to have them.

A great deal of work is done with young people to prevent the need for an ASBO to be served, so the fact that only a small number of them have been used is more of an indicator of the success of intervention than of a failure in the use of ASBOs. It would be a failure to serve ASBOs on hundreds of young people whose behaviour had not been corrected.

That conclusion does not sit well with the soft-touch attitude of this Government. ASBOs relate to the prohibition of an individual and are intended to prevent further antisocial acts. They are an intervention and are not designed to be implemented as a criminal punishment. The SNP complains that ASBOs are costly, but the cost to a victim of antisocial behaviour goes way beyond the financial. The justice ministers in this cynical Administration clearly know the cost of justice but not its value: to victims, a few thousand pounds is a small price to pay in exchange for an ASBO if it goes all, or some, of the way to positively affecting someone's offending behaviour.

Until now, people on the receiving end of unacceptable behaviour could rely on an ASBO to go some way towards stopping that behaviour. Any person or group that has been on the receiving end of antisocial behaviour will realise only too well how frightening and distressing it can be.

**Fergus Ewing:** We have made it clear that the measures in the Antisocial Behaviour etc (Scotland) Act 2004, including ASBOs, will still be available. The member said that "until now" local authorities could apply for ASBOs, but they will still be able to apply for ASBOs. If ASBOs are the key to success, why is there still antisocial behaviour in England, where huge numbers of ASBOs have been used?

**Michael McMahon:** We have not tried to use ASBOs to the extent that is required. The reality of the situation is that the SNP does not want to use ASBOs; it is trying to take the soft option and to cut costs, which will not serve our communities. The members of those communities can be forgiven for feeling that someone who inflicts antisocial behaviour on them or their community deserves more than they will get as a result of the soft-touch approach that the SNP-COSLA alliance is to adopt.

The launch of the Scottish Government's framework, which is supported by its COSLA partners in the nexus of neglect, has got me thinking about how I will tell my constituents that, unlike the previous Labour-led Executive, this Administration simply does not care about them or about how antisocial behaviour impacts on their lives. I look forward to the SNP being held to account for its abandonment of our communities when the time comes.

15:43

**Michael Matheson (Falkirk West) (SNP):** I believe that most members recognise that antisocial behaviour is caused by a small minority of people in our communities. Even so, it is one of the biggest problems that our communities face. Whether it is caused by antisocial neighbours playing their music too loudly during the night, youngsters drinking in parkland, or groups of young people hanging around the shops and verbally abusing those who pass by, it is a regular source of complaint from my constituents. I recognise that much of that behaviour does not register as serious on the scale of criminality, but it erodes and undermines the quality of life that people expect to have in the communities that we represent.

I recognise—as I am sure other members do—that there is no single route to tackling what is a complex problem, and it would be naive in the extreme to think that we could legislate our way through the problem. Nevertheless, legislation has a place, which is why I supported the Antisocial Behaviour etc (Scotland) Bill when it was before the Parliament. During the bill's passage through Parliament, there was a public expectation that it would do much more than it has been able to do. The act still has a role to play today and will have a role to play tomorrow, but the new framework is a step forward in adding to the work that has already been done.

It is grossly misleading to suggest that we are taking a soft approach—the "soft-touch Scotland" approach. Today, there appears to be a competition between the Tories and the Labour Party to see who can be the most right-wing, punitive party in dealing with the issues. It is not about that or about hugging a hoodie; it is about being realistic about how we can deal with the issues in a much smarter and more effective way.

I find it reassuring that a range of organisations have been party to the development of the framework, from the police to Victim Support Scotland and from young people's organisations to front-line antisocial behaviour officers who work on the issue day in, day out. A wide range of different experts and organisations have been involved in developing the framework.

**Paul Martin:** I respect many of the points that Michael Matheson is making in a considered way, but I ask him to name one community organisation that is mentioned in the document.

**Michael Matheson:** The minister made such a reference when he was intervened on. The document shows that a number of different groups in different communities were engaged in the process, and local authorities were consulted extensively, including elected members who represent their communities. There has been a fair level of community involvement, and in attacking the organisations that have helped to form the framework we do them a disservice. It is clear that they put a considerable amount of energy and work into developing a framework that they believe will improve the strategy for dealing with antisocial behaviour.

The framework seeks to build on the 2004 act. In my constituency, there was an issue with car cruisers. At certain points, we had almost 1,000 car cruisers congregating in Falkirk town centre once a month, causing havoc in the local community and a considerable disturbance to local residents. The police sought to address the issue largely by containing it until they were pressed to take a more robust approach because of community concerns. They turned to the Antisocial Behaviour etc (Scotland) Act 2004, but one of the failings of the act is the fact that it can address antisocial behaviour by someone in a vehicle only if the vehicle happens to be moving at the time. If the vehicle is stationary, the act is unable to assist the police in any way. I therefore welcome the minister's willingness, expressed in the document, to amend the 2004 act to allow us to deal with the problem of antisocial behaviour that is associated with stationary vehicles. I hope that his visit to my constituency, on which he witnessed the problems that we are experiencing, has played a part in ensuring that the issue will be effectively addressed.

The framework is an important step towards our taking a more preventive approach alongside the legislative approach as and when that is necessary. Alcohol is often one of the biggest contributing factors to antisocial behaviour, which is why, if we are to gain the maximum benefit from the legislation and framework, it is crucial that we have an effective alcohol strategy that deals with the flow of alcohol in our communities. If we do not stem that problem, some of the real benefits that could come out of the strategy will, sadly, be undermined.

15:49

**Hugh Henry (Paisley South) (Lab):** There was much in what Michael Matheson said with which I can agree. It certainly would be naive to try to

legislate away the problem and I do not think for a moment that anyone was suggesting that we should. He is right to say that we should learn from the experience of implementing the Antisocial Behaviour etc (Scotland) Act 2004 and, where it is found wanting, strengthen and develop it. That is how we should approach all legislation—building on reason and experience and improving where necessary. Nobody in the Parliament would suggest that because something had been passed a few years ago, it should remain sacrosanct for ever and a day.

I agreed with much of what the minister said. Yes, prevention is certainly preferable to taking action. We would all agree that resolving a problem by cutting it out is much better than trying to resolve it once lives have been affected or blighted. I agree with him that we should not judge success on the basis of ASBO numbers, vehicle seizures or anything else; we should judge success on outcomes and the impact of legislation and preventive measures.

I was pleased that the minister pointed to many of the initiatives that were started by the Labour Party and the Liberal Democrats in the previous Administration. Those initiatives are proving to be worthy and could be developed even further. He spoke about giving early support to families to promote good parenting skills, which is exactly what sure start and other initiatives were intended to do. He spoke about the twilight basketball initiative, which was started previously. I was involved personally with many of the initiatives involving the Scottish Rocks basketball team. We could also refer to the twilight football leagues that operate throughout Scotland with the involvement of local police and the support of the Bank of Scotland.

Prevention has always been at the heart of what we have tried to do—trying to stop a problem before it starts or, where we identify a problem, resolve it through good commonsense, effective measures. However, Paul Martin and others are right to say that, although we are trying to prevent problems from developing, where one has already developed beyond what it is reasonable to accept, it is right that we take action to deal with it. I was pleased to see that the document recognised that

“The tools provided by the 2004 Act have clearly made a difference to the lives of people across Scotland: they empowered local agencies and communities to take a stand against ASB and provided those who had suffered in silence for too long with some much-needed respite.”

That was at the heart of the 2004 act and it should be at the heart of anything that we attempt to do now.

Without suggesting for a moment that we are looking only at numbers, I think that we cannot close our eyes to the fact that measures have

been taken over several years throughout Scotland in council areas run by different political parties, which have seen the local value of what is on offer. For example, in 2007-08, Aberdeen City Council saw the need to effect 30 adult ASBOs and there were 18 in Edinburgh, 33 in Fife, 13 in Stirling, and 14 in West Lothian. Those councils recognised that other measures had failed in their areas and that it was therefore right to use the tools available.

Michael Matheson rightly mentioned issues to do with vehicle seizures. If measures to close premises are to be strengthened and improved, I would welcome it. My constituents and I find it frustrating that many people in our part of Strathclyde put up with month after month of intolerable abuse. For whatever reason, the police are not willing to use closure orders, despite the fact that such orders have been shown to be effective elsewhere.

I remember visiting a block of high flats in Aberdeen when I was a minister. The residents told me that they had been queueing up to get out because of the behaviour of one bad tenant. However, because the police applied for, and received, a closure order leading to that individual being removed, the residents' lives were transformed and they were proud and happy to stay where they were. That one individual ruining their lives had been the only reason why they had wanted to get out.

We should not close our eyes to the positive impact that enforcement can have when we use the powers at our disposal, and we should not tolerate professionals, in whatever agency, who are not prepared to use their powers to improve the quality of life of the people whom we represent. Paul Martin raised another relevant issue. Many of the professionals, and many politicians, do not live in the areas that are worst affected by antisocial behaviour. We should not accept or tolerate behaviour in the areas where the people whom we represent live if we would not accept or tolerate it in the areas where we live ourselves.

There has to be a balance between enforcement and prevention, but let us not turn our backs on the people whose lives are blighted.

15:56

**Hugh O'Donnell (Central Scotland) (LD):** It will come as no great surprise to anyone that, like my colleague Robert Brown, I am generally supportive of the direction of travel in the new framework.

Many of the contributions this afternoon—especially those from Labour members—have rung a bell with me not only because of my constituents' experience but because of my own. I

live in one of the areas to which Hugh Henry alluded, in Cumbernauld, and I know at first hand the trouble and difficulties that can be caused.

