

# **MEETING OF THE PARLIAMENT**

Wednesday 17 June 2009

Session 3

£5.00

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## Scottish Parliament

*Wednesday 17 June 2009*

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

### Time for Reflection

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

Good afternoon. We are very pleased to have with us, as our time for reflection leaders, Amy Stirling and Samuel MacKay, who are first-year pupils at Selkirk high school.

**Amy Stirling (Selkirk High School):** As part of our religious and moral education course, the first-year pupils at Selkirk high school looked at the life of Martin Luther King. He was a man with a dream—an inspiring dream that has in part come to pass.

We went on to look at the dreams of other people. Each of us chose someone who we thought had an inspiring dream—for example, Gandhi, William Wallace, Chris Hoy and Jamie Oliver—and we considered how worth while their dreams were. We then began to think about our own dreams and some of us gave “I have a dream” speeches at our school assemblies.

Finally, we began to think about our dreams for Scotland and the people of Scotland. Many different themes came up. For example, we would home the homeless; have less crime on our streets; appreciate and look after our countryside and wildlife; win the world cup, beating England in the final; be a nation known for its giving; produce good scientists who could change the Scottish weather; and be a healthier nation with lots of opportunities for sport.

Samuel will tell us what his dream is.

**Samuel MacKay (Selkirk High School):** I have a dream for Scotland that has three parts to it instead of one, like most dreams that people have.

First, some animals in Scotland, such as wild cats, red squirrels and ospreys, are becoming rare to the point of extinction. There are also some types of animal that are already extinct in Scotland, such as wolves and beavers. So I would like to set up reserves that have animals’ food and surroundings as close as possible to their natural habitat.

Secondly, some children do not get outdoors or out of the cities and cannot do the things that they would like to. By helping animals and making reserves, children can go to the reserves and have fun, and also learn how to look after animals.

Thirdly, people need to help stop crime in Scotland because crime is bad and there have been a lot of knife and theft crimes.

Having animal reserves and getting children to help out at the reserves will get them involved rather than getting bored and going out with knives and doing bad things. So my dream helps animals and children, and helps reduce the level of crime.

## Business Motion

14:33

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-4407, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme for this afternoon.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Wednesday 17 June 2009—

after

*followed by*            Stage 3 Proceedings: Scottish Local Government (Elections) Bill

insert

*followed by*            Ministerial Statement: Repossessions Group Final Report—[Bruce Crawford.]

*Motion agreed to.*

## School Building Programme

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement from Fiona Hyslop on the school building programme. The cabinet secretary will take questions at the end of her 15-minute statement and therefore there should be no interventions or interruptions during it.

14:33

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** Last year we pledged that we would announce the next part of our school building programme to take forward major new capital investment in schools through the Scottish Futures Trust. I can make that announcement today.

It is the right of every pupil to be educated in a good-quality school that is fit for purpose. I can report that this Government is providing funding that has already helped to lift 50,000 pupils out of poor-quality buildings and that council school building programmes are on track to lift another 50,000 out of poor-quality school buildings by 2011. [Applause.]

With our local government partners we are addressing the legacy of underinvestment during the 1970s, 1980s and 1990s, when schools were being replaced at an unsustainably low rate. The previous Administration addressed the situation by supporting the new build or refurbishment of around 320 schools in the first eight years of devolution. The current Administration is providing financial support for 250 new or refurbished schools in the current four-year session. [Applause.]

Today, I can announce our next steps towards improving school buildings. In addition to the capital funding that goes to local authorities to support school buildings, the next phase in our drive to improve Scotland's school buildings will be a new, £1.25 billion national programme to build new schools across Scotland, delivered in partnership with the Convention of Scottish Local Authorities and local authorities through the Scottish Futures Trust. [Applause.]

**The Presiding Officer:** Cabinet secretary, I must interrupt you. I asked that there be no interruptions or interventions. That applies as much to applause as to sedentary interventions. I would be grateful if we could please hear the rest of the statement in relative silence. Thank you.

**Fiona Hyslop:** The new school building programme will be managed and supported by the SFT, with work beginning as early as next year.

In addition to the record funding already set out in the local government settlement, the Scottish Government will provide almost two thirds of the overall funding support, or £800 million, towards this £1.25 billion school building programme. Government funding will initially be provided as direct capital grants, but comparable revenue funding to support off-balance-sheet schemes to the same value will be an option where appropriate.

We said that we would match the previous Administration's school building programme brick for brick and we are doing that—and more.

Under its partnership agreement, the previous Administration promised to renew 100 schools between the end of 2006 and 2009. Not only have we matched those commitments, but we have already exceeded them. Councils have completed well over 150 school rebuilding or refurbishment projects since May 2007. With this Scottish National Party Government supporting £2 billion of capital investment in schools alone, at least 250 new or refurbished schools will be delivered by 2011.

Now we will go even further. Our new £1.25 billion school building programme will support authorities in building around 55 new schools—approximately half of which will be secondaries and half primaries. That will see up to 35,000 pupils benefiting from being educated in brand new, state-of-the-art classrooms.

Let me be clear: this new building programme will be in addition to the capital allocation that will be made to councils as part of the normal annual budgetary process, with those new resources adding to the maintenance of local authorities' share of the overall capital budget. That is what COSLA and the councils have been asking for: additional funding to support the school building programme. That is what we are responding to and delivering.

All told, the investment will also boost economic activity by continuing to support tens of thousands of construction jobs across the country, helping families and communities and contributing to economic recovery.

The school building programme will be taken forward in partnership with COSLA and councils. The concordat already commits the Government and COSLA to doing what is required to enhance learning experiences for children and young people by improving the fabric of schools and nurseries.

In partnership with COSLA, we accepted all the recommendations of Audit Scotland's March 2008 report, "Improving the school estate". We have also worked closely with the Association of Directors of Education in Scotland, the Society of

Local Authority Chief Executives and Senior Managers and the Scottish Futures Trust, on a new school estate strategy.

On our taking office in 2007, there were around 260,000 pupils in poor classroom accommodation—category C or D schools. By 2011, that figure should be down to around 100,000. I pay tribute to the focus of councils and to their investment decisions that will help to achieve that. With today's announcement, the figure will then drop by another third to around 65,000. When we publish the new school estate strategy jointly with COSLA in September, we will be setting out a long-term ambition to wipe out poor school accommodation altogether.

Since May 2007, this Government has signed off eight local authority public-private partnership/non-profit-distributing projects involving 49 schools and we have substantially increased the overall capital resources available to authorities. Funding the full programme of 30 such projects means that this Government is having to find around £60 million more per annum than was included in the funding baselines inherited from the previous Administration. We honoured those payments to ensure that all the schools in the pipeline went ahead. Such behaviour is the hallmark of the Government. We said that we would match the previous Administration's commitments brick for brick and we have done so.

We have gone further. In total, local authority capital funding will amount to £2 billion over the two-year period from 2008 to 2010. In 2008-09, that represents £82 million, which is 9.5 per cent more than in 2007-08, and the 2009-10 figure is £99 million, which is 10.5 per cent higher than that in 2008-09.

I am pleased that schools and communities throughout the country are already benefiting from accelerated capital investment in education of about £75 million. That investment was brought forward as the result of an agreement with COSLA that councils could accelerate capital expenditure from 2010-11 to this year. For example, South Lanarkshire Council has advanced the building of the new Udston primary, which will open a whole year earlier; North Lanarkshire Council has accelerated the construction of three schools and a nursery; and East Renfrewshire Council will commence the replacement of Isobel Mair school early.

Today, we set out the Government's long-term commitment to the school building programme. The new £1.25 billion school building programme will be similar in scale and impact to the Government's other major capital projects—the Forth replacement crossing and the new Southern general hospital in Glasgow. As with those projects, we are making a clear and unambiguous

statement about our future intent: our absolute long-term commitment to work with our local government partners in the interests of all those who benefit from good-quality schools—particularly children, young people and communities.

A new secondary school can cost anything from £20 million to more than £40 million. That represents the single biggest capital investment that some councils ever make. I am mindful of the number of primary schools that are needed but, as their cost is roughly a quarter of that of secondary schools, they present rather less of an affordability challenge for councils. The bulk—almost 90 per cent—of our new funding will therefore be focused on supporting the construction costs of new secondary schools. We will provide two thirds of the costs of new secondary schools and authorities will require to fund one third. We will support the primary school element of the programme on a 50:50 basis, so authorities will be able to fund two primaries at the cost of just one.

The new funding will bring the costs to authorities of replacing the secondary schools that most urgently need to be replaced down to more manageable proportions. It will also help them to accelerate further their primary school replacement programmes. I am conscious that the needs of secondary schools that require urgent replacement—from Lasswade high school in the Lothians to Wick high school in the north, Dumbarton academy in the west and others in between—have been raised often in Parliament. After discussions with COSLA and the SFT, I will be in a position to announce in September which authorities will benefit from the first tranche of secondary schools and to announce by the end of the year those that will benefit from the first tranche of primary schools. Councils will of course decide which schools to replace, but our intention is that councils with the most urgent needs—on the basis of the regularly collected national statistics—should benefit first.

We expect the first phase to be funded through direct capital investment, to allow construction to start on the buildings that most require attention as soon as possible. Through the SFT, different funding models—including the non-profit-distributing model—will be an option for later phases. We are asking the Scottish Futures Trust to provide advice on that. We and the SFT will also discuss funding options with COSLA and the authorities.

**The Presiding Officer:** Excuse me again, cabinet secretary. I have asked for the statement to be heard in relative silence. I hope that that will continue to be the case—I would very much appreciate that.

**Fiona Hyslop:** One key feature of maximising value from the programme will be encouraging the fullest co-operation between all the partners: COSLA, the councils, the SFT and the Scottish Government. Angus Council, East Renfrewshire Council and Midlothian Council are in the vanguard of that, as they have come together to share best practice and to design a common approach to the school building programme with the SFT. That proves how we can deliver more value from the investment. I thank those three local authorities for participating with such commitment in the development of the model that we are taking forward. Their work will underpin the first announcements that we will make in September.

We have made it clear that we have set up the Scottish Futures Trust to maximise value for money from infrastructure investment and to act as a focal point for developing and applying good practice in procuring public infrastructure. The SFT will, therefore, play a central role in co-ordinating, facilitating and managing the new school building programme, working alongside COSLA and councils, whose detailed local knowledge and expertise will be crucial to achieving successful outcomes. We will look to the SFT to develop, recommend and implement approaches that will secure a better school building programme across Scotland and better value for money than could be achieved by each authority working separately. That is precisely what the SFT was set up to do.

Under the Government's Scottish Futures Trust, we will work with COSLA and local authorities to ensure that every pound spent delivers as much public benefit as possible in Scotland as a whole. Instead of each local authority having to reinvent the wheel—instead of duplicating design and other costs—the SFT will enable us to deliver more for less. Because it is involved, we will deliver more schools for taxpayers' money.

The Government has already supported local authorities in delivering more than 150 school building projects. By 2011, the figure will stand at 250. Now we are going further. The new school building programme, with the significant input of Government funding that I have announced, will come on stream next year. The first bricks could be laid in more new schools in communities up and down the land. All of that will be over and above the capital investment that will arm councils with the funding that they need to take forward their own school building programmes.

Working with COSLA and local authorities, we can deliver better school accommodation the length and breadth of Scotland and take the next steps towards ensuring that Scotland's children are taught in quality classrooms, providing a 21<sup>st</sup> century environment in which improved learning

and teaching, through the curriculum for excellence, can equip them not just to survive but to thrive in 21<sup>st</sup> century society.

**The Presiding Officer:** The cabinet secretary will now take questions on issues raised in her statement. We have around 30 minutes for questions, after which we must move to the next item of business. A considerable number of members have indicated that they wish to ask questions.

**Rhona Brankin (Midlothian) (Lab):** I was going to thank the cabinet secretary for giving me advance sight of her statement. However, after more than two years of delay and prevarication, we are still waiting to hear about a single specific school that will be initiated by the SNP Government. Such has been the failure of the SNP to match the previous Executive's school building programme brick for brick that it was forced to trail the announcement at St Kentigern's academy in West Lothian. As an *Evening News* article from 2006 reveals, the refurbishment of that school was commissioned by the previous Labour administration in West Lothian Council, under a Labour-Liberal Democrat Administration in the Parliament.

In the academic world, passing off the work of others as one's own is called plagiarism and merits expulsion. When it comes to claiming school buildings, the SNP engages in parliamentary plagiarism week in, week out, and today is no exception. Today Fiona Hyslop patted herself on the back, claiming the credit for 150 new school building projects, yet last year's Audit Scotland report on the school estate said that councils had already committed to 160 new schools. Far from building new schools, the hapless education secretary appears to have lost 10 in the past year.

What does the cabinet secretary have to say to pupils in my constituency of Midlothian, who could have been preparing to move into a rebuilt Lasswade high and a rebuilt Newbattle high were it not for the SNP's two wasted years of futile attempts to come up with a not-for-profit alternative to PPP? Is she ashamed by her failure to deliver for those pupils? Is the woefully thin statement that she has made today not just further evidence that the cabinet secretary and the Administration have no coherent strategy to deliver the quality school buildings that our young people and teachers deserve?

Finally, if by the time that we reach the 2011 election not a single pupil is sitting in a new school that has been initiated, built and opened by the Government, will the cabinet secretary resign?

**Fiona Hyslop:** I do not think that a £1.25 billion school building programme is "woefully thin". I do

not think that a £2 billion investment in school building—under the current Administration—is "woefully thin".

I have in front of me a letter about West Lothian schools from Mary Mulligan that was sent out to voters during the 2007 election campaign. She said:

"The SNP have committed to scrapping plans for the new Armadale Academy and all future investment in West Lothian's school buildings."

I was indeed at St Kentigern's academy this morning, and I saw the refurbishment there—that was not scrapped. I also note the go-ahead by the local council, in January and March 2008, for £59 million of investment in schools in West Lothian. Furthermore, Armadale academy is being built by an SNP council in West Lothian, supported by funding from an SNP Scottish Administration. Dare I say, perhaps the interests of the pupils of Lasswade would be best served if the constituency member approached the local authority to take part in this wonderful opportunity to take forward a £1.25 billion school building programme.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the cabinet secretary for the advance copy of her statement. It is welcome news that, two years into the SNP Government, we at long last have a plan for new schools. I have to ask: why did it take so long?

The cabinet secretary has told us that the first phase of the new works will be funded through direct capital investment. There is absolutely nothing new in that funding method—there is nothing that could not have been announced two years ago. Will the cabinet secretary now apologise to the pupils, parents and teachers of Scotland for two wasted years of inactivity, during which the construction industry has been crying out for work to offset the effects of Labour's recession?