The early intervention scheme is one of the key elements in prevention. We have to remember that, for many of the young people who hang about our streets—not just the small number who are guilty of antisocial behaviour—the streets are the safest place for them to be because their homes are not safe for them. We cannot say that every youngster who is on our streets is causing chaos. In his opening remarks, the minister made that point strongly and he is to be congratulated on that.

**Cathie Craigie:** I accept the member's point about the harm that a young person can encounter even in their own home, but does he accept that the use of parenting orders and legal interventions can sometimes be the very thing that will change that young person's life for the better?

**Hugh O'Donnell:** I do not think that I said that I did not support that point of view. I admit that I read the executive summary of the framework document, rather than the whole document, but my understanding is that none of the measures that were previously available under the 2004 act will be removed—and I see that the minister is nodding his head. The existing range of tools will still be available, which is to be welcomed.

There are some issues in the Government's framework to which I take exception. The minister has readily acknowledged that some of the young people who are out there are from vulnerable sections of our society, and the early intervention strategy is acknowledged in the framework. However, what concerns me is that, given the stated position in the criminal justice framework, many of the young people who will be at risk are being excluded from a number of diversionary measures and courses that could have a positive effect on their employability and life skills. That is what will happen as a result of, for example, changes to the getting ready for work guidelines. As a result of those changes, which were imposed by Skills Development Scotland—presumably at the behest of the Cabinet Secretary for Education and Lifelong Learning—about a third of the young people who might cause antisocial behaviour will be at even more of a loose end.

**Hugh Henry:** In order to know whether more people will be affected, we need to know the numbers that are involved. Does the member accept that it is regrettable that the minister has indicated that the Government is no longer prepared to compile statistics on persistent young offenders, which means that we do not know how many young offenders there are in Scotland?

**Hugh O'Donnell:** The compilation of relevant and valid statistics is always a useful exercise. I was not aware of the minister's position in that regard, and I look forward to hearing him respond to that point in summing up.

A number of organisations in Scotland, such as Includem, Right Track and Springboard, are extremely worried about the changes in the getting ready for work framework. I want someone to examine what Skills Development Scotland is doing on that issue.

I should add that the distribution of European strategic and priority funds by the east of Scotland European partnership—ESEP—is running considerably late, which places more pressure on those organisations as they try to deliver courses and materials to the very people who we are talking about in the debate.

Regardless of Councillor McGuigan signing up to the document, I am concerned about the questionable priority that some local authorities give to antisocial behaviour and solutions to it. I understand that South Lanarkshire Council in my region has only one antisocial behaviour team member for the whole of Hamilton. To put it mildly, that hardly seems adequate. Reasonable people will buy into the Government's proposal, but only if they see the warm words being followed by solid action by all the parties that are involved.

It is quite disappointing but, according to the statistics that I have seen, perceptions of antisocial behaviour are strongest in our most deprived communities. I hesitate to do so, but I must point out that many of those deprived communities have been under Labour control for long and weary years. Perhaps those attitudes are connected to the fact that, although we have spent lots of money in those communities over the years, that money has been accompanied by troops of experts who do things to the communities rather than do things with them. That needs to change. I have seen some movement in that direction, even before the current Administration came to power. However, I keep hearing people talking about community representatives. I do not know who those representatives are, other than the elected members and members of the community council. I can talk about individual constituents, but I am not sure who people are talking about when they talk about these undefined community representatives. It is bad enough when we hear about the hassle that constituents have, but I am not sure where we are in relation to that.

It takes a long time to eradicate problems such as the ones that we are discussing. Warm words have to be matched with firm action, but not draconian action.

16:04

**Dave Thompson (Highlands and Islands)**

**(SNP):** Antisocial behaviour comes in many forms, from noise to nastiness, from litter to layabouts, from fly-tipping to foul language. It can be perpetrated by all sorts of people of all ages. Often, drink is the root of the problem, and cheap drink at that. Steve McCabe of the Portree medical centre recently highlighted the problem in a letter to his local paper. A supermarket was selling cans of lager at less than 14p per 100ml, while Irn-Bru was on sale at 17.8p per 100ml. At those prices, an adult could consume their entire week's safe limit of 21 units for much less than £10. Steve McCabe believes that such irresponsible promotions are a major factor in our spiralling problem of alcohol misuse in Scotland. I wonder why some people still cannot see that the problem of cheap alcohol is one of the main causes of our problems today.

I am sure that we all know of many instances of antisocial behaviour in our own constituencies and many of us may well have personal experience of it. Antisocial behaviour needs to be dealt with so that we can restore a sense of wellbeing to our communities, improve everyone's lives and lift people's spirits.

Although antisocial behaviour is having a debilitating effect on many individuals and communities, I sometimes despair, like the minister, at the perceived wisdom that only the young are guilty and that nothing can be done apart from imposing draconian sanctions on them. In some cases, draconian sanctions might well be necessary, but I am much more in favour of prevention of the problem in the first place. That is why I welcome the Government's antisocial behaviour framework, "Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland", which was developed in partnership with a host of bodies that have experience of the problem.

Many good things are going on throughout the country that help to prevent antisocial behaviour—twilight basketball, for instance. I note that Paul Martin was unable to answer my point that his Labour colleague in Inverness thinks that that is a gimmick. Mr Martin has stolen the Liberals' clothes by saying one thing down here in Edinburgh while his colleague says the exact opposite in Inverness.

Some good things are done by volunteers in the local community, such as the spotlight cafe that is run by my church, which I help out with, when I can, on a Friday night. Other projects are developed by bodies such as councils, but they do not all get an easy ride. One such initiative in Inverness is the Charleston youth shelter, which has just started. I hope that I will be able to come

back to the Parliament in a few months' time to let members know that the project has been a great success. It has been championed by a colleague, local SNP councillor Pauline Munro, who has pursued the issue with vigour in spite of some local opposition.

The progress of the Charleston youth shelter illustrates just how tricky it can be to do anything positive because, unfortunately, new ideas and developments always seem to attract opposition. In November 2007, the first youth forum was held for pupils at Charleston academy. The idea was to engage with the young people to find out what they felt about their local area and what they wanted done to improve it for them. That engagement with young folk is crucial. A presentation from secondary 1 and 2 pupils resulted in an altruistic suggestion from them for improvements to play equipment in the area, but the presentation from the secondary 4 and 5 pupils tackled the issue of antisocial behaviour and the need for somewhere they can go without, in their words, "intimidating people". The young people were fully engaged in the project. Both groups consulted their peers, and they also consulted the primary bairns at Muirtown and Kinmylies about the play equipment.

The provision of play equipment was straightforward, but the youth shelter proved to be more problematic, not least because Charleston had no dedicated youth worker. If a youth shelter is to be effective, it is essential for youth workers to work from it and engage further with the young people. The problem was that Highland Council, which is run by Labour and the Liberals, had axed a number of community learning and development officer posts and frozen some youth worker posts, which I thought was short-sighted. Eventually, however, the council made a commitment that youth workers would be ready to work from the youth shelter, albeit only at the weekends, once the shelter was in place.

The young people came up with the idea of a venue outside the Charleston shops, where they already congregated. The community councils were generally supportive, although the management committee of the nearby Charleston community complex was not as keen, and negative rumours about what was being planned were rife within the community. It was not easy to get agreement but, with the help of the police and others, Councillor Munro managed to convince everyone. Agreement was eventually reached to trial the shelter, which will now be reviewed quarterly.

My point is that positive preventive action is hard work that needs vision, dedication and perseverance. It is much more challenging than simply locking up the vandals and throwing the

key away; much more challenging than shouting populist slogans; and much more challenging than rubbishing any new idea that comes forward.

Your SNP government is up for that challenge—are you?

16:10

**Sarah Boyack (Edinburgh Central) (Lab):** In my speech, I will focus first on the difference that the Antisocial Behaviour etc (Scotland) Act 2004 has made to constituents of mine who have had to suffer horrendous antisocial behaviour; and secondly on areas where the 2004 act does not go far enough and on the current loophole involving party flats and short-term lets in Edinburgh.

Like other MSPs, I have had countless numbers of people asking for my help and wanting to know what I can do about antisocial behaviour. Before the 2004 act came into force, all I could do was refer them to the police and hope that the behaviour would become so appalling that the police would arrive within 10 minutes, see what was happening and accept that it needed to be legally challenged. As we know, before the act was passed, there were no powers and therefore no ability to ensure that action was taken.

I agree in principle with many colleagues that not only is prevention the best option, it should indeed be the first option. However, such an approach is not a great deal of help to many of my constituents—and their families and communities—who are already experiencing antisocial behaviour. This is not a choice between tackling antisocial behaviour and tackling deep-rooted social problems; the challenge is working out how to tackle both problems without letting either side down.

By the time people get in touch with us, they have quite often experienced not just months but years of harassment, abuse and intimidating behaviour. We cannot just tell them that someone else will sort out the matter; it is our job to use the legislation and work with our councils and a whole range of agencies to get action. There are countless stories of all-night parties every night of the week; disturbance from 24-hour lifestyles; loud noise from laminated flooring; repeated vandalism and far worse goings-on in people's communal areas and stairwells; and harassment and intimidation. We cannot sit back and let such unacceptable behaviour happen.

However, individuals cannot take preventive measures. Of course, I would always encourage mediation, but what if the two parties involved simply cannot agree? I have found that the provisions of the 2004 act tend to concentrate the minds of those who perpetrate this kind of behaviour. Those people do not always know that

they are engaged in antisocial behaviour and sometimes the situation can be resolved when they are challenged. However, in many, many cases, it is simply not enough to challenge people, and they need to know that their actions will have consequences. The threat of eviction or an ASBO can be very powerful in changing behaviour; of course, the behaviour will probably not change automatically or overnight, but such threats can concentrate people's minds and send a message that their behaviour must be addressed.

Fergus Ewing's comment—repeated, I have to say, in the framework document—that we on this side are in favour of simple, quick fixes shows a complete misunderstanding of people's experience. The provisions in the 2004 act are certainly not simple or quick to implement; they do not provide a long-term fix in every case, but they at least allow some of the issues to be resolved. In some cases, the police have become involved, and privately owned houses that were used for drug activities have been boarded up. It took months—in fact, years—to get such a resolution, but it happened as a result of the very powerful antisocial behaviour legislation.

**Dr Simpson:** Does the member agree that individuals who were being harassed were very often not even believed, which made it very difficult to establish the problem itself?

**Sarah Boyack:** That is partly why the process takes months or years. I always advise people to keep diaries and talk to their neighbours. I receive letters that have been signed by every person in a stairwell apart from those in the one tenancy that is causing the problem. People are not believed. They are told that the noise that they are experiencing is not that bad or that the intimidation and abuse are not really happening to them.

Last week, I was contacted by someone who has experienced mental health issues and received fantastic support from agencies in the city, but who is being intimidated and harassed by two tenants in his stairwell. I cannot tell him that that is not important, that I am not interested or that those other people need to be sorted out first. I have to deal with his issue. I must ensure that the council lives up to its responsibilities and deals with his issue, as well as providing support for the people in the stairwell who are causing him a problem. He has been successful in tackling his mental health issues, but he is being set back because he is intimidated and afraid where he lives, which is the one place that should be his safe harbour and where he should be able to shut the door and know that he can live safely. He knows that that is not the case, which is not acceptable. Such people need support, so we must focus on providing it.

My second point is about short-term party lets, which is a big issue in Edinburgh. I asked Alex Neil about that at question time this morning and was disappointed by his response. The landlords are not required to register their property with the council, which makes it difficult for antisocial behaviour to be tackled or for residents to complain to the right person. There is also a loophole in the licensing process for houses in multiple occupation as a result of which irresponsible landlords can have short-term lets without an HMO licence. That leads to overcrowding and repeated bad behaviour, which is happening in countless flats throughout the city. I had to explain the situation to a colleague, who just did not believe me. If members do a Google search for it, they will see how many flats are up for rent. My constituents who have a petition on the issue need support from us now. They do not need to be told that simple short-term quick fixes are not required; they need a fix and they need our support. Rather than say that the legislation is irrelevant, we must consider how it can help them.

16:17

**Angela Constance (Livingston) (SNP):** As a constituency member, the debate is timely for me because, last night, I had the good fortune of attending a public meeting in Ladywell in Livingston. Recently, the community there was once again touched and hurt by a serious offence against a young man. Although I do not want to confuse criminal behaviour with antisocial behaviour, the backdrop to the difficulties was a lot of gang-related antisocial behaviour. The community faced the type of difficulties that can either make or break a community. However, people contacted their councillor Peter Johnston and said, "Enough is enough. We want to reclaim our community."

That chimes with much of what is in the antisocial behaviour framework. The community demanded and successfully negotiated a package of measures, including an increased police presence and a commitment to provide a facility for older children to hang out in, for want of a better expression. Leisure activities are provided free to young people on Friday afternoons, when they leave school after lunch time, and there are facilities such as a drop-in cafe on a Friday afternoon at which young people are fed and can socialise before they, dare I say it, go out binge drinking at the weekend. Although that might sound like happy-clappy social work psychobabble, it is what communities want and, at the end of the day, it works. The community has successfully negotiated services and a package of measures for all their children and young people.

I have lost count of the number of times over the years that I have heard parents and concerned members of the community lament the fact that all our energy is often targeted only at those who misbehave or offend and that resources and services are often provided only for those who are in difficulty. The cry has been, "What about the children who don't misbehave? What about the children and young people who are not causing difficulties?" The complaint is that those children are overlooked.

The antisocial behaviour framework is absolutely right in not just punishing bad behaviour but rewarding good behaviour. As well as providing disincentives to transgressors, we must provide incentives and encouragement for good behaviour. As the minister said, we must take a more balanced approach. We need the carrot as well as the stick, and we must get serious about prevention.

The research on public opinion that has underlined the strategy is interesting, although I suspect that it confirms what we already knew. Yes, people want those who blight their lives to be dealt with and punished proportionately—quite right, too, because the legislative framework remains. Of course, the SNP supported the Antisocial Behaviour etc (Scotland) Act 2004. As an MSP, most weeks I am involved in making representations by phone or letter or by attending case conferences to encourage the local authority or housing associations to use the powers that they have under the act. I see the antisocial behaviour framework as a logical extension of—and logical progress on—the legislative framework that has already been put in place.

The other point to make about the research on public opinion is that it demonstrates clearly that communities want the underlying causes of antisocial behaviour to be addressed; they want long-term solutions. Our message to our communities is that we are in this for the long haul. We do our constituents a disservice when we resort to political, knee-jerk soundbites. People understand that, often, there are no quick fixes. Communities understand and know all too well what the underlying causes of antisocial behaviour are.

The issue that we, on behalf of our communities, cannot duck is the impact of alcohol abuse. Later this year, we as a Parliament will debate the proposed health bill. I know from speaking to individuals and community groups in my constituency that when it comes to addressing the nation's alcohol problem, they do not want us to duck the issue. They do not want more of the same; they are looking for bold measures. They are looking for us not to shy away from making difficult decisions. I fear that the comments about

soft-touch Scotland might come back to haunt those who made them if they duck the issue of alcohol abuse.

Finally, I will say a brief word about parenting. Like Paul Martin, I accept that parenting is the hardest and most important job and that we do not have the God-given right to be a parent. I cannot help but observe the issue of unsupervised children in the village where I live and the community that I represent. However, that is a complex issue and I suggest that to address it we need more than an antisocial behaviour framework. It is also a child protection issue, which we must take seriously.

16:23

**Cathie Craigie (Cumbernauld and Kilsyth (Lab)):** I am pleased that the Scottish Government recognises that antisocial behaviour blights the quality of people's lives and should not be tolerated. However, I am deeply disturbed that the Government is content simply to act in the media, rehash what we already have and stand by while police and local authorities are allowed to take their foot off the pedal when it comes to taking legal action to protect our communities. I am amazed that the SNP back benchers and our Liberal friends have been duped into believing that there is anything new in the framework—they are easily fooled.

Two main proposals in the annex to the framework are to set up a database of good practice to share ideas on how to tackle antisocial behaviour throughout Scotland and to establish a media and communication network to look for ways to sell local stories. That should be happening already. From what I have heard today, I fear that the database of excuses that Paul Martin spoke about is going to develop.

The Scottish Government makes no proposals in the framework for deterring antisocial behaviour effectively through sanctions. My constituency office in Cumbernauld and Kilsyth regularly receives complaints from families, young people and pensioners who are at the end of their tether because of a few individuals' selfish behaviour.

Does the minister truly believe that through the promotion of positive behaviour and the work of role models and mentors, the young family in my constituency who are eager to enjoy the first few months of their new baby's life will obtain any peace from the noisy neighbour whom they must put up with nightly? The framework may seek to

"punish bad behaviour in an appropriate, proportionate and timely manner",

but I do not see how advising agencies to take enforcement action



“dependent on support and education measures ... tailored to meet the needs of both individuals and communities”

will provide the immediate relief that that young family needs. What about the victims of antisocial behaviour? The SNP downgrades victims' needs.

Only today, I heard from pupils at Holy Cross primary school in my constituency. Without knowing that we would debate antisocial behaviour this afternoon, they asked me in a question-and-answer session what the Parliament could do to help them to access their local play area, which was provided to help divert young people into other pursuits. In that community, play areas are being taken over by neds—those are the words of the young people and not of me.

I know that the police and local authorities have the power to deal with such situations. They could work with young people and, ultimately, apply for a dispersal order if people were causing harm and problems. Facilities for young people in Cumbernauld and Kilsyth exist. My colleague Hugh O'Donnell mentioned problems in the community where he lives, but I know that facilities have been provided by my community for my community. However, young people complain to me that they cannot access those facilities because of the people who hang about at them, who are not all young—they might be over 25 and should know better. Activities are available. Why does the Government not send the message to the police and to councils that they should use their legal powers and give back community facilities to the communities for which they were intended?

The Scottish Government makes no new proposals for punishing those who cause havoc and disruption to their neighbours. There might be merit in the Government empowering communities to address antisocial behaviour by involving people in identifying local problems. The Government should listen to Paul Martin's suggestion and give communities the power to do that.

Ministers fail to understand that communities in Cumbernauld and Kilsyth are well aware of local problems. The minister and other SNP members were quick to roll out a list of organisations and public bodies that support the framework, but what about the people who live in the affected communities? Who speaks for them? They rely on democratically elected MSPs and councillors to speak for them, so the Government should listen to us.

**Robert Brown** *rose*—

**Cathie Craigie:** Presiding Officer, do I have time to take an intervention?

**The Deputy Presiding Officer (Trish Godman):** Very briefly.

**Robert Brown:** I do not know the position in Cumbernauld, so I cannot answer for that. Why does Cathie Craigie think that the police, the area's Labour local authority and others are not taking the action for which she asks, given that they have the toolbox? What is the explanation for not using that toolbox? That would be helpful.

**Cathie Craigie:** I truly believe that the emphasis has been taken off such action. Everybody knows that a toolbox of measures to deal with antisocial behaviour is available—Robert Brown and other Liberal colleagues were part of the debate when we realised that. We all acknowledge that if antisocial behaviour orders or parenting orders are issued, that means that the system has failed at some point. However, Government direction is needed to drive a policy. The Government is allowing agencies and other organisations to take their foot off the pedal.