Can the cabinet secretary tell us what the point has been of all the time, effort, expense and hype that has gone into the Scottish Futures Trust? The SFT is contributing not a penny to the first phase of funding the schools. We were promised that the SFT would save the taxpayer a fortune in costs. When will the SFT live up to all the Government's hype and promises?

**Fiona Hyslop:** I remind the member that the current £2 billion-worth of investment is not just achieving a better working and learning environment for our young people, but supporting the construction industry. It is important to reflect that, even according to today's figures for the year to March 2009, employment in the construction industry in Scotland rose by 1.4 per cent. Clearly, the construction industry is under some pressure,

particularly in private house building, so not only investment in schools, but the Government's investment of £2 billion to local government over the period from 2008 to 2010 alone is providing support for capital infrastructure. It has been vital to keep that investment going, and that is why I refer to the accelerated investment, with £75 million brought forward to support construction jobs.

The SFT most certainly will provide better value for money. Judging from the references that have been made, some of the provisions that were made by previous Administrations were woeful. Labour is now in a minority of one that thinks that PPP and the private finance initiative deliver best value for money. In fact, we need only consider the fiasco in England to see the reality of PFI. Far from the risk being transferred from the public sector to the private sector, the Treasury is having to bail out PFI schemes to the tune of £2 billion this year alone.

The involvement of the SFT in managing and facilitating the programme, and bringing together different local authorities, will provide better value for money. That will ensure that the lessons are learned across the country. Today, we should be celebrating the opportunity for young people to work in the 21<sup>st</sup> century schools that they deserve. The Administration has made progress; today, we are announcing our next steps.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** The focus is of course on the pupils of Scotland. That is why the Liberal Democrats welcome the belated admission by the Scottish Government that more needs to be done in renewing our school estate. That is what we argued for in the budget; it is what we argued for last year and we will argue for it this year.

Unfortunately, the classic SNP response to the issue has been confusion and more assertion. Why was there nothing in the statement about the timeframe? Was the cabinet secretary talking about a programme over one or two sessions of the Parliament after 2011? Will she clearly indicate the timeframe that the programme will cover?

Why was there nothing in the statement about how funding will be considered and distributed? The SFT told the Finance Committee yesterday that it had no idea how that would be done. How long must we wait before there is clarity on the matter?

Why did the cabinet secretary say that East Renfrewshire Council is in the vanguard, when, after a freedom of information request to the SFT we learned that in East Renfrewshire the first school will be ready in August 2013 and the last school will be ready in August 2014? That does

not exactly mean that the council is in the vanguard.

Why did the Government remove the ring-fenced schools fund that it inherited? The fund stood at nearly £100 million immediately before the election. Why did the Government abolish the fund in 2007 and create uncertainty?

The cabinet secretary said that in its first two years of office the Government has signed off 49 school projects that were commissioned by the previous Government. Why will the programme that she announced support authorities in building only 55 schools?

**Fiona Hyslop:** We must reflect on Audit Scotland's report, "Improving the school estate", which was published in March 2008. We accepted all the recommendations in the report. It was clear that Audit Scotland thought that we must take a long-term, strategic view of school building projects in Scotland.

As I said, the Government is supporting local authorities with £2 billion of capital investment. £1 billion is coming through support from national schemes and an additional £1 billion will come through the capital programme, which is supported by the Government. The £100 million from the schools fund has been put into local Government settlement. On top of that, we had to find another £60 million a year, to make up a shortfall on bills that the previous Administration had not paid.

We have taken our responsibilities seriously. Not only have we marshalled projects that were in the pipeline during the previous Administration, and not only have we ensured that there are sufficient resources to build 250 schools during the current Administration, but we have ensured that we have plans for the future, so that there is a pipeline of school projects, to secure the jobs that Murdo Fraser talked about. We have kept up the momentum. We are still building schools.

On timeframes, it is proposed that councils that have the most urgent needs will be dealt with first. We expect the first primary school to be open by 2011 and the first secondary school to be open by 2013.

**The Presiding Officer:** An unprecedented number of members want to ask questions, so I ask for brevity in questions and responses. There should be one question per member.

**Stewart Maxwell (West of Scotland) (SNP):** We have heard doom-laden comments from the Opposition, but I thank the cabinet secretary for her good-news statement and for her commitment to investing in our children's future.

The cabinet secretary said that councils that have the most urgent needs will benefit from the first tranche and that those councils will be

announced in September. How will the decision be made? What criteria will be used for inclusion in the first and later tranches? May I hope that parents and pupils in East Renfrewshire will benefit from that welcome announcement?

**The Presiding Officer:** I think that there were three questions; I would be grateful if the cabinet secretary could give one reply.

**Fiona Hyslop:** We will include in the programme authorities that have been identified by the national assessment as being in most need. In particular, the categories—members will be familiar with the categories of schools—will help to direct our answers.

Local authorities that have been in the vanguard of considering how the SFT can add value might want to ensure that they are included in the programme. It is important to remember that the SFT is already supporting a number of local authority school building programmes.

**Ken Macintosh (Eastwood) (Lab):** We have been waiting for the SFT for two years, but the cabinet secretary seemed unable to name a single school; she merely told us to wait until September.

The cabinet secretary said that an additional 55 schools will potentially be built under SFT. Will any of those schools be built before the next election? It might help if she focuses her attention on East Renfrewshire Council, which she claimed is in the vanguard. Will the pupils of Barrhead and Eastwood high schools and their parents get new schools and, if so, will the schools be built before the next election?

**Fiona Hyslop:** We respect local government. It will be for councils themselves to determine which schools will be in the programme, but we will decide which local authorities will be in the first tranche. With respect, I say to Ken Macintosh that pupils and parents do not care about the timescales for elections; they want new schools to be built. *[Interruption.]*

**The Presiding Officer:** Order.

**Fiona Hyslop:** The investment that we are providing to local government is already producing new schools. I mentioned Isobel Mair school in East Renfrewshire; the building for that has been brought forward from 2010-11 because we have managed to accelerate capital.

We do not micromanage local government, so local authorities will determine which schools go forward for the programme. We have provided the funding for that programme to progress. Perhaps, instead of focusing his attention on the Government, Ken Macintosh could approach East Renfrewshire Council to find out its timescale for deciding what schools, if any, it wants to propose

to take part in the £1.25 billion school building programme.

**Christina McKelvie (Central Scotland) (SNP):** It is refreshing to have a Government that takes the time to get the right solution rather than rushing into a massive mistake. That brings me to PFI. Bad design, poor building and poor value for money have been the hallmarks of PFI and PPP. How will the Scottish Government ensure that Scotland's future schools are well designed, well built and environmentally sustainable?

**Fiona Hyslop:** Christina McKelvie raises an important point about the design of schools. We will work with Architecture and Design Scotland, the Carbon Trust and others to ensure not only that the designs are appropriate for modern-day learning in a 21<sup>st</sup> century environment but that they are energy efficient, which is essential to ensure that they contribute to the climate change challenges that lie ahead.

It is appropriate and important to involve the pupils themselves in the design to ensure that we get quality results. I have visited and, indeed, opened a number of schools that have been started since this Administration came to power. The architecture that could be delivered by listening to the pupils and teachers in those schools delivers results. I expect the SFT to draw on that talent, experience and expertise.

**The Presiding Officer:** I call Andy Kerr, to be followed by Elizabeth Smith. *[Interruption.]*

**Andy Kerr (East Kilbride) (Lab):** My apologies, Presiding Officer. I thought that you called Elizabeth Smith. *[Interruption.]* I tell members to calm down.

**The Presiding Officer:** Order.

**Andy Kerr:** I would hate to go shopping with Fiona Hyslop—she may feel the same about me. She hails the SNP offer of two schools for the price of one as an achievement, but under Labour it was four schools for the price of one. Is she confident that our local authorities can afford to live with the dismal offer that she is making them? Will she confirm that, contrary to what she and, for that matter, the Deputy First Minister have said—and contrary to the views of Mr Swinney and Sir Angus Grossart—the SNP Government will use PPP to fund the schools?

**Fiona Hyslop:** The initial funding will be by direct capital. We will examine other not-for-profit processes in future to get value out of the system, but direct capital investment is the quickest way to ensure that we get the investment that we need.

I heard Andy Kerr say sorry. I am not sure whether that was the first time that I have heard him say that or whether it will be the last time that I hear it, but he might want to say sorry to the

taxpayers for Hairmyres PFI hospital. Evidence to the Finance Committee revealed that an investment of only £8.4 million by financiers is projected to provide a return of £145 million. We do not have to look far to see the flaws of the PFI model. Perhaps the taxpayers of Scotland would prefer not to go shopping with Mr Kerr any more but to look to this Government to implement responsible and prudent financial arrangements for school building programmes.

**Elizabeth Smith (Mid Scotland and Fife) (Con):** The cabinet secretary stated that she will be in a position in September to announce which authorities will be in the first tranche of investment and that that decision will be based on the most urgent need as defined by regularly collected national statistics. What statistical measurements will be used to make that important decision?

**Fiona Hyslop:** Elizabeth Smith raises an important point. I talked about the category C or D schools about which we have concerns. There have been concerns about the surveys and pieces of research that have been undertaken to establish those categories. Indeed, local authorities have re-examined many of them over the past two years.

I do not particularly want to name any schools because I do not want to prejudge what the councils themselves will determine once we have determined which authorities have the secondary and primary schools that are most in need. However, there is currently only one category D secondary school in Scotland—Lasswade high school centre. I have visited that school, so I realise the need that exists there. I hope that Midlothian Council will have the opportunity to make an application in that case, but I do not want to prejudge a matter that is for the council.

I hope that I have given the member some idea of how we will ensure that the schools that are most in need and that have an impact on the greatest number of children—some 35,000 in total—can benefit from the programme.

**Margaret Smith (Edinburgh West) (LD):** I welcome the ministerial statement, which comes after two years of real frustration. In government, the Liberal Democrats acknowledged the important impact of the school building programme on education and the construction industry, so we obviously welcome any movement from the Government now. However, if the investment from the Government is to be £800 million, where will the other £450 million come from? Has COSLA been involved in discussions about that £450 million? Will the money be ring fenced? Finally, my colleague Jeremy Purvis tried and failed to get an answer to this, so I will try again: what timeframe will apply to the £1.25 billion that we have heard about today?

**Fiona Hyslop:** The funding will start from 2010-11 and continue to 2017-18. The first schools to be built will be primary schools in 2011, and secondary schools will be built in 2013. That is on top of the 250 schools that will be built by 2011.

Yes, we have been in discussion with COSLA. I point out that, funnily enough, the £800 million that we propose to invest in the schools building programme equates to the £800 million in cuts that the Lib Dems proposed for the Scottish budget. Therefore, perhaps local authorities will have less difficulty in finding the £450 million to support the programme, given that they are finding £1 billion in the current local government settlement.

Margaret Smith might want to reflect on the situation over the piece: 320 schools were built in the first eight years of the previous Administration; 250 schools will be built over the first four years of this Administration and, going forward, an additional number of schools will be built to replace the worst school buildings that need the most attention. That is the provision that we are making through our £1.25 billion school building programme.

**Joe FitzPatrick (Dundee West) (SNP):** I welcome today's statement, which provides further evidence that the SNP Government is delivering for people across Scotland. What impact will today's announcement have on the Government's aim of reducing class sizes throughout Scotland?

**Fiona Hyslop:** Quite clearly, capital investment for local authorities is already supporting such capital projects. As I said when asked earlier about the schools fund, the local government settlement includes provision to ensure that the £2 billion of capital infrastructure for 2008 to 2010 helps to support any capital investment that is required to support class size reduction. That money will certainly support local authorities. In planning for the primary estate, which accounts for 50 per cent of the schools affected, schools will be designed with a view to ensuring that the classrooms can facilitate smaller class sizes, particularly in the early years.

**The Presiding Officer:** I call Patricia Ferguson, to be followed by Bob Doris.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** In her statement, the cabinet secretary talked about a reduction in the number of pupils who are educated in category C or D schools by 2011. Normally, we would all welcome that, but my constituency will contribute to that falling number next week, when 467 pupils move out of category C and D schools and—for the first time since 1997—into other schools in the area rather than into new schools. Some of those existing schools are, frankly, in not much better condition. What will the cabinet secretary's announcement today do for

the pupils of St Agnes's, St Gregory's, Wyndford and Our Lady of the Assumption primaries in my constituency, all of which are to close next week?

**Fiona Hyslop:** I remind the member that closure decisions are for local authorities. If she is astounded that any council would move pupils out of one category to conditions that are worse than those in the previous school, she should perhaps reflect on whether that shows the priority—or lack of priority—that Glasgow City Council places on its education budget.

Why is it that in neighbouring authority areas such as North Lanarkshire and South Lanarkshire we have large-scale investment in schools that is funded and supported by this Government, not—as Andy Kerr claims—through PPP? Given that that is the case, why does Glasgow City Council say that it has only £5 million available for school building projects? At the end of the day, politics is about priorities. This SNP Government is supporting schools and school education. If the member wants to pursue the lack of priority that Labour-run Glasgow City Council attaches to education, she is in the wrong chamber.

**Patricia Ferguson:** On a point of order, Presiding Officer. I am sorry to interrupt the flow, and I apologise to Mr Doris for doing so, but I would not have done so had I not had to. The cabinet secretary accused me of suggesting that the children who are moving out of schools in my constituency are moving into schools that are in worse condition than the ones that they are leaving. That is not what I said. I said that, in some cases, the condition of the schools that they are moving into is not much better than that of the schools that they were in. For the parents and pupils involved, that is a very relevant difference.

**The Presiding Officer:** That is not really a point of order. You have clarified the point that you believe you made, which is now on the record.

**Bob Doris (Glasgow) (SNP):** Can the cabinet secretary confirm, so that there is absolutely no doubt, that the money that has been announced today is new money and is in addition to future local government settlements? I would like to encourage the Labour council in Glasgow to invest money in the school estate by making a bid to the SFT instead of withdrawing education from communities, as it has been doing—scandalously—recently?

**Fiona Hyslop:** I can confirm that the money that I have announced will be additional to the local government settlement. It is important to repeat that this Government has set out three major capital infrastructure projects, which represent a strategic investment in our future: the Forth replacement crossing, the Glasgow Southern general hospital and the school estate

programme. In doing so, it has provided a vision and a strategy, which the Audit Scotland report that was published in March last year called for. Local authorities across the country might want to reflect maturely not only on the use of money that has already been provided but on the proposals and promises that have been made about taking funding forward.