My constituents already have to put up with vandalism and graffiti by a small minority of people. When going about their daily or nightly business—going to the shops or catching the bus—they already have to walk past those who are loitering and carrying on. They already see all too often that individuals are able to laugh at and disregard the people who are there to help them to address their problems, at great public expense. They are all too familiar with scenarios in which noise and antisocial behaviour gets worse if it becomes known that they have made a complaint—an issue that Paul Martin highlighted.

Does the minister not realise that, by focusing on diversionary activities, the Government will simply send the message to communities that it wants to reward offenders and to leave victims powerless? Does he not agree that, although prevention is necessary, so is punishment? The antisocial behaviour framework offers no help to communities that need strong measures to compel change in those whose behaviour is unacceptable.

The SNP may not seek to repeal the measures in the Antisocial Behaviour etc (Scotland) Act 2004, but I find scant promise in the motion and in the Government's comments today that those measures will continue to be used. For ASBOs to exist in law but not to be put into practice when they should be is a dereliction of the Government's duties to local communities. The same goes for parenting orders, dispersal orders and closure orders. I warn the minister that, without the use of the effective sanctions that were included in Labour's 2004 act, his database of good practice will be hollow and his media campaign will be defunct and a waste of public resources.

16:31

**Mike Pringle (Edinburgh South) (LD):** In many ways, the new framework signals a welcome change in emphasis—a move away from focusing on short-term enforcement measures towards tackling the root causes of crime and antisocial behaviour.

The Scottish Liberal Democrats have long advocated a more positive approach to tackling antisocial behaviour among young people. I was glad to hear from the minister, Robert Brown and others about the extremely good work that is being done in that regard where initiatives have been put in place. In government, we were instrumental in introducing the Antisocial Behaviour etc (Scotland) Act 2004, which was backed by £130 million of Executive funding over four years. Vitaly, the act tied funding to antisocial behaviour outcome agreements to deliver tangible improvements for local communities, not to the number of ASBOs that were handed out or to other numerical targets for specific measures.

Since the inception of the 2004 act, crime rates in Scotland have fallen. The total number of crimes reported to the police decreased by 8 per cent between 2006 and 2008. The number of crimes that are often termed as antisocial behaviour fell during the same period. Recorded cases of vandalism decreased by 9 per cent, cases of minor assault decreased by 6 per cent and recorded instances of breach of the peace decreased by 3 per cent.

That is not to say that much more cannot be done. Our 2007 manifesto outlined our view that our approach to tackling youth crime should be based on a culture of early intervention, so I welcome the fact that prevention has taken its rightful place as the first of the four pillars that the Government will use to support the new framework. I hope that the Parliament will work with the Government on moving forward.

Now that the framework is in place, we must consider its practical implications. I welcome the change in emphasis that the framework signals and stress the need for such a change. I was shocked but not surprised to read recently that YouGov research has found that 49 per cent of people believe that children are increasingly a danger to one another and to adults, and that 43 per cent agree that something must be done to protect us from children. I do not take away from the fears of those who feel genuinely threatened by children and young people; those figures serve merely to illustrate the size of the task that is at hand.

If Scotland's Government, law enforcement, local authorities and communities wish to engage with young people to prevent antisocial behaviour,

it is vital that the trend towards demonising them as dangerous or as criminals ends. As my colleague Mike Rumbles pointed out in an intervention, it is somewhat ironic that the Government has released a progressive framework that calls for an end to the stereotyping of young people as criminals but that it remains intent on demonising a generation of 18 to 20-year-olds by legislating to require local authorities to consider raising from 18 to 21 the minimum age for purchasing alcohol from off-sales. The Cabinet Secretary for Justice may want to reflect on the mixed messages that that sends.

On enforcement, there is a need to overhaul the often-ineffectual antisocial behaviour order system. In *The Herald* recently, Paul Martin pointed to a perceived lack of provision in the new framework for adequate sanctions for offenders. Criminal activity should never be tolerated at any price, but I question whether further top-down sanctions would be effective in reducing antisocial behaviour.

We need a more positive, preventive approach, in which progressive sanctions are used to nip problems in the bud. The acceptable behaviour contracts model, which Liberal Democrats developed in Islington, has proved successful throughout the country, not least because it is based on gaining commitment from the person concerned and does not just involve imposing something from the outside. The idea that we can change culture through peer group activity, mentoring and action on personal responsibility is powerful and dynamic and remains to be developed.

**Paul Martin:** I ask the member the question that I put to Robert Brown. If every avenue has been exhausted, should a penalty order such as an ASBO be served?

**Mike Pringle:** We must use everything, if we get to the end of the line. Sarah Boyack made a good point about what happened when someone in her constituency reached the end of their tether. I am not saying that antisocial behaviour orders are not a way forward. However, during the period in which I have been the member for Edinburgh South, the police in my constituency have never required an ASBO to be imposed, because of the efforts that they make with the community, the local authority and everyone else.

As many members said, antisocial behaviour is often a symptom of wider social problems or deprivation. It cannot be stamped out through top-down legislation; it can be prevented only by engagement with young people and communities to tackle the underlying problems that cause it. The Scottish Liberal Democrats have always said that the vast majority of young people are assets to their communities. The vast majority of young

people who engage in antisocial behaviour also have the potential to be assets to their communities, if they are given the many opportunities that members talked about.

16:37

**John Lamont (Roxburgh and Berwickshire) (Con):** The Scottish Government's framework on antisocial behaviour is full of key points, outcomes, recommendations, actions and strategic aims, but it is hard not to get lost in the sea of rhetoric and warm, fuzzy words.

It is also hard to discern from the document what the Scottish Government needs to do to improve the operation of antisocial behaviour legislation. Of course we want to prevent antisocial behaviour in the first place. Of course we want better integration of agencies, to ensure that they are better at sharing information and resources. Of course we want our communities to be made more aware of, and involved in, the process. It goes without saying that better communication through the media and the ending of stereotyping are needed, and that we must make the public more aware of antisocial behaviour and share success stories so that best practice can be copied, where it is needed.

However, the Scottish Government has failed to consider aspects of the antisocial behaviour legislation that are not working, and to re-examine the process in order to ascertain how it can be improved. For example, we know that by March 2008 no parenting orders had been issued. I had hoped that the report would explore why. Do authorities think that parenting orders are not suitable disposals? If so, why? What can be done to improve parenting orders, or should they be scrapped? I do not understand the Labour Party's obsession with parenting orders, given that there is no evidence that they are successful.

Of course we need to focus on preventing antisocial behaviour—we welcome that approach—but we should be addressing the causes of crime and antisocial behaviour in an attempt to prevent people from ending up on a one-way street to pain and misery. There is a need to ensure that young people's energies are focused on positive activities and diverted from the negative influences that can easily lead people into lives of crime and disorder.

The previous Executive's approach to antisocial behaviour was about window dressing and did not tackle the underlying issues. Despite Paul Martin's right-wing rhetoric, which would have made many a Tory proud, Labour in government was soft on crime and soft on the causes of crime. If, during eight years in office, Labour had effectively addressed the problems that cause antisocial

behaviour and crime, we would not be debating the matter today. Meanwhile, the SNP Government has taken "soft-touch Scotland"—that well-known Tory catchphrase—to a whole new level, through its policies to scrap six-month sentences and extend home detention curfews.

We welcome the strategic aims, which are intended to create better communication between agencies. It is important that all relevant agencies are able to share information, and that they have a clearer and wider idea of what is happening in the communities that they serve. We should look to the local authority areas that already have joined-up services—such as my constituency, which is in the Scottish Borders—to see what can be learned.

It is likely that the people who cause antisocial behaviour have problems of their own that need to be addressed, which might include drug or alcohol abuse, or family problems.

**The Cabinet Secretary for Justice (Kenny MacAskill):** Does John Lamont wish to comment on the position that has been taken by Sheriff Kevin Drummond in the Borders? He made it clear that almost 80 per cent of the cases that came before him involved alcohol-fuelled incidents. Do the Tories care to reflect on that?

**John Lamont:** I do not think that anyone disputes the connection between alcohol abuse and crime, but the approach to tackling irresponsible drinking is a matter for another debate—indeed, we debated it only last week.

We will be able to deal with and stop the type of behaviour that is blighting the lives of so many of our constituents only when we take a joined-up approach. We agree that there is a need to inspire young people with positive role models and mentors. All too often we are faced in the media with images of drunken or drugged celebrities falling out of nightclubs, and it is becoming increasingly common that those celebrities are involved in some kind of antisocial behaviour. We need to move the focus away from the celebration of that type of behaviour.

We need to ensure that our young people are not always demonised as the offenders in cases of disorderly behaviour. Most of Scotland's young people—I can certainly think of a number in my constituency—are involved in positive activities. There is an imbalance in reporting: when we get it right, and good practices are identified, we need to be much more ready and willing to discuss and share those experiences. Positive examples need to be talked about and reported. The media are powerful tools that can be used to encourage and empower rather than just to scaremonger. The balance needs to be redressed.

Four pillars have been created in the framework for dealing with antisocial behaviour, but one

seems to be missing: enforcement. We cannot ignore the fact that antisocial behaviour is happening. As MSPs, we get letters from beleaguered constituents—as a number of members have mentioned—who live in daily fear. As the Government's report points out, there is limited interest among the public in applying for sanctions because of the fear of retribution, but no one should be fearful of standing up for wanting to live in a safe and harmonious community.

The further 1,000 extra police officers that the Scottish Conservatives secured in the budget are vital to all our communities. People need to regain confidence in our criminal justice system. We can start that process by having a visible deterrent force of community police officers.

The Cabinet Secretary for Justice, Kenny MacAskill, stated in a previous debate on community safety that

"the fundamental way of bringing about the level of community safety that our people want is to have a visible police presence that will deter crime and reassure our citizens."

Alongside that, people need to know that if they carry out criminal or antisocial behaviour, their actions will have consequences. Those consequences must be swift, efficient and—most important—effective.

Kenny MacAskill said during the same debate that

"If someone does something, they must face the consequences of their action and understand that, frankly, we will not be satisfied with hearing some excuse about what provoked or caused it."—[*Official Report*, 21 February 2007; c 32272.]

We disagree with Mr MacAskill on that—we care about the causes of such behaviour, because it is only by considering those underlying issues that we can address the problem.

16:44

**Richard Baker (North East Scotland) (Lab):** We must take from the framework and the debate the message that there can be no let-up in tackling antisocial behaviour in our communities.

As Labour members, we are proud of our record in government in empowering people whose lives had been blighted by antisocial behaviour. They wanted their right to a peaceful and better quality of life to be protected. We listened to them, and, as Labour members have made clear during the debate, the new legislation has been used to great effect in communities throughout Scotland.

I do not disagree that, five years on, it is right to refresh the strategy; and that in doing that, it is right for the Government to bring together key stakeholders on such a crucial issue—I

acknowledge the important role that they play in tackling antisocial behaviour. However, the Government must ensure that the final overall approach is right, and members on the Labour side of the chamber believe that it is not.

We make no apology for our belief that the first priority must always be the victims of crime and antisocial behaviour. We cannot endorse the Government's new approach, which seeks to reduce enforcement and to abandon the use of powers that have made a difference. That approach would abandon the people, families and communities who are the victims of antisocial behaviour. We should be on their side rather than telling them that they are on their own.

**Robert Brown:** Does Richard Baker agree that people are best served by reduction in crime? Projects such as operation reclaim, which reduced crime in its local area by 35 per cent, make a big contribution. Are they not relevant to this debate?

**Richard Baker:** We have said that throughout today's debate, but we need to strike the right balance.

The best thing that the Government's framework can say about our groundbreaking legislation on antisocial behaviour is that it will not be repealed, but it is made clear that the previous Administration's approach is being abandoned. However, the framework admits that antisocial behaviour is still a major problem and the statistics that I have seen show no reduction in the use of the new powers. There is still a need and a desire for those powers to be used, so there can be no room for complacency. People whom I meet who are directly affected by antisocial behaviour want those powers to be used more, not less.

Other members have also referred to the experiences of their constituents. The framework appears to identify the problem as being that people's expectations are too great in relation to what should be done to tackle antisocial behaviour—as if the problem was how to educate them about that. Richard Simpson was entirely right on that point. Surely, rather than ask people to manage their expectations, we should directly respond to their problems. That is why we do not want to restrict the opportunities for enforcement. Instead, we should address the frustration of those who believe that enforcement is not being used enough.

**Fergus Ewing:** Does Richard Baker accept that we have from the beginning and repeatedly made it absolutely clear that we are not restricting opportunities for enforcement? Why does he persist with that false premise, which virtually every Labour member in today's debate has sought to make?

**Richard Baker:** That is a false premise. The framework document makes it clear again and again that the Government wants to move away from enforcement measures, which are referred to on page 1 as “simplistic quick-fixes”. The framework states that councils should put in place a “support package” for a perpetrator before they can even apply for an ASBO. The tone of the document is clear and is why we oppose the motion.

We want new avenues to be opened up for the victims of antisocial behaviour and we want action to be taken against such behaviour. That is why Paul Martin made it clear that we want community organisations, such as community councils and resident groups, to be given a clear role and process for applying for use of enforcement measures. The framework says that communities should be involved more in dealing with antisocial behaviour—we believe that our proposals would be an effective way in which to achieve that. I find it extraordinary that some of the successes of antisocial behaviour orders and of other, wider enforcement measures are not referred to in the document.

**Mike Rumbles:** Can Richard Baker tell us how many successful dispersal orders have been implemented in the region that he represents since the 2004 act came into force?

**Richard Baker:** I refer Mike Rumbles to the success of the dispersal order in Aberdeen—I know that Mr Rumbles did not support that, but I did—which is one just one of the many examples that we have heard about from across the country. For years, the Beach Boulevard in Aberdeen had been plagued by so-called boy racers—mostly guys aged about 40—until the introduction of the dispersal zone, which was a huge success and was widely welcomed by local residents because it also applied to stationary cars. Dispersal orders can provide a good framework.

I do not say that the framework is wrong to highlight other interventions and preventive measures, but we need to strike the right balance. Indeed, I understand that the families project in Dundee, which is run by Action for Children Scotland and is mentioned in the framework, was started by Dundee City Council under the leadership of Kate Maclean. As Hugh Henry said in his excellent speech, midnight football schemes were rolled out across Scotland in the previous parliamentary session. Labour supports such measures, but there must also be a strong role for enforcement when other approaches are not successful.

It is right that good practice should be shared, but the framework says that no new funding is available for the strategy. The document talks about “record levels of investment” in local

government to help to implement the strategy, but we dispute that. We know that many organisations that are currently doing great work in helping to reduce antisocial behaviour are facing budget cuts.

Of course we want to see positive role models for young people and positive images of young people, which is why we have expressed our disappointment that the Government failed to support the ProjectScotland initiative, which furthered exactly that goal during the previous parliamentary session. The Government engages in a lot of talk but does not provide the funding. That is the bottom line.

I am bewildered by the framework’s tone on enforcement, because members of the Government have not been slow in demanding tough action when they have been confronted by antisocial behaviour problems in their own areas. In February 2007, Kenny MacAskill was questioned about young people in Edinburgh signing antisocial behaviour contracts—I think that that was some time before young people in London were doing so. The framework refers often to the measure. He said then:

“We need to tackle the problem at its source and make youngsters and their parents responsible for their actions. If they breach acceptable standards of behaviour in society, there must be consequences for them rather than just a slap on the wrist.”

That tone is very different from what is in the framework. If that approach was right in that situation, why does the Government not believe that it is right for every community in Scotland? We need to use every tool at our disposal to tackle antisocial behaviour—not leave half the tools in the box. We agree that parental responsibility is important, which is why we do not believe that the fact that parenting orders have not been used is a matter for celebration. We think that answers should be given about why they have not been used.

In government, we listened to communities that wanted tough and effective action to be taken to tackle antisocial behaviour. We are not confident that the approach in the framework will move that work forward, which is why we cannot endorse the framework. However, we will continue to make the case in Parliament and in the communities that we represent that more must be done to tackle the scourge of antisocial behaviour. That is what communities throughout Scotland want; they deserve no less.

16:51

**The Cabinet Secretary for Justice (Kenny MacAskill):** The debate has been wide ranging. Members of all parties have talked about antisocial behaviour problems in their constituencies. We

must get things into context. On a lovely day such as today, we must recognise that huge areas of Scotland are a delight to visit and live in, but some areas are blighted by serious crime and violence. Before I came to the chamber I met John Muir, whose son was, sadly, slain. That shows the problems that we face in some areas.

We get lectures about “soft-touch Scotland”, but the Government is taking action against serious and organised crime. No other Government has taken the action that we are taking against such crime. The Government is enforcing bail conditions much more strictly, ensuring that our communities are protected, and expanding the use of fixed-penalty notices to ensure that even low-level criminal behaviour is addressed and will not be accepted.

**Bill Aitken:** Is it not the case that the Government is presiding over a ludicrous situation in which only around 50 per cent of those penalties are being paid?

**Kenny MacAskill:** The level of recovery is significantly greater now than it was previously. We have introduced fines enforcement officers and have done a variety of other things that were not even thought of under the Tories.

We have seen the unedifying spectacle today of Labour and Tory members trying to outposture each other and prove who is the most macho and right wing. I will leave them to flex their muscles, bare their chests and do whatever else they want to do; the rest of us will get on and tackle antisocial behaviour.

**Cathie Craigie:** Will the minister give way?

**Kenny MacAskill:** Not at the moment.

There are various types of antisocial behaviour. Serious and low-level problems have been mentioned and Michael Matheson mentioned antisocial behaviour that is associated with stationary vehicles. Such behaviour is antisocial; it is ignorant and unacceptable. I also know about the problems that Sarah Boyack mentioned because I have similar problems in my constituency, in Lochend and other areas. Those problems need to be addressed.

There are even antisocial behaviour problems with parking. A significant concern at Queen Margaret University and Jewel and Esk Valley College is people parking in an ignorant manner. Disabled people and people who are going to work cannot get in or out of parking places there. That is simply unacceptable and ignorant. Action is not necessarily enforceable under the criminal law, but action must be taken.

Other problems surprised me.

**Dr Simpson:** The cabinet secretary is addressing various issues. An issue that has not been raised is the high hedges problem that residents throughout Scotland have experienced. Will that issue be covered under the national framework for antisocial behaviour or under separate legislation?

**Kenny MacAskill:** As Dr Simpson was speaking earlier, my colleague the minister was meeting representatives of organisations. Actions are being looked into and matters are being addressed.

Mr Martin mentioned that he represents Blackhill, and he gave narrations about incidents including acid being poured over vehicles, with substantial damage being done. I, too, represent areas of urban deprivation, such as Craigmillar and Niddrie. If such incidents happen in my area, I will not seek to enforce an ASBO; I will be speaking to the chief superintendent to ask why action is not being taken to enforce the criminal law. Such acts are serious and wanton vandalism and are simply unacceptable. This Government will not abrogate the responsibility to enforce the criminal law and criminal sanctions by passing such acts off simply as antisocial behaviour. That will not be our approach. We recognise that antisocial behaviour comes in a variety of forms. In some instances, mediation is important, but in others, ASBOs remain the necessary tool. In other areas, responsibility lies, and will always lie, with the criminal law being enforced. We will simply not accept that sort of hooliganism and behaviour.