**Jackie Baillie (Dumbarton) (Lab):** I believe that the cabinet secretary will acknowledge that the previous Administration provided approximately £5 billion for 328 schools and promised an additional 250 schools by 2011. Will she therefore accept that what she has announced today—55 schools, only £800 million and no real end date—falls far short of what is required? Will she also accept that a mere mention of Dumbarton academy is no substitute for an announcement? Will Dumbarton academy be in phase 1? If not, when will we get a new school—in 2017 or 2018? Is it the case that almost two whole cohorts of young people will be consigned to school buildings that continue to fail them?

**Fiona Hyslop:** My understanding is that West Dunbartonshire Council has recently had meetings with local parents about where the new Dumbarton academy will be sited. I also understand that the council has had initial discussions with the SFT. I am not in a position to make decisions for the council, but I have every confidence that it will make the right decisions for pupils in its area.

If the member wants to trade numbers on delivery in the school estate, I can tell her that the rates of progress show that 0.76 schools a week were delivered in the first eight years of devolution, whereas 1.2 schools a week have been delivered during the present four years of devolution. *[Interruption.]*

**The Presiding Officer:** Order.

**Fiona Hyslop:** Can Opposition members not acknowledge that it is about time that we stopped trading statistics on school buildings on a ping-pong basis, year in, year out? We must start to treat the improvement of our school estate as a major infrastructure project for this country. As stewards of this Parliament's funding, we have a responsibility to ensure that we make not just decisions for this year or the year after but strategic decisions. I have made a major infrastructure announcement, and I hope that members will treat it as such.

**Derek Brownlee (South of Scotland) (Con):** Given what has been said about comparable revenue funding, will the cabinet secretary confirm that, in the first phase, the schools that are not funded by direct grant will be off balance sheet?

**Fiona Hyslop:** I can confirm that our initial proposals are for direct capital funding, but over the piece we will be able to take forward other methods of funding, including the non-profit-distributing method in particular. Issues such as what is off balance sheet can be developed as we move forward.

The member will be aware that the advice and guidance from the Treasury on how major infrastructure programmes could be dealt with, given the change to international financial reporting standards accounting by the end of March, came through only on 28 April, which is very late indeed. However, there is no delay in any proposal, which is why we can confirm that we will support the first tranche of schools using a direct capital funding method.

**Sarah Boyack (Edinburgh Central) (Lab):** Will the cabinet secretary tell me when the parents and children of Edinburgh schools will get the new secondary schools that they desperately need? Can she not see that the cuts in financial support that the cabinet secretary has announced today will be met with bitter disappointment in Boroughmuir and James Gillespie's high schools? What is wrong with reports from Her Majesty's Inspectorate of Education that tell us which schools need action now? How can she justify waiting until 2013? I hope that her rate of progress on new schools in the past two years does not include schools that were commissioned by the previous—Labour—Administration.

**Fiona Hyslop:** I am delighted that City of Edinburgh Council is taking forward its proposals for Portobello school. If the member describes £1.25 billion as cuts, she and I must live in parallel universes. If we are talking about priorities for Edinburgh, perhaps Sarah Boyack and other members might reflect on the fact that the £500 million spent on tram works would have built those schools. Politics is about choices, and we are putting our commitment to education first.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The £800 million over the next nine years is enough to build only two-and-a-half academies a year. Aberdeenshire Council alone needs to rebuild six academies. How many of those six academies does the minister believe will be built using the fund if it is enough to build only two-and-a-half academies a year throughout Scotland for the next nine years?

**Fiona Hyslop:** It is important that we reflect on how we are managing to reduce in particular the number of secondary pupils in poor accommodation—I know that the member has an interest in that in his constituency. Fifty new schools, half of which will be secondaries, is a major improvement. The member will know the experience of Aberdeenshire Council—perhaps

there have been long years of neglect. Many local authorities have refurbished all their secondaries. I visited St Kentigern's academy, which will be part of West Lothian's completion of all its secondaries. Some of the responsibility lies with the progress—or lack of it—by Aberdeenshire Council in recent years. Again, that comes down to political choices.

We are providing the opportunity. A number of schools in Aberdeenshire need support, and I anticipate—although I cannot predict—that some of those schools will be part of the first tranche.

**Margaret Curran (Glasgow Baillieston) (Lab):** Today's statement is welcome but it has been met with great disappointment. When Labour and the Lib Dems were in power, we delivered one school a week. In the timeframe that the minister has announced today, it looks like eight a year, although Mike Rumbles might be right and it might be worse than that.

My constituents have seen new school building in their communities come to a halt. Garrowhill primary school in my constituency is in desperate need of replacement. Will the cabinet secretary tell me whether the Scottish Futures Trust will work as a model for the replacement of Garrowhill primary? When can parents at the school reasonably expect a new school to be built?

**Fiona Hyslop:** I invite Glasgow City Council to engage with the Government, COSLA and the SFT to identify whether any of the council's proposals are going forward. I repeat that the previous Administration delivered 0.76 schools a week; under this Administration, it is 1.2 schools a week.

Perhaps Margaret Curran is not aware that we are in a recession. Public finances from the Westminster Government look extremely worrying for all concerned. In the days when Margaret Curran was a minister, the allocation under devolution far exceeded anything that we have now or might anticipate in future. The fact that the Government is prepared to put on the table investment for the future in those difficult circumstances shows the importance that we give to education. In such tight financial circumstances, I would have thought that members of all parties would welcome today's announcement.

**Karen Whitefield (Airdrie and Shotts) (Lab):** The Scottish Government established a joint working group with COSLA to formulate a schools estate strategy. That group has not yet published its findings. Would it not have made more sense for the cabinet secretary to wait until the publication of the strategy, or is the point of today's statement more about getting the cabinet secretary off the hook and covering up the bad publicity over the Government's discredited Scottish Futures Trust than about working

seriously with local government to deliver new schools in Scotland?

**Fiona Hyslop:** I said that the schools estate strategy would be published in September; at the moment, it is nearing its final draft. It is not unreasonable for local government partners to want to identify the financial support that we are prepared to provide for taking the strategy forward. Had the member read the Audit Scotland report, she would know that that is exactly what the report recommended—and we have accepted all 19 of its recommendations.

Perhaps the member can accept that today's announcement of £1.25 billion for the school building programme is good news for Scotland.

**The Presiding Officer:** That concludes the statement and questions on the school building programme. I apologise to the members whom I was unable to call. Four members were still waiting to ask questions.

## Scottish Local Government (Elections) Bill: Stage 3

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-4387, in the name of Bruce Crawford, on the Scottish Local Government (Elections) Bill.

15:21

**The Minister for Parliamentary Business (Bruce Crawford):** I start by thanking the Local Government and Communities Committee for its consideration of and support for this bill. I also thank other members of the Parliament, and people in the electoral community throughout Scotland, for their support for the bill.

The principles set out in Ron Gould's comprehensive report into the 2007 elections met with widespread support. Our response and our subsequent consultation on the Gould report received similar support, and I am pleased to say that support has continued through the parliamentary stages of the bill.

This is a straightforward but important piece of legislation. During the stage 1 debate last month, Gavin Brown went so far as to describe the bill as "vital". I agree with him. The bill separates future local government elections from elections to this Parliament, and it makes more detailed voter information available. Passing this bill will be a significant and necessary step towards improving the administration and management of elections in Scotland.

The bill will remove uncertainty in the polling booth and reduce the potential for confusion among voters in future local government elections. Voters will not be faced with two separate elections using two separate voting systems. Decoupling will also give local government elections the prominence that they deserve: local issues will not be overshadowed by national or United Kingdom-wide issues.

Our aim in future local government elections should not just be to ensure that more people turn out to vote; we need to foster and create a genuine local debate on the issues that matter to local voters. Turnout is important, but we must be ambitious enough to aim higher. We should not just look to increase turnout for its own sake. Ron Gould said that we should look to engage voters with the campaign in a meaningful way and to encourage them to make knowledgeable decisions on the casting of their votes.

Later this year, we will issue a consultation paper covering the remaining administrative recommendations from the Gould report. The paper, and the responses to it, will feed into the

election rules for the 2012 elections. We will work closely with the electoral management board for Scotland on that, and we will continue to work with the Electoral Commission, particularly in the important area of ballot paper design. In its response to the Gould report, the commission agreed to develop design standards for ballot papers. That work will help to ensure that, in future elections, ballot papers are as easily understood as possible.

The Electoral Commission's work will be published later this year. Scottish Government officials have already discussed emerging findings with it, and the political parties panel and the electoral management board discussed that work with commission staff just yesterday. That level of co-operation and involvement is a model of the way in which we should develop electoral proposals in the future.

Concern has been expressed throughout the passage of the bill about the effect on turnout of decoupling. In the context of the bill, we are concerned about the likely turnout in the 2012 local government elections, but the problem of low turnout is already with us.

We all agree that turnout is important and that something needs to be done. With the bill at stage 3, we now have to start thinking about what we can do to improve the situation. I have said before, and I am happy to repeat today, that I look forward to working with the Local Government and Communities Committee and others in Parliament to consider and develop ways of increasing voter turnout.

There is evidence that a combination of initiatives could be used to encourage voters. Information campaigns could be used to explain how to register to vote, and how, when and where to vote. Advertising campaigns could get across the importance of voting, and community or grass-roots activity could encourage groups and individuals to use their vote. This is not just a job for Government and officials; it is a job for everyone in society.

We could use the education system and process to encourage an interest in politics. Schools already have educational visits to Parliaments and hold mock elections, but we need to think about what more can be done. We could hold events around places of entertainment to draw people in and then give them information about the voting process.

We need to encourage individuals to vote, whether through inducements or simply through making the process easier. There are a number of things that might make it easier for people to vote: we could consider electronic voting, the use of the internet or, in the longer term, voting by text. Of

course, security of the ballot will have to be ensured in the safe use of new technologies.

We could consider using texts to issue voting information and reminders to vote. We could consider allowing voting in shops or other public buildings, and mobile polling stations could be introduced. Voting could take place over a number of days or even at the weekend, and we could encourage greater use of postal ballots. Convenience must enhance the voting process. It is important to think about different methods although, as I said, whatever we do must be weighed against the security of the ballot.

The legislation will make things clearer for voters and give local government elections the prominence that they deserve. The challenge for us all will be to ensure that the debate at local government elections focuses on local issues. Turnout is a challenge and a problem, but there is a lot that we can do to put it right.

The bill is the next stage in preparing for the 2012 elections, but there is still a great deal of work to do between now and then. We will do that work in co-operation with the Local Government and Communities Committee, the electoral management board for Scotland and all the professional bodies that are involved in the elections arena.

I move,

That the Parliament agrees that the Scottish Local Government (Elections) Bill be passed.

15:28

**Andy Kerr (East Kilbride) (Lab):** I welcome the minister's speech. There should be a general concern in the chamber that, over its 10 years, this Parliament has spent some time debating electoral processes while presiding over a decreasing level of turnout across the country. Although Scottish Labour does not believe that it is always necessary to hold elections to local councils and the Scottish Parliament on separate days, we recognise that voters found the use of different voting systems on the same day in the May 2007 elections confusing, so we support the decoupling of the elections.

As I have said before in this chamber, so much was wrong with the last set of elections to this Parliament and our town halls that it is pointless to insist that holding the elections on the same day was the sole cause or even the main cause of the voter confusion that prevailed on polling day. We all recognise that we were all responsible for what is now largely regarded as a debacle of an election.

We believe that misleading party descriptions should be done away with and that the names on

the ballot paper should be the names of the candidates, not other people's names. We also believe, as I said during the stage 1 debate, that Parliament should consider listing or grouping candidates by party in alphabetical order on the ballot, as opposed to the current system of election by alphabet, as there is strong evidence that candidates whose names appeared towards the top of the ballot fared better than those whose names appeared at the bottom.

So many things were wrong with the elections—from the use of different electoral systems to the construction of the ballot papers and the failure of the electronic voting systems—that it would take too long to list them all. As the minister said, that was why we had an independent review of the elections, one of the outcomes of which is that we are about to enact a mechanism that will decouple the elections from May 2011. As I have also said, there may be a price to pay for that decision in terms of voter turnout if we do not ensure that the decoupling is accompanied by an imaginative, vigorous and well-resourced campaign of voter education to combat any confusion. However, I am reassured in that respect by some of what the minister has said.

Let us not forget that it was just eight years ago that the then Scottish Executive introduced the Scottish Local Government (Elections) Bill that introduced the measure to make council elections coincide with Scottish Parliament elections. Coupling the elections did not prove a problem in the 1999 and 2003 elections and, as we all know, the electorate did not have much to say then about the coupling of the elections on the same day. That was the correct decision in the prevailing circumstances—in advance of the introduction of proportional representation to local government and barely halfway through the first session of the Parliament—and it sat within the appropriate timeframe and mechanism, but the desired effect was not achieved at the following elections.

In his report, Mr Gould recognised that coupling the elections increased the attention paid to local government elections and the turnout at them, and he balanced his conclusions on those points. I reminded members previously that, prior to the decision to couple the elections, turnout in non-combined local elections between 1974 and 1995 was more than 7 per cent lower than the average for combined elections held since 1999: there was an average turnout of 45.9 per cent in non-combined elections and an average of 53.3 per cent for combined elections. We must learn from that and ensure that, after the bill is enacted, we have a vigorous and effective voter education campaign, and that we work our hardest to ensure that we challenge the problem of lower voter turnout.

The issue is, of course, electoral systems, but it is more than that. For example, it is no coincidence that Eastwood, with its predominantly affluent electorate, had the highest turnout at the previous elections, while Shettleston in Glasgow, with its well-documented levels of deprivation, had the lowest. Increasing voter understanding and encouraging greater participation in the Shettlestons of Scotland is a priority, and it must be undertaken by the Electoral Commission on our behalf.

In addition, voter turnout is falling in different electoral systems across the world. The task is to combat voter cynicism, restore faith and trust, make issues relevant and make access to voting easier. We will have that kind of campaign before the next Scottish Parliament elections and we will learn what needs to be learned for the local government elections the year after.

We support the proposal that the next council elections should be held in 2012 and 2017, and agree that there should be a four-year cycle for local government elections thereafter. That will ensure less voter confusion and allow greater focus on local government issues. As we saw recently, when the council elections in England were held at the same time as the elections for MEPs, many good councillors, from whatever party, who had worked hard and served their communities nonetheless lost their seats because of the effect of national issues. We need to understand the impact of that.