The tenor of the debate, starting with Mr Martin's speech and concluding with Mr Baker, seemed to indicate that Labour members are vehemently despondent that we, in government, have not sought to repeal the 2004 act. It would have made their day if we had done so. We remind them that we supported them when we were the Opposition, because we said that it was appropriate that action be taken. As a Government, we maintain the powers and repeal nothing.

**Paul Martin:** Does the minister support dispersal orders as a possible last resort in any community in Scotland?

**The Deputy Presiding Officer:** There are far too many conversations going on. If it is so important, take it outside the chamber.

**Kenny MacAskill:** Those are operational matters for the police, and we will support them where the police feel that they are necessary.

Turning to what is unacceptable, I come to Michael McMahon's criticism of Harry McGuigan. I am not a member of the same political party as Mr McGuigan, and I disagree with him on the constitutional status of our country, but I think that he is a genuinely committed individual—and that I actually have a higher regard for North

Lanarkshire's Labour council than Mr McMahon does. Perhaps he should hang his head in shame.

Also unacceptable was Cathie Craigie's criticism of the police and local authorities. It seems that, for Labour Party members, it is the fault of the police or of the local authority if antisocial behaviour is continuing. No—it is not. It is the fault of the perpetrators.

**Cathie Craigie:** If the cabinet secretary was listening correctly—he will perhaps read the *Official Report* tomorrow—my criticism was directed at the Government, which has taken the foot off the pedal and is not directing the police and local government to use the full force of the law. What does he say to my constituent who had three months' respite from a person living above her who was engaging in antisocial behaviour if he is telling us that the Government is going to bar judges from giving out sentences of less than six months?

**Kenny MacAskill:** I would have thought that, after almost 10 years in Parliament, Ms Craigie would, as a member of the Justice Committee, be aware of the constitutional impropriety of a Cabinet Secretary for Justice of any political party directing the police. That practice does not and will not exist under our Government.

As I said, we will not abrogate our responsibility and blame police officers—even more of whom we are putting on the street. We think that our police do a good job and we will back them. We think that local authorities, whether they are run by a Labour administration or are of an alternative hue, are doing good jobs, and we will support them.

I conclude by saying what action we are taking. We will strengthen the 2004 act and we will improve guidance for local bodies. We will undertake research into intensive family support and other forms of prevention and early intervention, and we will expand the cashback scheme to give our youngsters more opportunities and chances. Also, as was mentioned throughout the debate—in particular by Dave Thompson and Angela Constance, I think—we seek to tackle pocket-money prices. The abuse of alcohol and the availability of cheap alcohol to our youngsters causes so much blight in our communities.

We will revamp central support services for local bodies and we will gather and share good practice. We are going to develop the pilot on community engagement in order to allow communities to help direct local funding, and we are going to develop new ways of measuring success based on all the action that is taken—not just ASBOs. We will enforce the law. We will work with the police and local authorities. Together, taking action on alcohol, we will ensure that this

country is safer and stronger. I commend the motion.

## Decision Time

17:00

**The Presiding Officer (Alex Fergusson):** The next item of business is decision time. There are eight questions to be put as a result of today's business. Members should note that if amendment S3M-3849.2, in the name of Paul Martin, on the antisocial behaviour framework, is agreed to, amendment S3M-3849.1, in the name of Bill Aitken, will fall.

The first question is, that amendment S3M-3848.3, in the name of Cathy Jamieson, which seeks to amend motion S3M-3848, in the name of Nicola Sturgeon, on hospital waiting times, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Butler, Bill (Glasgow Annesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 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)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 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)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 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)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)

Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 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)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Hume, Jim (South of Scotland) (LD)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

**The Presiding Officer:** The result of the division is: For 92, Against 31, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-3848.1, in the name of Mary Scanlon, which seeks to amend motion S3M-3848, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Hume, Jim (South of Scotland) (LD)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)

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)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 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)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 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)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 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)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 31, Against 91, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-3848.2, in the name of Ross Finnie, which seeks to amend motion S3M-3848, in the name of Nicola Sturgeon, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Hume, Jim (South of Scotland) (LD)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)

Brown, Keith (Ochil) (SNP)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 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)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 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)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 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)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 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)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 31, Against 89, Abstentions 3.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S3M-3848, in the name of Nicola Sturgeon, on hospital waiting times, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 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)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 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)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 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)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 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)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)

#### ABSTENTIONS

Finnie, Ross (West of Scotland) (LD)  
 Hume, Jim (South of Scotland) (LD)

MacDonald, Margo (Lothians) (Ind)  
 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, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

**The Presiding Officer:** The result of the division is: For 91, Against 16, Abstentions 15.

*Motion, as amended, agreed to,*

That the Parliament welcomes the most recent progress that has been made in reducing waiting times for patients; applauds the commitment, dedication and hard work of all NHS staff who have contributed to delivering these significant improvements for the people of Scotland; notes the progress made by the previous administration; while welcoming the extension of the waiting times guarantee to include child and adolescent mental health services, calls on the Scottish Government to consider extending the range of specialties to include adult mental health services; further calls on the Scottish Government to ensure sufficient resources to bring NHSScotland in line as soon as possible with the NHS in England where a "whole journey" national waiting time standard of 18 weeks was delivered by December 2008, and notes that this compares to a target of 18 months introduced by the previous Conservative administration.

**The Presiding Officer:** The next question is, that amendment S3M-3849.2, in the name of Paul Martin, which seeks to amend motion S3M-3849, in the name of Fergus Ewing, on the antisocial behaviour framework, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)

Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 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)

McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 44, Against 79, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-3849.1, in the name of Bill Aitken, which seeks to amend motion S3M-3849, in the name of Fergus Ewing, 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)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 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)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)

Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 79, Against 44, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-3849.3, in the name of Robert Brown, which seeks to amend motion S3M-3849, in the name of Fergus Ewing, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)

Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)

Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### ABSTENTIONS

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

**The Presiding Officer:** The result of the division is: For 63, Against 58, Abstentions 2.

*Amendment agreed to.*

**The Presiding Officer:** The final question is, that motion S3M-3849, in the name of Fergus Ewing, on the antisocial behaviour framework, as amended, 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)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)

FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 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)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 79, Against 44, Abstentions 0.

*Motion, as amended, agreed to,*

That the Parliament notes the publication of the new *Antisocial Behaviour Framework, Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland*, which has been developed in partnership with the Convention of Scottish Local Authorities (COSLA) and other national partners; further notes that the success of the Antisocial Behaviour etc. (Scotland) Act 2004 has not been universal; agrees that antisocial behaviour blights the quality of people's lives and should not be tolerated but believes that prevention is better than cure when it comes to protecting communities from disorder and encourages communities to report all incidents of crime and disorder so that they can be properly addressed; appreciates the wealth of good practice followed in some areas of Scotland and the importance of replicating it as widely as possible; welcomes the framework's emphasis on addressing the causes of antisocial behaviour, such as drug and alcohol addiction and deprivation, and on improving life chances; supports the promotion of the new prevention, early intervention, enforcement and rehabilitation (PIER) model, including the use of acceptable behaviour contracts pioneered by Liberal Democrats in Islington, and regards increased community involvement and empowerment as vital components of success in action to tackle antisocial behaviour.

**The Presiding Officer:** That concludes decision time. I ask members who are leaving the chamber to do so quietly.

## Huntington's Disease

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business today is a members' business debate on motion S3M-3000, in the name of Hugh Henry, on Huntington's disease. The debate will be concluded without any question being put. I call Hugh Henry to open the debate.

*Motion debated,*

That the Parliament recognises that Huntington's disease is a devastating, high-risk, inherited, neurological condition that causes a profound form of dementia and mental ill health; notes that the Scottish Huntington's Association (SHA), based in Paisley, was established in 1989 by families living with the disease because they could not get help with health and social care services; congratulates SHA in approaching its 20th anniversary in 2009 and on providing Huntington's disease services staffed by skilled nurses that make a significant difference to the lives of those affected by the disease; expresses its concern that only nine out of the 15 NHS boards provide this service, and considers that all people living with the condition would benefit from access to the type of support provided by SHA.

17:09

**Hugh Henry (Paisley South) (Lab):** I am pleased to have the opportunity to debate the motion. I thank all the members who signed it and all those who intend to participate in the debate. It is appropriate that we debate the motion during the Scottish Huntington's Association's 20<sup>th</sup> anniversary year. A number of visitors in the gallery this evening have an interest in the issue because they have supported people with Huntington's disease. In particular, I welcome the families who are suffering because of the effects of the disease. I hope that members can speak to them after the debate.

Families who were living with the disease established the Scottish Huntington's Association in 1989 because they could not get help or support from health or social care services. The association continues to provide vital help and its focus is the goal of improving the quality of life of families who live with this devastating illness. The organisation provides Huntington's disease services in nine of the 15 health board areas across Scotland. Staffed by skilled nurses, those services make a significant difference to the lives of those who are affected by HD.

The nurses ensure that families always have someone to talk to who understands the problems that they face. They advocate on behalf of families to ensure that they have access to the correct health and social care services and they manage and co-ordinate that care. They educate other professionals about the disease so that they are in a better position to help ensure that symptoms of the disease are well managed. They also run a



national youth service that supports young people who live in Huntington's disease families, 70 per cent of whom are young carers. Many of them experience social isolation and have to live with the psychological burden of having a 50:50 risk of inheriting Huntington's disease. The service provides one-to-one support, group work, information and advice.