**David McLetchie (Edinburgh Pentlands)**  
(Con): It was your councillors.

**Andy Kerr:** That happened to many Tory councillors in Mrs Thatcher's day, Mr McLetchie.

We must remind ourselves of Duncan McNeil's point that

"a vote robbed through clever practice is simply a vote lost, and that that affects the electorate's confidence in the electoral process."—[*Official Report*, 10 January 2008; c 4998.]

Further, we should not forget Ron Gould's wise words from his report:

"In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper."

That is our task and our objective, which is partly realised today.

15:34

**David McLetchie (Edinburgh Pentlands)**  
(Con): In the stage 1 debate on the Scottish Local Government (Elections) Bill, I spoke about the background to the proposal to decouple the

elections and the history of recommendations from a string of independent committees, which the previous Labour and Liberal Democrat Scottish Executive totally ignored. It ignored the McIntosh committee, the Kerley committee and the Arbuthnott committee. However, no one in the Parliament, not even the previous Administration, could ignore the debacle that surrounded the combined Scottish Parliament and local government elections of May 2007.

When the Gould report on those elections also recommended decoupling, it was inevitable that it would come to pass. However, it is worth while recalling that the rationale for decoupling rests not on the efficient conduct of elections to separate bodies, on the different voting systems or on the number of spoiled ballot papers, but on the view—expressed again and again by McIntosh, Kerley and Arbuthnott—that local authority elections deserve to have their own day in the sun so that there can be a greater focus on local issues in determining the outcome.

McIntosh said that holding the two elections on the same day serves

“to weaken the democratic mandate of local government.”

Kerley said that separate elections

“would ensure that local government issues are at the heart of local government elections”

and that that was

“an essential part of democracy and democratic renewal.”

Arbuthnott said that separation would allow

“attention to be focused on local issues.”

Finally, Ron Gould said:

“If local issues and the visibility of local government candidates are viewed as a primary objective, then separating the ... elections is necessary ... to avoid the dominance of campaigns conducted for the Scottish parliamentary contests.”

I could not agree more with all those conclusions.

It is worth while reminding ourselves why council elections are important in their own right. In our 32 councils, we elect 1,222 councillors who represent 353 wards. Councils spend nearly £17 billion per annum, of which £12 billion comes from the Government. That is about a third of the expenditure for which the Parliament is responsible. By any stretch of the imagination, councils are substantial bodies that are responsible for a wide range of public services on which the quality of our lives depend heavily.

However, the benefits of separate elections might be severely curtailed if councils are not given the freedom to pursue their own policy paths. In that context, the Government has made much of the substantial reduction of ring fencing.

We support that reduction. However, the other side of the concordat equation is that councils are now bound every year into so-called single outcome agreements, which have to be focused on 15 outcomes and 45 targets and indicators, all of which are nationally determined, as well as on the separately specified set of commitments.

It is an interesting debate for the future to consider whether we have abolished a lot of small ring fences only to create an even bigger and all-encompassing one. If councils are to have a separate and distinct democratic mandate in point of time, is it not reasonable for them to decide whether to introduce free school meals for all pupils in primaries 1 to 3 rather than have that dictated by the national Government? There might be many other areas in which a local education budget could be spent far more usefully than in feeding the children of parents who can well afford to feed their own offspring. That is one small example, but there are many others in which local priorities might vary from those that are dictated under the terms of the concordat to which our councils foolishly signed up in their entirety.

However, the passing of the bill today will be a vindication of all that we on the Conservative benches have said in the Parliament for the past 10 years. It will be another victory for the Conservatives and will show once again that we are winning the battle of ideas on how Scotland should properly be governed. I support the motion.

15:38

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I do not think that anyone will be surprised to hear that, although the Scottish Liberal Democrats do not oppose the Scottish Local Government (Elections) Bill, we have serious reservations about it. Our reservations focus on the fact that, in decoupling the local government elections from the Scottish Parliament elections, we risk having a negative impact on voter turnout on election day.

The Gould report recommended that we should decouple the elections, but I am afraid that, in introducing the bill, the Government failed to recognise Gould's other recommendation that concerns about voter turnout should not be ignored. Ignoring the concerns is precisely what the Government is doing. Gould said that institutions that are concerned about voter turnout should continue their efforts to encourage voters to exercise their right to vote, but the bill does not provide for that.

The irony of the bill is that it aims to avoid confusion in the voter's mind by decoupling local government and Scottish parliamentary elections when, in fact, it was not the local government

elections but the Scottish parliamentary elections that Gould found to have confused the voters. The people of Scotland coped very well indeed with the single transferable vote system used in the local government elections.

**David McLetchie:** Will the member give way?

**Mike Rumbles:** No—the member has had his say.

Voters easily understood the system of preference voting, putting their first, second and third choices in order on the ballot paper. What caused confusion in voters' minds was not the use of two different election systems at the same time, but the voting system for the Scottish Parliament with its use of two Xs on the ballot paper to elect constituency MSPs and regional list MSPs. Therefore, although the bill is aimed at decoupling the two elections, the fault remains uncorrected.

**Bruce Crawford:** Mike Rumbles has given us a lot of reasons why the Liberals should not vote for the bill. Will he give us a few reasons why they will vote for it?

**Mike Rumbles:** If the minister listens to what I have to say, he might be able to work them out.

We know that voters can find the single transferable vote system, with its simple method of putting down 1, 2 or 3 beside the candidate of preference, very easy to use. Indeed, it could not be easier.

**Andy Kerr:** Will the member give way?

**Mike Rumbles:** Unfortunately not. I am running out of time.

The system has the added advantage of putting more power into the voter's hands than any other method of voting. After all, the voter can decide to vote for candidates of different parties and is not restricted simply to voting a party line—which is probably why some of the other parties do not like it. Every preference counts and no vote is ever wasted. I cannot think of a better system for encouraging and ensuring enhanced voter turnout at election time.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Will the member give way?

**Mike Rumbles:** I would take an intervention, if I did not have only 60 seconds left.

I understand that the Scottish Parliament does not yet have the power to change its own voting system. However, the Calman commission has recommended that such a power be transferred to us in this chamber. That reform cannot come too soon, because I am convinced that implementing the Calman recommendation and changing the system for Scottish Parliament elections to the STV system of preferential voting would at a

stroke increase voter involvement and hence turnout.

The Scottish Liberal Democrats support the bill, with all its faults, and look forward to the day when legislation comes before this Parliament to ensure real voter involvement and an end to the system of two types of MSP once and for all. We need the STV preferential voting system that is used in local government elections. Only once we have it can we really say that we have improved the system of elections in Scotland.

**The Deputy Presiding Officer (Alasdair Morgan):** We move to the open debate. I ask members to keep their speeches to four minutes.

I should also say that, although stage 3 debates are usually wide ranging, it would help if members made more than a passing reference to the Scottish Local Government (Elections) Bill.

15:43

**Tricia Marwick (Central Fife) (SNP):** I assure the chamber that it is a great pleasure to speak in this debate and that I will speak about the subject. After all, when the bill is passed at 5 o'clock, Scottish Parliament and local government elections will be separated.

Indeed, as someone who since 1999 has spoken in every chamber debate on this subject, I am particularly pleased to speak in this stage 3 debate. I will be more generous than David McLetchie and acknowledge that the Conservatives have contributed as much as the SNP to the debate on separating local government and Scottish Parliament elections. I am delighted that the SNP Government has adopted a commonsense approach and done the right thing by the voters and local government.

In the stage 1 debate, I mentioned the support for the move from McIntosh, Kerley, Arbutnott and now Gould. As for Andy Kerr's comment that the decision taken in 2001 to combine both sets of elections was the right one, I have to tell him that it was not and that it was certainly not supported by anyone who examined it before or after 2001.

I regret the wasted years during which Labour and the Liberal Democrats opposed the decoupling of the elections. I bitterly regret those parties' failure to decouple the 2007 elections, when a new voting system was introduced for local government, despite the warnings about the chaos that would ensue. That was precisely why, when the motion to pass the bill that introduced proportional representation through the single transferable vote was debated, I lodged a reasoned amendment saying that the two sets of elections should be decoupled. It is regrettable that the Labour Party and the Liberal Democrats

did not take the opportunity then to separate the two sets of elections, but it gives me no pleasure to say, "I told you so." I welcome the belated support from Labour and the Liberal Democrats for the separation, but I must say that Mike Rumbles gave every impression of being dragged kicking and screaming to support the bill. It is clear that, even now, after all that has happened in the ensuing years, Mike Rumbles personally does not believe that the two sets of elections should be separated. Every single word that he said confirmed that.

Why is it important to hold the local government elections in a different year from the Scottish Parliament elections? Scottish local government is a separate tier of government. It is not subservient to the Scottish Parliament; it has powers of its own and responsibilities for housing, education, social work, planning and other issues that affect the daily lives of millions of people in Scotland. Indeed, I venture to say that there is no power of local government that does not affect the lives of ordinary people in Scotland. It has statutory powers. Councillors and councils deserve to have their record decided on by the electorate, but no one could examine the elections of 1999, 2003 or 2007 and say honestly that local government issues featured in the campaigns.

The SNP Government has respect for local government. That led to the signing of the concordat between the SNP Government and Scottish local authorities. The SNP believes in the parity of esteem between the Scottish Government, the Scottish Parliament and local government.

Councils must have their own democratic mandate. The challenge for politicians of all political parties and none is to engage with voters and increase turnout. We will do that only if people believe that their participation will make a difference. PRSTV will help to ensure that we have a fair voting system and that every vote counts. I look forward to a proper information campaign before the next local government elections because, frankly, such a campaign was missing in 2007. Members might say that there was an information campaign, but few people out there understood it, so the message did not get across.

I congratulate the minister and the Local Government and Communities Committee on ensuring that the bill has received a smooth passage. I am delighted that, at long last, local government will have its day in the spotlight.

15:48

**James Kelly (Glasgow Rutherglen) (Lab):** I welcome the opportunity to take part in this stage

3 debate. I do not want to repeat what I said in previous debates, so I will use the opportunity to reflect on some material that I have not used and to draw on some of the lessons from the European Parliament elections.

I reiterate that the decision to decouple the elections is correct—anyone who experienced the 2007 elections and the confusion at the polling stations would agree. When we watched the votes being counted and saw the way in which people had attempted to record their votes, it was clear that there had been a great deal of confusion throughout the country. On the back of that, it is correct to separate the elections. We do not want to put people off voting, but we might do so if we create a situation in which they have to cast too many votes and we use a system that is too complex for some people.

There are issues about voter turnout for the stand-alone council elections in 2012. By then, we will have had four years of elections in a row. Data show that council elections tend to have the lowest turnout. In order to give our democracy credibility, it is crucial for all parties that we maximise voter turnout. We saw that recently in the context of the European elections, where one of the consequences of low turnout was the election of two British National Party members to the European Parliament. Everyone in the chamber would agree that that is a retrograde step. I say in passing that the PR system used in the European Parliament elections helped to deliver that outcome. Had we used the old system of protecting links between members and constituencies, the BNP might not be represented in that Parliament.

**Margo MacDonald (Lothians) (Ind):** Although I regret saying it at this stage in our consideration of the bill, the way in which television in particular promotes and publicises elections influences turnout to a much greater extent than we in the Parliament estimate.

**James Kelly:** I agree with Margo MacDonald that the way in which television and the media present information to voters has a great deal of influence. That brings me to my next point, which is about the importance of education in relation to the 2012 elections and the challenge facing all political parties to interact with the electorate to increase voter turnout.

If we use modern techniques and—more important—get the issues right, people will turn out to support us. There is an issue in my constituency about a local pharmacy application, about which I will speak later in the members' business debate. I recently ran a survey on the subject. I sent out letters to 1,200 people and nearly 40 per cent of them—more than 400 people—returned their answers. More people in that area responded than

voted in the recent European elections. That demonstrates that when we speak out on issues, people interact with the political process and politicians.

I agree with the provisions in the bill and I will support it at 5 o'clock.

15:52

**Bob Doris (Glasgow) (SNP):** Decoupling the local government and Scottish Parliament elections is vital. The equality of status and esteem that this Scottish Government has been developing with the Convention of Scottish Local Authorities via the concordat and single outcome agreements means that local government and Scottish Parliament elections must have equal status. Having both elections on the same day has led to local government issues being swamped by national ones. We must ensure like never before that just as Governments should stand or fall on their records, so should our councils.

It is ironic that two aspects of today's parliamentary business that I have been involved with make the case for me. First, we took evidence at the Local Government and Communities Committee on the £60 million town centre regeneration fund. Alex Neil, the Minister for Housing and Communities, said he hoped that there would be a healthy geographical spread of successful bids to the fund. However, he also made it clear that the quality of the bids was crucial. If a local authority were to make a poor and unimaginative or disappointing bid and it lost out, voters might wish to express an opinion about it at the ballot box.

Secondly, we had a statement on the Scottish Futures Trust and the school building programme only this afternoon. If a local authority does not make best use of its capital budget or makes a botched job of a Scottish Futures Trust bid, once again the electorate might wish to express a view at the ballot box. I picked those two examples not just because of their topicality, but because they are both Scotland-wide issues and, on another level, intimately local ones.

Decoupling will allow voters to decide clearly on the merits of both national Government and local government. Although the topics debated might sometimes be the same, the performance of Governments, Opposition parties in the Parliament and local authorities will vary depending on the topic under discussion. Decoupling will enhance the clarity and the scrutiny of their performance. Indeed, it might allow some local authority electorates to wake up and smell the incompetence

At the Local Government and Communities Committee, much was made of the significant

numbers of spoiled papers at the local government elections, despite the fact that there were considerably more spoiled papers in the Scottish Parliament elections. We believe that there was much below-the-radar spoiling of ballot papers in the local government elections, which was caused by misunderstanding. Many voters marked 1 and 2 on the paper and then, because of poor numeracy and literacy skills, marked 2 again. That did not count as a spoiled paper as long as the first preference vote was cast successfully. There is obviously an iceberg-type issue with spoiled papers at local government elections.

I congratulate the Parliament on moving towards decoupling, but I ask the Government to ensure that there are decent public information campaigns to reduce the incidence of spoiled ballot papers.

15:56

**Mary Mulligan (Linlithgow) (Lab):** As a member of the Local Government and Communities Committee, I think that the bill has been straightforward to consider. Perhaps that is because I spent two years on the former Justice 1 Committee, which considered bills such as the Family Law (Scotland) Bill and the Scottish Commissioner for Human Rights Bill—which became the Scottish Commission for Human Rights Act 2006—which were anything but straightforward. However, even when a bill appears straightforward, it is important that it is scrutinised properly. I hope that the Parliament will accept that the Local Government and Communities Committee members took their role seriously and scrutinised the bill properly.

As has been said, the bill has two policy objectives: the decoupling of the Scottish Parliament and local government elections; and the provision of post-election information. I did not have time to say much about the provision of post-election information at stage 1, other than to express my support for it. At present, polling information is made available only down to ward level. Section 2 of the bill would permit Scottish ministers, via a Scottish statutory instrument, to allow returning officers to publish information down to polling station level. People might be suspicious about why we would want such information, so it should be made clear that how individual voters cast their vote would not be revealed. Establishing a numerical threshold of 200, as indicated by the Scottish Government, will ensure that how a person votes is still secret. That must be made clear, given that one of the reasons for the bill is to restore confidence in the election process. The secret ballot is important in allowing everyone to accept an election's legitimacy.

I turn to the decoupling of the Scottish Parliament and local government elections. I said

during the stage 1 debate that I did not think that it was impossible to hold two elections, even using different voting systems, on the same day. If it was, we would have to legislate to that effect, but we are not doing so—local government elections could still be held on the same day as Westminster and European elections. However, I acknowledged that faith in the electoral process had been undermined by the problems of the 2007 elections. Therefore, I, and fellow Labour members, have supported the bill.

However, I still believe that the Scottish Government has to respond to a couple of points to ensure the smooth running of future local government elections and to start to rebuild confidence in the electoral process. First, some people have argued that the two elections must be held together to raise turnout and that changing that would affect turnout. I do not believe that there is a risk just to turnout in local government elections—although, given that the Presiding Officer told us that we are debating local government elections, I shall refer only to them.

There is a responsibility on us all to make renewed efforts to increase turnout. One way to aid that is to improve voter education about how STV works. I take issue with Mike Rumbles's earlier comments, because I do not think that people are fully conversant with the process.

Fewer local government election ballot papers were spoiled in 2007 but, as Bob Doris said, that masked a clear amount of misunderstanding. Given that, what resources will the Scottish Government make available to help the education process? How does the Government intend to undertake that work?

In the stage 1 debate, I made it clear that I shared the concerns that were being voiced about the adequacy of funding for local government elections. I think that all members accepted the necessity to use e-counting, but can the minister provide more information than he provided at stage 1 about how much e-counting will cost? The general administration of an election will fall to local authorities, and no cross-subsidy will be available from a Scottish Parliament election. Will the Scottish Government give an assurance on the record today that it will fully fund local government elections?

The bill was not amended at stages 2 and 3, but some issues have still to be resolved to assure fully those who make the effort to cast their vote that their vote will count.

16:01

**Patricia Ferguson (Glasgow Maryhill) (Lab):** As we all know, the bill had its genesis in the problems that were encountered following the

combined elections in 2007. I am sure that none of us wants a repeat of that situation, not just because of the time that we all spent at counts becoming increasingly frustrated at the lack of progress, or even because of our concern—which was right—about the hours that returning officers' staff were required to work.

Our main concern must be with what will maximise voter engagement and turnout. The elector must be at the heart of the decisions that we take. Like others, I am sceptical about the benefits of decoupling local government elections from Scottish Parliament elections. That is the right thing to do at this stage, but I fear a resulting decrease in turnout. I am willing to support the proposal to decouple in the sincere hope that it will work for turnout and will give a focus to local government.

I am sure that we all want local government to have its day in the sun, as one member put it. However, as the recent European elections showed, national events throw elections off course. Just because we want to talk about the Parliament's issues or our council colleagues want to talk about the issues that affect their local authority areas, that does not mean that that is what the media will report or what electors will cast their votes on.

**Margo MacDonald:** Will the member give way?

**Patricia Ferguson:** I do not have time—I am sorry, Ms MacDonald.

The first step towards the goal of increasing turnout must be examining voter registration. The Local Government and Communities Committee heard about innovative ways of registering voters. For example, we heard of a local authority area in which 200 new voters were registered because of work that was done in secondary schools with young people who were attaining voting age. In my local authority area—Glasgow—students are registered automatically when they matriculate. In that context, the bill that is going through Westminster to introduce individual rather than household registration will be helpful.

In recent years, we have expected much of electors. We have expected them to cope with more elections and we have introduced two new voting systems. Perhaps we must think even more about facilitating voting. I am pleased with what the minister has said today and to the committee about the work that he is progressing. However, the committee heard from witnesses that the system of information officers in polling stations in 2007 had mixed results—my experience bears that out. The majority view was that the idea was sound but that a bit more consistency would have made a difference. The view of most witnesses whom the committee questioned was that we

should continue with information officers at least until the election systems had bedded down, but that we had to provide better training for such officers and for voting booth staff and other polling station staff, because people often ask them questions and do not always approach information officers. I would be pleased if the minister and the Government developed that in conjunction with local government colleagues, but I acknowledge that a cost is associated with the measure.

Similarly, costs will be associated with decoupling and with e-counting. Given that the local government elections in 2012 will take place on the same day as the London Assembly elections, the cost of e-counting will be a major consideration.

I accept that in committee the minister said that he and his officials planned to get on with the project as soon as possible. I hope that he will be able to tell us what progress has been made on commissioning the e-counting system. I would also be grateful if he would advise us of whether he is beginning to have meaningful discussions with Scotland's local authorities about the many issues that were raised with the committee in relation to the loss of the economy of scale that applied to the previous combined elections.

In spite of my slight reservations, I will support the bill at 5 o'clock.

16:05

**Jim Tolson (Dunfermline West) (LD):** This afternoon we have had an interesting, if brief, debate on an important matter, especially for our local government colleagues up and down the country. Professor Ron Gould's report, which I and other members of the Local Government and Communities Committee considered, highlighted a number of key issues. I invite the minister when summing up to indicate which of those issues the Government intends to pursue—I hope that it will pursue as many as possible.

One issue that the committee discussed a great deal but which has not been touched on at all in this debate is the costs of decoupling. There is no doubt that decoupling the local government and Scottish Parliament elections will increase costs—possibly by circa £5 million. We need to ensure not only that that money is available but that the sharing out of resources between local government and central Government is properly thought through and that an excessive burden is not imposed on local government. Andy Kerr said that he sought a well-resourced voter education campaign. That is important, but it must be properly focused if it is to be at all successful.

Decoupling has been backed by members of all the parties represented in the chamber, by the

Gould report and by bodies such as Unison and the Electoral Commission. I hope that the minister will support the process. It is correct that we should move from the present system to a four-year cycle of local government elections between Scottish Parliament elections, which also have a four-year cycle. We should do so in stages, as has been suggested.

Another issue that was raised in committee but which has not been raised today is e-counting. As we all know, in 2007 e-counting was extremely controversial. I am slightly bemused by the suggestion that it will be used only for local government elections. Electronic counting is essential under the STV system that is used in those elections, if votes are to be counted timeously and properly. I ask the minister to indicate in his summing up how we will evidence the fact that e-counting problems have been overcome if there are no more large-scale e-counting elections until 2011.

Under the bill, the Government will carry out a consultation, which is welcome. We look forward to working with the Government on ways of increasing voter turnout. Mr Crawford highlighted some examples, which was helpful. However, we need to gain the public's confidence. One way in which all of us can do that is by changing people's attitude that all politicians are in it for themselves. In Falkirk and elsewhere, we need to engage with the public and to show them that they are getting value for money from their representatives.

Ron Gould, who is an international expert in elections, produced a hefty report for the committee to consider. Going through the document was a time-consuming but interesting process. The report recommended the appointment of a chief returning officer for Scotland. As my colleague Mike Rumbles indicated, the Calman commission may be the key to helping us ensure that we have full control over elections in Scotland, including control over the appointment of a chief returning officer.

Postal voting, and even advance-voting strategies, as used in other countries, should be considered as ways of making the voting process more effective. Andy Kerr sought engagement with people; David McLetchie argued that it was necessary for the Scottish Parliament elections and local government elections to be separated. I ask the minister to ensure that those points are fully researched and that all helpful suggestions are put into practice as soon as possible.

In recent years, the Lib Dems have changed their position on the decoupling of local elections from Scottish Parliament elections. We have done so because we have much greater respect for local government and our local government colleagues than some colleagues have sometimes

shown. We have shown that respect, and we have ensured that information is available. We have not tied local government, like the Scottish National Party has done, to unrealistic manifesto pledges, or indeed to complicated single outcome agreements—as was touched on by David McLetchie.

I understand that my time is up. Thank you, Presiding Officer.

16:10

**Gavin Brown (Lothians) (Con):** This has been a strange debate, in a way, as nothing has really changed since the stage 1 debate on 14 May. For that reason alone, I quite enjoyed the rather shameless infomercial for STV from Mr Rumbles. However, I am not quite sure that it was grounded in reality.

As Bruce Crawford agreed, this is a vital bill for Scotland. It is unlikely to grab the headlines, but it is critical for restoring faith in democracy in Scotland. It will do so in two ways, I believe. First, it will reduce voter confusion and, as a consequence, the number of rejected ballot papers will reduce. Secondly, and just as important, the bill will strengthen local government and make it accountable to the people that it seeks to serve.

The policy now has overwhelming support. It has been policy for the Conservative party—and for Tricia Marwick—for quite a number of years. I think that the Greens, too, signed David Mundell's initial proposal for a member's bill. The decoupling of the elections was recommended in the McIntosh, Kerley, Arbuthnott and Gould reports. It is interesting to note that there have been no divisions at all on the bill, either at stage 1 or in the Local Government and Communities Committee. I am sure that members are listening to this debate, and I am also fairly sure that the bill will be passed this evening, also without division.

It is now important to focus on what the next steps might be. A number of speakers have touched on that, some in more detail than others. The Achilles' heel of the bill is the potential—I stress the word “potential”—for reduced voter turnout. It is important to note, however, that Ron Gould himself said:

“In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper.”

I do not believe that voter turnout is the only show in town, although it is clearly critical. Other members have alluded to the decline in the number of votes in local government elections. Turnout was about 51 per cent in 1974; it dropped

to about 45 per cent in 1995. It is a matter of fact that, in 1999—the first year in which the two sets of elections were coupled together—turnout rose from 45 to 58 per cent. However, it then dropped back to 49.8 per cent just four years later. It is fair to suggest that coupling the elections improved turnout, but it does not automatically follow that turnout will go down if we decouple them. There is the potential for that to happen, but if the right structures are put in place, it can be avoided.

Efforts need to be made instantly to ensure that turnout in local government elections remains as high as it is—or higher—so that local government is truly accountable. I have reflected on some of the comments that Bruce Crawford made. At least he already has some ideas on the table, such as better adverts, grass-roots campaigns, a better schools programme, making it easier to vote and voting over a number of days, which I suspect might be tiring for campaigners and candidates, although it would perhaps make things far easier for voters. I am not sure whether the ideas that are on the table are the right ones, but it is incumbent on all of us in the Parliament and in the wider Scottish electorate to try to ensure that voter turnout does not drop as a consequence of the bill.

The STV experiment was not the heralded success that the Liberals have portrayed. The rate of rejected papers trebled between 2003 and 2007.

We will support the bill, but further action will be required as we consider turnout and voter education.

16:14

**David Whitton (Strathkelvin and Bearsden) (Lab):** In the stage 1 debate on the bill, I said that we were debating democracy. Since then, we have had democracy in action, with the European elections and a local election in my constituency, following the sad death of the former provost of East Dunbartonshire Council, Alex Hannah. I pay tribute to him for his long and dedicated service, both to his constituents and to the Labour Party.

Alex Hannah was a hard act to follow, but Labour selected an excellent candidate. Polling took place on the same day as elections to the European Parliament. We will agree to the decoupling of elections at decision time today, so it is interesting to note what happened. In the local council by-election, turnout in the Bishopbriggs South ward was 38.3 per cent. Some 9,463 people were eligible to vote in the ward and 3,622 turned out on the day. The Labour candidate, Alan Moir, received 1,401 first-preference votes—a 38 per cent share of the vote—and was elected after the fourth count-back.

The eligible electorate in the East Dunbartonshire constituency was 79,702 and 27,127 votes were cast, so turnout was 36.5 per cent. Therefore, in the area in which there was a contest to elect a local councillor, turnout was marginally higher than it was in the European elections in the rest of the constituency. I do not know whether turnout was lower than 40 per cent in both cases as a result of voter apathy or because there is less interest in European elections. In the joint Scottish Parliament and local government elections in 2007, turnout was 60.6 per cent, which is considerably higher. It is worth noting that only 52 ballot papers were spoiled in the local government by-election, which was conducted under the STV system, and that turnout in the Bishopbriggs South ward in the joint Scottish Parliament and local government elections was 58.5 per cent.

Be that as it may, the bill has been debated and decided on. Labour will support the decoupling of the local government elections, and the next two elections in which we choose councillors will take place in 2012 and 2017.

During the stage 2 debate on the bill, the Minister for Parliamentary Business, Bruce Crawford, was put under pressure to tell the Parliament who will pay the additional costs of decoupling. According to the explanatory notes, the joint elections in 2007 cost £6.6 million. The notes contain various estimates of the cost of decoupling and present two scenarios. In the worst-case scenario, the additional cost to local authorities is estimated to be £5 million, on the basis that local authorities already have nearly £2 million in their allocations to cover elections—that might come as a surprise to local authorities, but who knows? Mr Crawford says that the money is there. The best-case scenario puts the cost at £4.5 million. According to the explanatory notes,

“the average additional cost per local authority will ... be £156,000”.

However, the caveat is added:

“The average figure is ... for illustrative purposes only.”

It is a pity that the Scotland Office has said that it does not intend to use e-counting in the next Scottish Parliament elections. In principle, I see nothing wrong with electronic voting. The key is to have a reliable system. It was the lack of reliability that was at fault in 2007.

**Margo MacDonald:** Reliability is essential, but there must also be the correct specs. That is difficult to anticipate.

**David Whitton:** I am not sure what the member meant by “the correct specs”. I thought that I was wearing the right specs—

**Margo MacDonald:** I was talking about specifications for the counting machines. They are not big enough.

**David Whitton:** I am sure that Margo MacDonald will forgive me for having a bit of fun with her.

**Margo MacDonald:** Always, always.

**David Whitton:** I agree with Margo MacDonald that we must have a reliable system. Computers can give out only information that is fed into them, as everyone should know. They are not human.

I welcome the Scottish Government's intention to work in partnership with local authority returning officers to put in place an e-counting system in time for the local government elections in 2012.