Huntington's disease is devastating. It is a high-risk, inherited neurological condition. Its impact is so terrible because it destroys a crucial part of the brain, which leads to loss of control of the affected individual's muscles. That manifests itself as speech difficulties, involuntary movements and loss of the ability to swallow. The disease also causes a profound form of dementia. Mental ill health is common, as is depression, anxiety and personality change. Those three groups of symptoms gradually worsen over 15 to 25 years until complications from the disease—often pneumonia as a consequence of swallowing problems—lead to death.

The number of people living with Huntington's disease is three times the number with the more widely known motor neurone disease, which led to the premature death of the great Jimmy Johnstone, and because it is a genetic condition a large number of people in Scotland are living at high risk of inheriting the disease—the current estimate is between 4,000 and 6,000.

Huntington's disease is a family disease; it often affects two or three generations at the same time. In one family that the Scottish Huntington's Association has supported recently, a child of eight years died of the juvenile form of the disease. Her father has it and he needs a great deal of support to remain at home. Two of her father's siblings also have Huntington's disease and her grandfather died of it only three years ago.

Those who live in a family with the disease but who are not at risk of inheriting the gene are also profoundly affected. Loss is a constant visitor in Huntington's families. One member of the family I described did not inherit the gene that causes HD and will not therefore develop the disease, so it cannot be passed on to his children—a glimmer of light in the bleak picture that is Huntington's disease—but that young man says:

"People tell me I'm lucky that I won't get HD, and I am, but I will still never escape from it. I still have to watch most of my family suffer and eventually die. I might end up caring for them. When I look ahead I see a future on my own."

In addition to all those problems, Huntington's disease brings further pressures to bear on families. People with HD have to give up work very early and spouses have to give up work to become carers. Up to 80 per cent of affected families live in poverty. Relationship breakdown is sadly very common and it is estimated that 70 per

cent of marriages end during the course of the disease.

The disease also carries a terrible stigma and has in the past often been a family secret. The mental health problems that are commonly caused by the illness, and the physical disabilities that frequently lead to falling and loss of confidence, often lead individuals to become withdrawn and isolated. Unfortunately, the involuntary movements, poor co-ordination and slurred speech have led to many people with the disease being accused of public drunkenness and, as a result, being wrongly arrested.

One of the core goals of the association is to ensure that, in every health board area where a need exists, a specialist nurse is provided. There is currently an inequity of service provision in Scotland. That leaves families who live in areas where the Scottish Huntington's Association has, as yet, been unable to deliver a service without the specialist help that they so desperately need and deserve. There are three health board areas where the association knows of an unmet need. In its 20<sup>th</sup> year, the association wants that to change. It wants, as a minimum level of service, every family living with Huntington's disease to have access to a specialist nurse, regardless of where they live in Scotland.

For services to be sustainable, they need support from all the statutory agencies. The best funding model exists where local authorities join forces with the regional national health service boards. That has already happened in Highland, Tayside, Fife and Glasgow.

I ask for the minister's support in trying to influence those health boards and local authorities that currently offer no assistance. I also ask the minister to recognise that the landscape of care for people living with Huntington's disease needs to change throughout Scotland, so that those affected by this terrible condition are cared for properly. [*Applause.*]

**The Deputy Presiding Officer:** Visitors are obviously very welcome to what is, after all, their Parliament, but I ask them not to applaud either during or after speeches.

17:17

**Mary Scanlon (Highlands and Islands) (Con):** I thank Hugh Henry for securing tonight's debate. I think that this might be the first time that Huntington's disease has been debated in the Scottish Parliament. Members will correct me if I am wrong, but I was not able to find a previous debate.

I, too, would like to welcome the people who are in the public gallery. It is from such people that we learn what is happening in our own areas.

Although Huntington's disease is more common than motor neurone disease, the facts relating to Huntington's are often less well known. In Scotland, 850 people live with Huntington's disease. As Hugh Henry said, it is estimated that between 4,000 and 6,000 people could have a high risk of inheriting this genetic disease.

I apologise for the fact that I may use some figures that Hugh Henry has already used; I have tried to score out the parts of my speech that duplicate what he said.

It is clear why Huntington's is considered by many to be one of the most devastating of diseases. As Hugh Henry said, in those afflicted by the disease, a crucial part of the brain is destroyed, leading to a loss of control of muscles, speech difficulties, involuntary movements and, perhaps worst of all, an inability to swallow. What makes Huntington's all the more disturbing is the genetic link and the pressure that is put on future generations. Effects such as those explain why the Scottish Huntington's Association was established two decades ago.

The association does tremendous work, providing skilled nurses for sufferers. The nurses also help families, who are often under considerable pressure caring for loved ones. The decision that families living with the disease made two decades ago to set up the association highlighted the shortage of skilled staff to care for patients and their families. The association has worked hard ever since to raise the profile of Huntington's.

It was distressing to read in some of the briefings for this debate that sufferers have to give up work early, that many spouses become carers and are unable to work, and that more than 80 per cent of families with a Huntington's sufferer live in poverty. However, we are here tonight to acknowledge and commend the work of the Scottish Huntington's Association and its national youth service, which supports youngsters in families with Huntington's sufferers. Some 70 per cent of those young people are also carers. They can experience problems with friendships and schoolwork, and they may live with the knowledge that they have a 50:50 chance of suffering from the same disease as those they are caring for.

I believe that the Scottish Huntington's Association is right to seek to ensure that every family that lives with this disease has access to a specialist nurse and that there is no postcode lottery around that provision. No matter where someone lives, that vital support should be available to them.

I am pleased to say that, in the Highlands, a dedicated group works out of Raigmore hospital, with funding from Highland Council and NHS Highland. Thanks to this debate, I will get in touch with that group so that I can find out what is being done locally in the Highlands.

We need to raise awareness of this disease so that people in society do not mistake sufferers for another drunk who is unable to walk properly or is exhibiting slurred speech.

I was moved by the story of Sarah Winkless, an Olympic bronze medallist at the 2004 games and an HD gene carrier. Her story should prove to young people with a family history of this disease that their ambitions need not be limited by the disease or defeated by their worry about getting the disease. Her closing remarks about caring for her mother and living with the Huntington's gene sum up better than any politician could what the Scottish Huntington's Association does. She writes:

"I can't pretend that I don't sometimes look at Mum and wonder if how she is now is what the future holds for me. What I do know is that as, when, if I am affected by the disease, those around me will be better equipped physically and emotionally to deal with it than I was with Mum, thanks to the work of organisations such as the Scottish Huntington's Association".

17:22

**Dr Richard Simpson (Mid Scotland and Fife)**  
**(Lab):** I join other members in congratulating Hugh Henry on obtaining this debate on the 20<sup>th</sup> anniversary of the Scottish Huntington's Association.

I will not cover the ground that my colleagues have already covered—like Mary Scanlon, I have been crossing things off my list, so I will not talk about numbers, symptoms, the huge impact on families or the mistaken identification of intoxication.

When I was serving on the chief scientist's committee in the 1990s, we funded a study to promote genetic counselling services in the Lothian area as a pilot scheme. Can the minister say whether that counselling service is now universal? It is vital that the families in which there is a 50:50 chance of inheritance should receive appropriate counselling. It is also important, now that we have the availability of predictive testing, that it is available to all who wish it. Not all will seek it, which is quite important to remember, but those who wish to have it should, after counselling, be able to obtain it. Can the minister confirm that predictive testing is available to all who seek it?

We have moved on since I started in practice and first dealt with a family with Huntington's

chorea—testing is now available. In those days, the risk was unknown and people simply had to live with that. There is also now the possibility of family planning through in vitro fertilisation, and approval for two cycles of that has been given by the Scottish Medicines Consortium. Is universal counselling available in that regard, too? I gather that that process has only a 25 per cent success rate and that, at the moment, the service for the group of patients that we are discussing is available only at Guy's hospital. Is the minister prepared to consider having discussions with the regional health authorities in the north of England about the possibility of establishing a new centre for such treatment somewhere further north than London, so that people might have easier access to that way of creating a new family?

We must consider how we can support these families in an integrated way. There needs to be integrated planning, integrated care pathways, effective standards of care, effective information in written form and on the internet and adequate advocacy services for families that are affected by the disease and individuals who are suffering from the disease beyond the stage at which their marriage has broken down, when they no longer have a spouse to support them.

There need to be local audits of the mental health effects on individuals. I know that the SHA is keen for the Scottish intercollegiate guidelines network to reconsider its decision on guidelines. I cannot say whether there is adequate research to allow it to establish further guidelines, but I ask the minister whether that has been considered recently and, if not, whether she is prepared to ask SIGN at least to reconsider its decision.

Huntington's disease is the sixth most funded subject of research in the United States, and the European Union network of research is already making an effective contribution. I ask again what the Scottish Government is doing to contribute in the form of collaborative research approaches.

I was disturbed to see that among the health boards that are named as not providing a service for the condition is the one in which I practised as a doctor—NHS Forth Valley. However, I was delighted to see that Fife, which is an area that I represent, was commended for its multidisciplinary teams. I say to the SHA that, after tonight's debate, I will write to NHS Forth Valley to ask what steps it will take to ensure that an effective service is provided. I am also aware that, once again, we are faced with short-term funding in some areas, such as my colleague Cathy Jamieson's area of Ayrshire and Arran, and I know that she will take up the issue to ensure that there is funding beyond 2011.

Patients with Huntington's disease deserve our support and attention. I hope that the minister will

be able to answer some of the questions that I have put to her.

17:27

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I join other members in congratulating the Scottish Huntington's Association on approaching its 20<sup>th</sup> anniversary. It is based in my colleague Hugh Henry's constituency of Paisley South, and I congratulate him on bringing this vital debate to the chamber.