Mr McLetchie and Mrs Marwick gave the I-told-you-so speeches that we have come to expect from them. Bob Doris mentioned the town centre regeneration fund. I, too, hope that there will be a healthy geographical spread of successful bids to the fund, and I hope that Kirkintilloch in East Dunbartonshire will benefit. Mary Mulligan and Patricia Ferguson talked about costs. Mr Rumbles eulogised about STV but did not say whether he supports alphabetical listing.

**Mike Rumbles:** I prefer random selection to a particular approach to listing candidates.

**David Whitton:** I welcome that clarification.

Labour welcomes the bill and will give it our full support at decision time.

16:19

**Bruce Crawford:** A great number of points were raised in the debate. I will do my best to cover as many as possible, but I might not be able to cover every one of them.

David McLetchie and Tricia Marwick did their best to hide their gloating glands on this occasion—not successfully, I must say. I guess that their views could be boiled down to, “I told you so.”

Andy Kerr did the best job that he could of explaining why Labour has changed its mind on decoupling and did it with some honesty, if not always the humility that we expect from him.

Mike Rumbles managed to go through his whole speech saying why he was opposed to the bill. I heard nothing at all that indicated that he would support it.

**Mike Rumbles:** I did say that.

**Bruce Crawford:** I invite him to intervene and repeat it.

**Mike Rumbles:** If the minister had listened to my speech, he would have heard me say that we would support the bill.

**Bruce Crawford:** I tried hard to listen to Mike Rumbles, but all that I could see was every sinew in his body saying that he wanted to vote against the bill. He is obviously being whipped today, even though he is the whip himself.

Mr Rumbles mentioned the Calman commission. I suggest that he read its report. He might fall asleep after a couple of pages, but it is worth getting up to speed on the issue. Calman proposes the transfer of only the administration of Scottish elections; he does not recommend that Westminster should transfer the legislative responsibilities for the electoral system in any way—whether the voting system, the voting age or the number of MSPs.

**Mike Rumbles:** Do not be defeatist.

**Bruce Crawford:** Mike Rumbles should know by now that I am never defeatist. I am in a minority Government of only 47 members out of 129. It would not pay to be defeatist in those circumstances.

As everyone knows—we have been through the issues on a number of occasions in the parliamentary process—the financial memorandum contains the costs of the bill's proposals for decoupling. I tell Mr Whitton that those estimates were agreed by the electoral management board for Scotland. The Government has already made a commitment to meet the additional costs, and I repeat that commitment to Mary Mulligan.

The Government has also made a commitment to meet the costs of e-counting. Those will be determined by competitive tendering, which will begin in the autumn. I hope that that more up-to-date information helps Mary Mulligan.

We will also run information campaigns in co-operation with the Electoral Commission. Costs will be discussed with COSLA at the appropriate time.

**Margo MacDonald:** I appreciate that there will be official information campaigns, but will the minister also take on board the requirement to talk seriously to the media that cover and publicise local government elections, to try to get them to refocus on those elections and not the outcome of the next general election?

**Bruce Crawford:** I will do my best as long as Margo MacDonald and everyone else do the same. If we all did that, we might have some impact, but she knows as well as anyone else how the media work.

We have met the electoral management board to develop the functional specifications for the e-counting system. Work is under way to tender for that in the autumn. In addition, we met officials from the Greater London Authority to discuss managing the risks of holding the two e-counts on the same day, which we recognise.

Jim Tolson asked whether e-counting will work. I guess that testing, testing, testing and then even more testing will be how we find out whether it works. We will have 12 to 15 months before the elections in 2012 to make that testing work on as many occasions as we can.

Members such as Andy Kerr and Mike Rumbles mentioned the ballot paper. It is the means by which most people take part in the political process, so it must be as easy to use as possible and we need to ensure as far as we can that it is. As Andy Kerr said, the work that the Electoral Commission is doing in that regard is vital.

We know that turnout is not a problem just in Scotland; it is a problem worldwide. However, there are some exceptions that show that it is not impossible to achieve high turnout. We should see what we can learn from other countries, and we have started to examine the worldwide activity. We are considering some case studies and examples of effective practice and imaginative initiatives. A number of approaches that have been taken elsewhere could be adopted in Scotland.

Several members referred to turnout in the European elections earlier this month. The average turnout across Europe was 43 per cent, whereas turnout in the United Kingdom was only 34 per cent. In Scotland, the average turnout was 28.6 per cent, with East Renfrewshire and East Dunbartonshire achieving turnouts of 36 per cent and North Lanarkshire and Glasgow managing turnouts of only 22 per cent and 23 per cent. Overall turnout for the European elections was disappointing. Excluding countries that use mandatory voting, 14 member states experienced falls in turnout and 10 member states managed to increase turnout. However, those 10 included some notable exceptions: Estonia achieved an increase in turnout of more than 17 percentage points compared with 2004 and Denmark's turnout increased to 60 per cent, which is an increase of almost 12 percentage points. What are those countries doing differently that is increasing turnouts to that level?

**Margo MacDonald:** Does the minister really want an answer to that question?

**The Deputy Presiding Officer:** Order. The member will wait until she is called.

**Bruce Crawford:** Given that I have only six minutes, I should perhaps now conclude.

Like previous parliamentary consideration of the bill, today's debate has demonstrated the cross-party support that exists for decoupling. I have enjoyed working with the Local Government and Communities Committee on the bill at stages 1 and 2, but it is now time to move on. We all agree on the benefits of decoupling, but decoupling of itself will not ensure effective and well-run elections. The bill will also provide for the publication of more detailed vote information—on which very little has been said today—at polling station level rather than at ward level. That will increase the transparency of our electoral processes without compromising the secrecy of the ballot.

I recommend the decoupling bill to Parliament.

## Repossessions Group Report

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a statement by Nicola Sturgeon on the repossessions group's final report. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

16:27

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Last week, the Scottish Government published "Repossessions Group—Final Report", which was the culmination of four months' hard work by independent experts. I record my thanks to the group and its chair, Adrian Stalker. I very much welcome the report and I have already committed to take forward its recommendations. Some of those can be dealt with immediately and others will require more work, but we will take action on all of them. All the recommendations are important in ensuring that we protect families who are at risk of losing their homes.

Let me highlight two key recommendations that are intended to enhance the legislative protection for home owners who are at risk of repossession. The first will enhance protection under the Mortgage Rights (Scotland) Act 2001. Under that act, Scottish home owners already have protection that enables them to seek from the court a suspension of repossession to allow them more time to find a solution to their payment difficulties. That provides greater statutory protection than exists elsewhere in the United Kingdom. However, that protection is taken up in only a small minority of court actions, and not all repossessions involve court action. Therefore, the repossessions group has recommended that we introduce legislation to allow the protection that is available under that act to apply more widely.

The group has recommended that all repossessions, with only a few specific exceptions, should go to court. We intend to take forward that recommendation, subject to consultation—as recommended in the report—on the impact on the smooth running of other court business and on home owners. For instance, we must recognise that it would be wrong to prolong a process that will, regrettably, inevitably end in repossession. We should help everyone we can but, unfortunately, some people might not be able to sustain home ownership in the longer term. Therefore, we must ensure that we do not increase their debt and distress by delaying the inevitable. We must also ensure that their transition into a sustainable form of housing is as smooth as possible.

The second key recommendation that I want to highlight will ensure that repossession is the last resort. There has been much discussion—much of it ill informed—of the pre-action protocol that was introduced by the English judiciary last year. Some have seen the protocol as the be-all and end-all. Others, including the experts on the repossessions group, have considered the issue more carefully and have not recommended a pre-action protocol for Scotland.

The group has noted that the English protocol does not have any substantive legal effect and does not affect the rights of either the borrower or the lender. It also noted that, because the Council of Mortgage Lenders' guidance, which was issued on the same day as the protocol, applies across the UK, any limited benefit that it has will apply in Scotland anyway.

The group has therefore opted for a more radical option. It has recommended that the Scottish Government should introduce legislation that would impose legal obligations on lenders to show that they had considered every reasonable alternative to repossession, and to ensure that the extent to which they had done so would be considered as part of the court process. That would give Scottish families, unlike families in England, protection with legislative backing.

I am pleased to confirm that we will legislate to implement those recommendations. I am grateful for Labour's early commitment to support a bill and can confirm that, over the summer, we will assess the practical implications for the courts and will take account of the findings of the Gill review on the scope that exists for improved handling of housing cases. We will introduce a bill after the summer recess.

Turning to other recommendations in the report, I asked the group to consider other measures beyond legislation, so its report contains a range of other recommendations on, for example, the provision of debt advice, mortgage support schemes, and legal aid and advice. Time will not allow me to cover all those matters in detail, but I will deal with some of the main points.

The group has highlighted the importance of free, independent debt advice. We, too, are clear about the importance of the provision of appropriate advice at an early stage. That is why we provided an additional £1 million to Citizens Advice Scotland to increase the capacity of face-to-face debt advice services. It is also why we supported a £400,000 television and online advertising campaign for the national debtline, which was designed to encourage people to tackle their debt problems as soon as possible to avoid escalation towards repossession.

However, we should do more, which is why I am announcing an additional £250,000 to help advice agencies to reassure clients about the quality of their information and advice services through accreditation against the national standards, as recommended by the repossessions group.

The group has welcomed the help that has been provided through our £35 million home owners support fund, which is enabling hundreds of families to remain in their homes. Our new mortgage to rent and mortgage to shared equity schemes now offer earlier access to people who are in difficulty and, unlike mortgage rescue schemes elsewhere in the UK, they are not restricted to people who are in priority need under homelessness legislation.

However, our budgets are not limitless, so it is right that we target funding towards those families in greatest need—those who are least able to trade down in the housing market. I do not apologise for that, but we are and must remain flexible. People who have particular housing needs due to disability may be considered eligible even if they do not meet the price threshold.

Applications under the new schemes have almost doubled compared with the same period last year. We have already received 220 applications, 130 of which are being processed. A number are already at the landlord selection stage and only 14 have been deemed ineligible due to price. There have been claims that our schemes are impossible to access, but those statistics clearly suggest otherwise. As far as completed cases are concerned, 120 families have been helped in Scotland since January, whereas only two have been helped in England since the launch of the mortgage rescue scheme there.

Given that we have always said that we will keep our schemes under review and that the repossessions group has emphasised the importance of our doing so, I am pleased to announce that the first review will take place in August. By then, we will have enough data to assess the take-up and rejection rates, and will have a robust evidence base for any adjustments. In that review, we will consider any relevant evidence from advice agencies or others.

The repossessions group has recognised that court procedures can be intimidating and confusing and has recommended changes to simplify the process and facilitate the provision of legal advice. We have already made available an additional £3 million over two years to expand in-court and other legal advice services. I am pleased to say that we agree that the group's recommendations on clear advice, lay representation, clustering of cases and pro-forma applications should be implemented.

From April, we substantially increased the upper disposable income limit for civil legal aid from £10,306 to £25,000. That means that around three quarters of all adults in Scotland are now potentially eligible for legal aid. There are many myths about legal aid, particularly on the operation of clawback. However, the repossessions group has made some useful recommendations to overcome concerns. We will work with the Scottish Legal Aid Board to take forward action on those recommendations.

The report welcomes lenders' commitments to help home owners in difficulty but also urges continued restraint. That is extremely important, and it is a message that we will take forward strongly in ministerial meetings with lenders.

Of course, implementation of the repossessions group's recommendations will build on other measures that have put Scotland ahead of the rest of the UK in supporting those at risk of repossession and homelessness. For example, we have implemented section 11 of the Homelessness etc (Scotland) Act 2003. From 1 April, lenders have been required to inform local authorities when taking court action for repossession, which enables earlier support to be provided. It now looks like the UK Government will follow our lead on that, too.

This Government is committed to protecting Scottish families in the economic downturn and beyond. I look forward to working with colleagues throughout Parliament to achieve that in the weeks and months ahead.

**The Presiding Officer (Alex Fergusson):** The cabinet secretary will now take questions on issues raised in her statement. We have just over 20 minutes for such questions, after which I must move to the next item of business.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I welcome the statement and the report and thank the working group for its hard work. I regret, however, that there has been a delay in getting us to this stage, which is nothing to do with the work of the group. I acknowledge that there are families who have lost their homes in the eight months since the issue was first raised with the cabinet secretary.

I am slightly disappointed that the cabinet secretary once again seems to be showing insecurity on the issue and that she seems to feel obliged to continue to criticise what is happening in England. I would have hoped that she would find the grace to acknowledge that there has been cross-party support for many of the working group's measures and—from the outset—for legislation to ensure that repossession is a last resort. The working group has recommended a number of measures, including legislation, that we

have been asking for all along. I again confirm that Labour members will work constructively to ensure that appropriate legislation is passed as quickly as possible.

Recommendation 8 of the report calls on the UK Government to ensure maximum take-up of its mortgage support scheme, but the report does not call for the maximum take-up of the Scottish Government's scheme that I am sure the cabinet secretary wants. Will she outline the specific action that she intends to take to promote maximum take-up of the Scottish Government's scheme?

With section 11 of the Homelessness etc (Scotland) Act 2003 now commenced, local authorities should be aware of repossessions three weeks before a decree can pass. Is the cabinet secretary confident that each local authority has in place a system of support for people who face repossession? Has she been reassured that all local authorities have allocated sufficient funding? How does she intend to monitor the effectiveness of local authority activity?

**Nicola Sturgeon:** I thank Cathy Jamieson for her questions. First, there has been no delay; we took the decision in January to set up the repossessions group to take a considered view of the action that is required to provide greater protection to home owners. Incidentally, Cathy Jamieson may care to recall that back then, Labour did not ask for legislation; it asked for a pre-action protocol, which the working group considers to have no substantive legal effect. Legislation is the preferred option.

I do not feel the need to criticise what is happening in England. However, the Labour Opposition here seems determined, at every turn, to run down what we are doing in Scotland by saying that it is inferior to what is happening in England. That is factually not the case, as I demonstrated in my statement, so it is incumbent on me to point that out.

Cathy Jamieson raised some important issues. For example, it is important to ensure maximum take-up of the home owners support fund. In partnership with Money Advice Scotland, and in order to increase awareness and understanding of the fund among advice agencies, we have been running a number of information sessions around the country. More than 100 organisations and 250 practitioners have attended those sessions, which has been important in ensuring their awareness of the fund. They, in turn, will be able to ensure that people who might benefit from the fund become aware of it, too.

Cathy Jamieson asked about the compliance of local authorities with section 11 of the Homelessness etc (Scotland) Act 2003. As she is

well aware, it is incumbent on every local authority to ensure that it puts in place the systems and resources to ensure that the benefits of the legislation are realised in practice. If she wants to bring to me evidence that local authorities are not doing that, I will be more than happy to look into the matter.

**Jamie McGrigor (Highlands and Islands) (Con):** I thank the cabinet secretary for advance sight of her statement. I am amazed by her information that the mortgage rescue scheme that is being run by the Labour Government in England has helped only two families. That is extraordinary. I am sure that the cabinet secretary will agree that repossession is the end of the world for many hard-working families, wherever they happen to live, and so must always be a last resort.

The cabinet secretary said that she is flexible about the home owners support fund, especially in relation to disabled people who do not meet the price threshold. I am glad about that. However, does the cabinet secretary note the information from Citizens Advice Scotland that four out of five people who are affected think that the changed scheme has worsened the situation because it appears to be based on postcodes rather than on actual need? It is impossible for many people who are in genuine need to access the scheme. Will she therefore consider re-evaluating the arbitrary property price ceiling of £100,000?

**Nicola Sturgeon:** On Jamie McGrigor's point about the UK Government's scheme, I merely gave the figures that we have—it is not for me to defend or attack that performance. All I am saying—I will say it again—is that the performance of our schemes appears to be much in excess of the performance of the UK Government's scheme.

Jamie McGrigor made important points about the price threshold. I have read the survey in today's *Herald*, and I repeat the assurance that I gave in my statement: as we review the eligibility criteria, we will take into account all existing evidence. There is no arbitrary £100,000 ceiling on the value of property and it is not true to suggest that there is. Eligibility for the fund takes into account local variations in house prices and the size of the property. It is crucial that 2007 house price levels are used as a base because that is when house prices were at their highest. I will explain briefly the rationale behind price thresholds, which Shelter, in its briefing for MSPs in advance of my statement, welcomed and supported in principle. The rationale is that we ensure that we target resources—which are not limitless—at people at the bottom end of the market who have no other options. People in higher-value properties have the option of trading down, but people at the lower end do not. It is therefore right that we target our resources.

I challenge some of the information that has appeared in the media today, and which is not the same as statistics that we have. I do not have time to go into it all now, but we are committed to keeping the issues under review. As I have said, the first review will be in August. All concerns and issues will be taken into account.

**Ross Finnie (West of Scotland) (LD):** I, too, am grateful to the cabinet secretary for the advance copy of her statement, and I welcome the publication of the working group's report. I do so because, until she appointed the group, I felt that she was being unnecessarily defensive about the nature and extent of the measures that are available to the citizens of Scotland. The group has made 13 recommendations, which I think justifies the concerns of all members of Opposition parties that more needed to be done.

I welcome, too, the cabinet secretary's undertaking to proceed with legislation for the extension of the Mortgage Rights (Scotland) Act 2001, so that it applies more widely, and her undertaking to impose legal obligations on lenders to show that they have considered every reasonable option. I welcome those moves because, although the guidance that is issued by the Council of Mortgage Lenders is all very well, it does not govern everyone who lends. In particular, it does not govern those who exploit people.

The cabinet secretary said that she will work with the Scottish Legal Aid Board. I hope that she will also work with others, because the recommendations in the report call for the engagement of others in the professions and other citizens. Simply discussing with SLAB how it will exercise its discretion will not make that process more transparent, nor will it make more solicitors engage in the process.

**Nicola Sturgeon:** I thank Ross Finnie for expressing his support for the actions that I outlined in my statement. However, with the greatest of respect to Ross Finnie—I genuinely have the greatest of respect for him—I must say that appointing a group of experts of the range of those who were on the repossessions group, and inviting them to take a no-holds-barred look at the matter and to make recommendations, can be described as many things, but I do not think that it constitutes defensiveness. I simply make that point.

Ross Finnie will appreciate that, when we are considering changes to legal aid rules, one of the key players must be the Scottish Legal Aid Board. However, he was right to point out that it is not the only player that matters if we want to ensure that the rules work as we want them to, and that the flexibility and discretion that are inherent in them are being used to the full. I assure him without difficulty that we will engage with the full range of

players and practitioners as we take forward the recommendations.

**The Presiding Officer:** We move to open questions. If we have brief questions and brief answers, we will get everybody in.

**Sandra White (Glasgow) (SNP):** The pre-action protocol has been presented by some people as a panacea for all repossession problems. For the sake of clarity, will the cabinet secretary say what impact the pre-action protocol has had since its introduction and what support there has been for it among stakeholders?

**Nicola Sturgeon:** I have made my views on the pre-action protocol known. I accept that some of us might just have to agree to differ on the issue.

A range of experts and stakeholders—not just the repossessions group—have expressed the opinion that the pre-action protocol makes no difference whatever to the outcome of cases. Sandra White was right to point that out. The judge who drew up the protocol said that it did not change the powers of the courts. Also, Ian McQueen-Sims, an established debt expert—I had not heard of him before but, nevertheless, I am told that he is well versed in such issues—described the protocol as being

“about as much use as a chocolate teapot”.

Obviously, I would use much more careful language than that.

More pertinently, the May/June 2009 issue of Shelter's magazine *Roof* had an article in which caseworkers—people who work on the front line—expressed reservations about the protocol's effectiveness in protecting people. All in all, I think that the repossessions group and the Government are right to go for the better option of statutory protection.

**Mary Mulligan (Linlithgow) (Lab):** In answer to a previous question, the Minister for Housing and Communities said that he expected 600 people to benefit from mortgage to rent and mortgage to shared equity schemes over two years. In today's statement, the cabinet secretary said that, over 12 months, there had been 120 successful applicants. Is she concerned that the number is falling short despite obvious growing need? What will the Scottish Government do to increase the number of successful applications? In particular, how will advice services be resourced to offer the necessary support?

**Nicola Sturgeon:** Based on my arithmetic, we are well on track to reach that figure of 600. Perhaps Mary Mulligan would care to go back and check that.

If more members—I am deliberately looking in the direction of the Labour seats—were to talk up

and point out the benefits of the home owners support fund instead of continually trying to run it down, perhaps we would get more people to apply to it. The work that we have been doing with advice agencies to raise awareness, which I spoke about a few moments ago, is really important. I encourage all members to add to that work by raising awareness among their constituents.

The financial support for the mortgage to rent scheme when this Government took office was £10 million a year, whereas the support is now £35 million over two years, which is a real sign of this Government's commitment to helping the people who are most in need.

**Bob Doris (Glasgow) (SNP):** On the other steps that the Government is taking to help home owners, can it be estimated how many families overall may be able to stay in their homes because of the Scottish Government's extensive actions?

**Nicola Sturgeon:** That is a valid question, and I am more than happy to take it away and see what work we can do to assess that figure. Bob Doris rightly made the point that the Government is already taking action across a range of fronts to help people who are at risk of repossession. Sadly, neither this nor any Government will be able to help everybody who is in mortgage difficulties—that is a sad fact of life. However, we should and will do everything that we can to ensure that we protect as many people as possible.

**Margaret Curran (Glasgow Baillieston) (Lab):** Further to the cabinet secretary's answer to Jamie McGrigor, will she reflect on the work of Govan Law Centre? She clearly values the work of people who have experience on the front line; it is fair to say that all members would acknowledge that Govan Law Centre has substantial experience of working on the front line. The evidence in the centre's survey is disturbing in that it indicates that the majority of people who applied for assistance were, in effect, excluded from the home owners support fund. Will the cabinet secretary instruct her officials to engage with Govan Law Centre? It is all very well for us to pat ourselves on the back and think that we are doing terribly well, but when the evidence on the streets of Scotland tells us that things are not as they seem, should not the cabinet secretary be prepared to listen?

**Nicola Sturgeon:** Margaret Curran will be aware that I value and support all organisations in Govan and engage with them as often as I can. Govan Law Centre is no different. Mike Dailly from the centre has met the Minister for Housing and Communities and has discussed the issues with officials. If she had been listening to my statement—I am sure that she was—she would have heard me say that, as we review the

eligibility criteria for the scheme, we will take into account all evidence, including the evidence in Govan Law Centre's survey.

Having read the survey, I point out that it contains, I think, some factual inaccuracies. The survey used a sample of 25 advice agencies; I do not for a minute denigrate their opinions, but in our work to raise awareness of the scheme we have heard from 100 organisations and more than 250 practitioners. I will not say that none has raised issues about the scheme's operation—of course they have, which is why we must keep the scheme under review. I do not, however, think that they painted the same picture as the law centre's survey.

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Does the cabinet secretary agree that, to an extent, the situation that we face is symptomatic of the fact that there has been such a focus on home ownership? Unfortunately, that focus has sometimes been about borrowing being forced on those who can ill afford such high levels of indebtedness. Does she view the current situation as a warning? Does she agree that a proper balance between home ownership and prudent and safe rental needs to be restored?

**Nicola Sturgeon:** Yes, I do, which is why this Government is investing record sums in affordable housing for rent. It is why we have our fund to kick-start a new generation of council house building, which entails building hundreds of council houses, compared with the six council houses that were completed under the final four years of the Labour-Liberal Administration. I therefore agree whole-heartedly with Jamie Stone's point. The repossessions group did not have time to go into the matter in detail, but it raised the issue of people in social rented accommodation—as have Shelter and other stakeholders—who are at risk of eviction because of the economic downturn. We require to do further work in that area, too.

**Hugh Henry (Paisley South) (Lab):** Will the minister revisit the valuation limits that are being used in Renfrewshire, which are, according to Renfrewshire citizens advice bureau in Paisley, preventing access to the mortgage to rent scheme? Will she consider giving tenants legal rights in order to protect those who faithfully pay their rent only to find that they face eviction because unscrupulous landlords are not paying their mortgages, as reported by Renfrewshire law centre?

**Nicola Sturgeon:** I am not sure whether Hugh Henry was in the chamber for my statement. If he was, he would have heard me say that we will keep the eligibility criteria, including the price thresholds, under review. The first review will be in August, and any evidence that members feed in to that will be welcome.

Hugh Henry's second question relates to the comment that I made to Jamie—I almost forgot his name there.

**Members:** Stone.

**Nicola Sturgeon:** I said that I almost forgot his name.

I believe that Alex Neil has already given Hugh Henry a commitment that we will examine the matter. There is an issue about whether enough protection is offered to people who live in private rented accommodation if the owner defaults on mortgage payments. I give an undertaking that we will continue to examine that.

**Margo MacDonald (Lothians) (Ind):** I welcome the cabinet secretary's statement and I am glad that the group that first brought the matter to the Government's attention has been given some recognition for the part that it played.

Like Hugh Henry, I am concerned about the eligibility criteria. I think that the cabinet secretary will understand that concern, given the level of house prices in Edinburgh in 2007, which she said would form the basis for access to the various schemes. I would like an assurance that the anomalous nature of the market in Edinburgh will not mean that Edinburgh householders find themselves at a disadvantage.

**Nicola Sturgeon:** That is a fair point. The price thresholds are set according to local circumstances. Because house prices have come down since 2007, more properties will come within the price threshold than might previously have been the case. However, we will continue to keep the matter under review.

As Shelter rightly says, price thresholds exist to ensure that we target support at people at the lowest end of the market—those who do not have other options. I have already given a commitment to keep that under review and I will be happy to feed into that review the comments of Margo MacDonald and other members.

## Scottish Parliamentary Contributory Pension Fund (Trustees)

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of motions S3M-4388 to S3M-4391 inclusive, in the name of Mike Pringle, on behalf of the Scottish Parliamentary Corporate Body, on the appointment of fund trustees of the Scottish parliamentary contributory pension fund.

16:58

**Mike Pringle (Edinburgh South) (LD):** I have much pleasure in proposing the appointment of Ross Finnie, Alasdair Morgan, Bill Aitken and David Stewart to become fund trustees of the Scottish parliamentary contributory pension fund. I am delighted that they are taking over that onerous occupation from the Scottish Parliamentary Corporate Body.

I move,

That the Parliament appoints Bill Aitken MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

That the Parliament appoints Ross Finnie MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

That the Parliament appoints David Stewart MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

That the Parliament appoints Alasdair Morgan MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

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

## Business Motions

16:58

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of motion S3M-4408, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which seeks to make a substitution in standing orders for the purpose of allowing the Parliament to meet at 9 am on Thursday 25 June 2009.

*Motion moved,*

That the Parliament agrees that "9:00" be substituted for "9:15" in Rule 2.2.3 for the purpose of allowing the meeting of the Parliament on Thursday 25 June 2009 to begin at 9.00 am.—[*Bruce Crawford.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-4409, also in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which seeks to suspend standing orders for the purpose of members' business on Thursday 25 June 2009.

*Motion moved,*

That the Parliament agrees that Rule 5.6.1(c) of Standing Orders be suspended for the purpose of Members' Business on Thursday 25 June 2009.—[*Bruce Crawford.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of a further business motion, S3M-4410, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 24 June 2009

9.15 am Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Climate Change (Scotland) Bill

2.30 pm Continuation of Stage 3 Proceedings: Climate Change (Scotland) Bill

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 25 June 2009

9.00 am Parliamentary Bureau Motions

*followed by* Scottish Labour Party Debate: Calman Commission Report

*followed by* Standards, Procedures and Public

Appointments Committee Debate:  
Hybrid Bills

11.40 am General Question Time  
12 noon First Minister's Question Time  
*followed by* Members' Business  
2.15 pm Themed Question Time  
Health and Wellbeing  
2.55 pm Ministerial Statement: End Year  
Flexibility  
*followed by* Stage 1 Debate: Arbitration (Scotland)  
Bill  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time

Wednesday 2 September 2009

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Scottish Government Business  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business

Tuesday 3 September 2009

9.15 am Parliamentary Bureau Motions  
*followed by* Scottish Government Business  
11.40 am General Question Time  
12 noon First Minister's Question Time  
2.15 pm Themed Question Time  
2.55 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business—[Bruce  
Crawford.]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-4411, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 1 of the Public Services Reform (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that consideration of the Public Services Reform (Scotland) Bill at Stage 1 be completed by 18 December 2009.—[Bruce Crawford.]

16:59

**Iain Smith (North East Fife) (LD):** It is almost exactly a year since the Parliament voted against the financial resolution of the Creative Scotland Bill, which resulted in that bill falling. At the time, all parties in the chamber were willing to work with

the Government to find the best way of rescuing and taking forward the legislation for creative Scotland and we were constantly assured that the Public Services Reform (Scotland) Bill would be the quickest way of doing that. In fact, we were promised that the bill would appear in February, but it did not appear until 28 May.