The Scottish Huntington's Association started in the late 1980s as a consequence of the fact that families living with the disease were experiencing a deficit of help and support from health and social services. Mary Scanlon is probably correct to say that this is the first debate that the Scottish Parliament has had on Huntington's disease. Like her, I have been here since 1999 and I do not recall a debate on the matter. However, if there had been such a debate, would I have put my name down to take part in it? I did not know much about Huntington's disease. I knew a family that had Huntington's within it, but I did not know them well enough to get to know what the condition was about. Now, however, I have become aware of the disease because it is touching my family and we are having to learn how to deal with it.

It concerns me that today, 20 years after the SHA identified a lack of support, families still do not have the support that specialist nursing staff can bring. Having support from organisations and nursing staff can make a big difference, so I support the association's call for a specialist nurse in every health board area where a needs assessment demonstrates that such a service is required. I hope that the Scottish Government will support the measure in order to make the services sustainable.

Every family that is affected by Huntington's disease deserves a nursing service that provides advice and help to support individuals to manage symptoms—but it should also act as an advocate for the family, ensuring that they have access to the correct care and that there is awareness on the part of the other health professionals who are involved. Given that Huntington's disease is a genetic condition, the work of the SHA's nursing teams in supporting young people and families who are affected by the disease must also be supported. Whether they have inherited Huntington's or they care for family members with the disease, it is crucial that young people receive the support that they need to live full lives. I would like the Scottish Government to work with the SHA to provide consistent support for young people, who can be particularly isolated due to the disease.

Other care givers of all ages also deserve the best support that can be made available. I hope that the minister will acknowledge the lack of long-term care placements for those who have Huntington's disease. For sufferers and carers alike, the lack of respite care is particularly acute and the Government must act to fill that gap in provision.

As for my constituency, I am concerned that Big Lottery Fund money that was secured for specialist nursing services in Lanarkshire for those who have to live with Huntington's disease will run out in 2011. I realise that that is some time away but if we are planning for the future we have to look at services now.

I again congratulate Hugh Henry on securing a debate on such an important and underrepresented issue and ask the Scottish Government to give careful consideration to the points that I and other members have raised.

17:30

**Trish Godman (West Renfrewshire) (Lab):** I welcome to the public gallery those who have come to listen to the debate, and I congratulate Hugh Henry on bringing the issue to the chamber.

I am not going to describe the disease, because that has already been done. My experience is from providing support to people who were suffering from the later effects of what in those days was called Huntington's chorea. Psychiatric symptoms would begin to appear, the most common of which was depression. In some cases, people were admitted to hospital, and the disease was discovered only when they were in the system and had become worse, exhibiting aggression, delusions and paranoia. Sometimes many other diagnoses were proposed before it became clear that the person was suffering from Huntington's disease.

As Hugh Henry said, some families keep the disease a secret. Families have been known to split up as a result; in one case, I had to deal with a young man who had been adopted and did not know that he was going to develop the illness. In those days, people who were adopted did not necessarily know who their father was.

There was also the emotionally charged issue of having to talk to parents, one of whom might be carrying the gene, to highlight the possibility that, if the woman became pregnant, the child had a 50:50 chance of inheriting the gene, and to inform them that the onset of the disease might not happen until their child was in their 30s, 40s or 50s. There is also for parents the very difficult question whether a child should be tested or told.

Richard Simpson is correct to say that helpful systems are now in place to carry out the test during pregnancy and that there is greater understanding of inheritance, prognosis and management. Much more information is certainly available than when I was practising and working with families, and awareness has been raised through books and, whether we like it or not, through television series such as "ER" and films such as "Alice's Restaurant". Indeed, we must not forget the work of the foundation that was set up by Marjorie Guthrie, Woody Guthrie's wife, after his death from HD complications. The United States has a national HD awareness day on 6 June and, of course, the UK has a national HD awareness week.

This morning, MSPs debated hospital waiting times and, as Richard Simpson has pointed out, ministers committed to increasing specialist nurses and support systems for those who suffer mental illness. I hope that any such approach will include not only waiting time guarantees but training for those who deal with people suffering from Huntington's disease and support for their families.

I understand that research from the University of Leeds has found that one of the body's naturally recurring proteins might—and I stress that word—cause some of the disruption in the brains of those who suffer from Huntington's disease. The effects might be modified with drugs that are used to help cancer patients, but such treatment is in its very early stages, and it might be years before it is fully developed.

My mother died from tuberculosis. She had it all the time that I was growing up, and she, my father, my two brothers and I spent every day hoping that someone would find a cure. I know that the incidence of TB has increased in some areas, but a cure for the disease was nevertheless found. I hope that the same happens for HD.

17:34

**The Minister for Public Health and Sport (Shona Robison):** On behalf of the Scottish Government, I welcome this debate on Huntington's disease and thank Hugh Henry for bringing it to the Parliament. As has been said, this is the first time that we have discussed the condition in the Parliament. I, too, welcome the people in the public gallery who have come to listen to our debate. The Scottish Government is well aware of the excellent work that the Scottish Huntington's Association does in supporting people who have the devastating condition and their families. I congratulate the association on its 20<sup>th</sup> birthday. The association's contribution to the review of genetic services in Scotland, the findings

of which were published in 2006, is a tribute to its effectiveness at a strategic level.

As members have said, living with the condition is hard enough, but its inherited nature compounds the problems and pressures. Several generations can often be affected at the same time and children have to watch a parent deteriorate, knowing that the same might happen to them. It is no wonder that the Scottish needs assessment programme pointed out back in 2000 that the number of people whose lives are affected is far greater than the number of people who live with the condition. It is therefore essential that NHS boards and their local planning partners are aware of the scale of the issue and provide services accordingly.

The standards that NHS Quality Improvement Scotland is developing for neurological conditions will require boards to collect the best possible data on those conditions. Boards will also need to define and publish details of the services that they provide for people with neurological conditions, which will of course cover Huntington's disease. Those reports will include information about the agreements that boards have entered into with the Scottish Huntington's Association. We strongly advocate that form of joint working in "Better Health, Better Care".

Probably the most important thing that we all need to do is to raise awareness of Huntington's, which can be done in several ways. One possibility is to revisit the Scottish needs assessment programme report of 2000 and the follow-up report of 2004. That is now the responsibility of the Scottish public health network, and we have asked the network to consider adding that to its work programme. Another possibility is to develop a SIGN guideline, which Richard Simpson mentioned. The association believes that the evidence base has developed greatly in the three years since it last approached SIGN. I understand that it has submitted another application in time for this year's deadline, and I hope that SIGN will look favourably on that.

The motion makes particular reference to the contribution of specialist nurses, which is an issue that several members have mentioned. We are aware of how highly those nurses are valued by people with the condition and their families and carers. I heard what Richard Simpson said about Forth Valley NHS Board, but I hope that he recognises that the board is developing the idea of a neurology specialist nurse. In following that example and adopting such a model, boards would need to be clear that the needs of those with Huntington's were met properly. However, we are interested in the idea. Specialist nurses fit in well with the idea of managed clinical or care networks, which need to define clearly the roles of

all members of the team. Huntington's lends itself to an MCN approach because of the complex nature of the condition and the need for fully integrated services. "Better Health, Better Care" gave priority to the development of MCNs for neurological conditions. The Scottish Government health directorates would be happy to advise the association on that.

Managed care networks promote integration of health and social care, which is essential in the case of Huntington's. That integration must include access to mental health services, given that the disease can cause a profound form of dementia, as well as depression and anxiety. There are a number of other levers for achieving that integration. For example, NHS QIS standard 4 emphasises the role of community health partnerships in integrating primary care and specialist services with social care.

Richard Simpson asked about genetic counselling services. The single-gene complex disorder project, which is part of the implementation of the genetics review, has a particular focus on the integration of health and social care and draws on the expertise that the association has acquired in the past 20 years. The implementation of the review also involves appointing more genetic care co-ordinators, who will enhance the interface between health and social care. Genetic counselling is a key aim of the implementation. I can tell Richard Simpson that in Lothian there is a project co-ordinator and an administrative post for the project. The other four centres will have a co-ordinator post. All those posts are now in place, except the Tayside post, which is being taken forward. Progress has been made, which I hope that people will welcome.

The focus of the community care outcomes framework on improving partnership performance through collecting data that shape the design of specific care packages is important. The single shared assessment is about identifying each person's needs so that the necessary services and interventions can be put in place.

Greater uptake of self-directed support has a key role to play in progressive long-term conditions such as Huntington's. We want people to have more independence and control over the services that they receive. That also has an application in end-of-life and palliative care services. I am sure that the needs of people with Huntington's will be kept in mind as we implement our national strategy on palliative and end-of-life care. I shall certainly ensure that that happens.

It would be wrong not to pay tribute to the central role of unpaid carers, especially in relation to a condition that affects whole families in such a profound way. I heard what Cathie Craigie said about the need for greater access to respite care,

which is of course one of our main concerns. That is why we have been working with the Convention of Scottish Local Authorities to provide an extra 10,000 weeks of respite care. We are also funding the implementation of carer information strategies in each NHS board area.

*Meeting closed at 17:42.*

The clearest message that I want to send from the debate is that Huntington's needs to be rescued, to some extent, from the lack of awareness that exists in society and among some of our health professionals and service providers. I hope that today's debate will play a crucial role in raising awareness. The Scottish needs assessment programme reports of 2000 and 2004 were very clear about what needs to be done to improve services. They must now be placed on the soundest possible long-term footing throughout Scotland. The best models are those in which the NHS and local authorities join forces to provide the funding. That is something for which a number of members have called in the debate. I assure them that we will certainly encourage the NHS and local authorities to go down that path, which is the best way of ensuring that services improve throughout Scotland in the way that we all want.

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

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

The deadline for corrections to this edition is:

**Thursday 9 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