We are now being told that stage 1 of the bill will not be completed until 18 December 2009, which is just before the Christmas recess. Actually, I think that the Government must mean 17 December, which is the last sitting day before that recess. That means that stage 2 cannot commence until at least 19 January 2010 and that the earliest that stage 3 can be held is 3 February if—and only if—the lead committee requires only a day to consider stage 2 amendments. As a result, the earliest that royal assent can be given is 3 March. That means that creative Scotland cannot be in place by next April, despite Mike Russell's promise in his statement of 2 April that

"Creative Scotland will come into being in the first half of next year—subject, of course, to the final decision of Parliament."—[Official Report, 2 April 2009; c 16426.]

It seems unlikely that it will come into being until very late in the first half of next year, at best.

Creative Scotland has run into more and more delays because the Government is unwilling to work with other parties on resolving the situation. Why is it taking so long for the legislation to come forward, and why cannot the Parliament resolve creative Scotland's problems to ensure that we get that vital body in place to help our cultural sector and our cultural bodies a lot sooner than this Government is managing to do through its incompetence?

17:02

**The Minister for Parliamentary Business (Bruce Crawford):** I do not think that Mr Smith's speech actually challenged the motion, so I am not sure that it was in order as far as the process is concerned. However, I will respond to the points about the process.

When the Public Services Reform (Scotland) Bill was put before the Parliamentary Bureau this week, all party members of the bureau agreed the timetable. Indeed, before it reached the bureau, it was agreed with the Finance Committee, the Education, Lifelong Learning and Culture Committee, the Health and Sport Committee and the Rural Affairs and Environment Committee. I should also point out that a deadline is only a deadline; it all depends on what the parliamentary committees do and the amount of scrutiny that they wish to undertake, but the time allocated does not need to be fully exhausted.

In any case, what Mr Smith has told the chamber is far from new. Back in January 2009, John Swinney wrote to the Presiding Officer, clearly explaining that the implications of the delay to creative Scotland would depend on the outcome of the Public Services Reform (Scotland) Bill, and saying that it would be fully established in the first half of 2010. I do not think that anything has changed, so I do not know why we are having this debate.

**The Presiding Officer:** Before I put the question, let me say that I consider Mr Smith's speech to be perfectly within the allowable parameters.

The question is, that S3M-4411, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 1 of the Public Services Reform (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that consideration of the Public Services Reform (Scotland) Bill at Stage 1 be completed by 18 December 2009.

**The Presiding Officer:** The next item of business is consideration of business motion S3M-4412, in the name of Bruce Crawford on behalf of the Parliamentary Bureau, setting out an extension of the timetable for stage 1 of the Criminal Justice and Licensing (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that consideration of the Criminal Justice and Licensing (Scotland) Bill at Stage 1 be extended to 30 October 2009.—[Bruce Crawford.]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:04

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of six Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-4413 to S3M-4418 inclusive, on the approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the draft Licensing (Mandatory Conditions) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Environmental Liability (Scotland) Regulations 2009 be approved.

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

That the Parliament agrees that the draft Planning etc. (Scotland) Act 2006 (Consequential Amendments) Order 2009 be approved.

That the Parliament agrees that the draft Town and Country Planning (Charges for Publication of Notices) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 be approved.—[Bruce Crawford.]

**The Presiding Officer:** The next item of business is consideration of a further Parliamentary Bureau motion. I ask Bruce Crawford to move motion S3M-4419, on the designation of a lead committee.

*Motion moved,*

That the Parliament agrees that the Subordinate Legislation Committee be designated as the lead committee and that the Standards, Procedures and Public Appointments Committee be designated as secondary committee in consideration of the Interpretation and Legislative Reform (Scotland) Bill at Stage 1.—[Bruce Crawford.]

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

## Decision Time

17:04

**The Presiding Officer (Alex Fergusson):** There are seven questions to be put as a result of today's business. The first question is, that motion S3M-4387, in the name of Bruce Crawford, on the Scottish Local Government (Elections) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Scottish Local Government (Elections) Bill be passed.

**The Presiding Officer:** The second question is, that motion S3M-4388, in the name of Mike Pringle, on the Scottish parliamentary contributory pension fund, be agreed to.

*Motion agreed to,*

That the Parliament appoints Bill Aitken MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

**The Presiding Officer:** The third question is, that motion S3M-4389, in the name of Mike Pringle, on the Scottish parliamentary contributory pension fund, be agreed to.

*Motion agreed to,*

That the Parliament appoints Ross Finnie MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

**The Presiding Officer:** The fourth question is, that motion S3M-4390, in the name of Mike Pringle, on the Scottish parliamentary contributory pension fund, be agreed to.

*Motion agreed to,*

That the Parliament appoints David Stewart MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

**The Presiding Officer:** The fifth question is, that motion S3M-4391, in the name of Mike Pringle, on the Scottish parliamentary contributory pension fund, be agreed to.

*Motion agreed to,*

That the Parliament appoints Alasdair Morgan MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

**The Presiding Officer:** I propose to ask a single question on motions S3M-4413 to S3M-4418, on the approval of Scottish statutory instruments. As no members object, the sixth question is, that motions S3M-4413 to S3M-4418, in the name of Bruce Crawford, on the approval of SSIs, be

agreed to.

*Motions agreed to,*

That the Parliament agrees that the draft Licensing (Mandatory Conditions) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Environmental Liability (Scotland) Regulations 2009 be approved.

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

That the Parliament agrees that the draft Planning etc. (Scotland) Act 2006 (Consequential Amendments) Order 2009 be approved.

That the Parliament agrees that the draft Town and Country Planning (Charges for Publication of Notices) (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the draft Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 be approved.

**The Presiding Officer:** The final question is, that motion S3M-4419, in the name of Bruce Crawford, on the designation of a lead committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Subordinate Legislation Committee be designated as the lead committee and that the Standards, Procedures and Public Appointments Committee be designated as secondary committee in consideration of the Interpretation and Legislative Reform (Scotland) Bill at Stage 1.

## Dispensing Doctors (Rural Areas)

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S3M-4047, in the name of John Lamont, on dispensing general practitioner practices in rural communities. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament recognises the important role of dispensing GP practices in remote and rural communities across Scotland; acknowledges the high level of patient satisfaction with these practices; is concerned about the process of the community pharmacy application in Chirnside, which has failed to properly involve the affected GPs or take account of the views of the local population; is aware of the current inquiry on dispensing under consideration by the Public Petitions Committee, and therefore welcomes the British Medical Association's calls for the pharmacy regulations to be reviewed.

17:07

**John Lamont (Roxburgh and Berwickshire) (Con):** I am grateful to have the opportunity to debate an important motion. I acknowledge the presence in the public gallery of a number of residents of Berwickshire, together with one of the Chirnside general practitioners. However, I know that the debate has much wider significance and involves many communities throughout Scotland.

The focus of the debate and the point of concern is the suitability and robustness of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, which provide the framework against which NHS boards consider pharmacy applications. The issue is not whether community pharmacists should be allowed to operate at all, or whether in every case a dispensing GP practice is better than a community pharmacy. The question is how the regulations operate and their ability to produce the best outcome for each individual community.

It is important to understand how we have arrived at the present situation. Changes to the pharmacy contract in 2006 allowed community pharmacies to provide additional services over and above the traditional dispensing activities. In general, that has made community pharmacies much more profitable as businesses. The result is that more pharmacy applications are being made in smaller communities such as Chirnside that were not previously a viable business location and in which patients are currently served by a dispensing practice. Under the current regulations, dispensing practices are not allowed to offer the same breadth of services as pharmacies can. The regulations, which control the pharmacy application process, were to be updated with the introduction of the new pharmacy contract in 2006,

but so far they have not been altered since 1995, despite the considerable changes that have been introduced by the new contract. A review of the regulations is therefore long overdue. I will return to that point later.

One of the greatest failures of the regulations is that dispensing practices are excluded from the NHS boards' pharmaceutical care services planning process. A GP's right to dispense has no legislative protection and can be withdrawn by the NHS board at any time. When a pharmacy application is accepted, the dispensing practice can lose its right to dispense with immediate effect. That sudden impact on income can have a considerable effect on the practice and its patients.

When a practice loses its right to dispense, the patients in the community will gain access to a community pharmacy service, but that could come at the cost of losing valuable GP services or, in some cases, a branch surgery, leaving the population without a comprehensive GP service. The Minister for Public Health and Sport has disputed that point in the past. However, I have spoken to a pharmacist who is also a GP, and she is clear that if the dispensing income goes, it is very likely that staff will lose their jobs and the practice infrastructure could be in danger. At a time when many rural communities have already lost many services, such as their local post office, it is important that other vital services are not lost.

What needs to be done to address the concerns that exist? The Scottish Government has announced that it intends to review the regulations. I welcome that, but a number of points need to be addressed in that review. I am sure that other members will deal with that matter, so I will deal with three principal issues in the limited time that is available to me.

First, it is essential that patients and dispensing doctors are allowed to participate in the pharmacy applications process. In Chirnside, there was great frustration that the views of local residents were not actively considered. More than 1,100 people signed a petition and more than 600 people wrote letters to NHS Borders about the application. The failure to address those concerns adequately completely undermined the decision-making process. The Government has acknowledged that problem in the consolidated regulations by putting a duty on NHS boards to take reasonable steps to consult on applications, but more needs to be done.

Secondly, the regulations must more clearly dictate the applications process. I will not dwell too much on that point in relation to Chirnside because of the possibility of a judicial review, but it was clear to me that there was considerable uncertainty throughout the process at the highest

levels in the health board about how the process was to be managed. For example, why can only one application be considered at any one time when nothing in the regulations requires that? That approach was adopted in the Borders. When that point was tested, the GPs were told that it was due to custom and practice. With so few applications under the regulations, it is hard to know what custom and practice were being relied on. Surely there is no reason why competing applications cannot be considered at the same time. Indeed, in 1995, NHS Borders heard two pharmacy applications on the same day in respect of Greenlaw, which is also in my constituency. However, that precedent was not followed.

Thirdly, there is confusion about whether the regulations prevent the dispensing GPs from continuing to dispense even once a community pharmacy application has been successful. The British Medical Association has recommended that once a practice has lost its right to dispense, there should be a transition process to allow practices to plan for future service provision. However, in correspondence with me, the minister stated:

“the decision to allow a pharmacy to open does not of itself require the dispensing practice to cease dispensing”.

It would be useful if the minister were to clarify that point in her closing remarks. It would also be useful to know why the market for pharmacy services needs to be restricted in the way that the regulations anticipate. In the Chirnside case, which I know most about, why cannot the GPs continue to dispense either as dispensing GPs or with their own community pharmacy in competition with the new operator? Why should the market be restricted by the way in which the 1995 regulations are being interpreted?

Although any review may not be able to unpick the questionable decisions that have already been made, a review can deal with some of the ongoing issues that face GPs in my constituency to ensure their long-term survival and the continuation of the tremendous medical services that are provided in the district of Chirnside. I look forward to hearing other members' views on this important issue.

17:13

**Christine Grahame (South of Scotland) (SNP):** I congratulate John Lamont on securing the debate. I know that he has in-depth knowledge of the particular instance in Chirnside, and I note that Richard Simpson has been persistent in asking a series of questions about the matter.

It would be easy to say that this is simply an example of a further turf war between pharmacists and GPs. To some extent, members of the Health and Sport Committee have witnessed that turf war

in evidence sessions. Whether or not we put things in such blunt financial terms as pharmacists' income versus GPs' income, at the heart of the matter is the professional delivery of the best of both worlds, particularly in rural communities. Therefore, it would be crass to say that there is simply a turf war.

The problems to which John Lamont alluded are to do with the historical legacy and contractual changes, which have overlapped with previous practices. My understanding is that GPs have no statutory right to dispense, although they have been doing so—I think that there are 130 dispensing practices in Scotland. However, there is a requirement on the NHS board to have a GP dispense if there is no other dispensing service in a community.

As John Lamont said, the introduction of the community pharmacy contract in 2006 extended the services that can be provided over and above what we used to see in the pharmacy. I offer the example of the Romanes pharmacy in Duns, which was mentioned in the context of the Chirnside situation, where there is a patient examination room and a super-duper dispensing machine—which is made in Germany, of course—rather than the traditional model that we used to see, where the combs and deodorants and so on were sold at the front of the shop and the dispensing was done at the back. Pharmacies have moved on, as have GP practices, with community health centres. There has been a bit of exchange and overlap.

However, the procedures for processing applications have been unchanged since the regulations in 1995. Refereeing in such circumstances—if I may put it bluntly—is done by the NHS board, with the assistance of the pharmacy practice committee, but the community is not involved. That should not be the case when we are talking about delivery for the patients. As I understand it, the community can get involved only at the appeals process, when things appear to be done and dusted, which is far too late. There were examples of that in the Borders when the local cottage hospitals closed and the communities could not take part in the process until the stage where they were fighting a losing battle.

There is obviously a bit of a democratic deficit, as well as a process guddle that ends up putting professionals at odds with one another, which is wrong. The public are left out in the cold; they have no part in the decision making until the appeals process, which is not good for anybody, including the boards. It is not often that I defend NHS boards, but it is not good for them either.

Like John Lamont, I note that the Government has laid new regulations before the Parliament, part of which would provide for the introduction of

a duty on NHS boards to take reasonable steps to consult everybody involved and those who want to go on the pharmaceutical lists. That includes the public—and about time, too. I also understand that the control of entry arrangements for the pharmaceutical list might be under review—a consultation on that is under way.

I realise that members from other areas are present, but the Chirnside example demonstrates that we have to play catch-up with the reality out there in the delivery of health services to rural communities. We must not end up with a fight-out between the pharmacists on one side and the GPs on the other, with the public in the middle and the NHS boards taking the blame. That is an unhappy situation. I am sure that we are capable of resolving it if we remember that there are particular solutions to rural problems. The NHS board should look at the whole picture in the area and say, "This is working here, so we won't tamper with it." That is an excellent idea.

17:18

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I will try not to repeat what has been said, but I congratulate John Lamont on obtaining the debate, which is important not just for Chirnside but for all dispensing GP practices and, more important, as Christine Grahame said, the communities in which they are sited. The communities, and the services that are provided to them, must be paramount in our minds.

The situation arose partly because of the 2003 Office of Fair Trading report that recommended the deregulation of dispensing. At the time, the Scottish Executive decided, partly in response to a petition that was lodged, that deregulation would not be appropriate for Scotland, so we have continued to have regulations.

As Christine Grahame said, I have asked six parliamentary questions on this topic, and my colleague James Kelly asked the minister an oral question. The helpful responses to all those questions are welcome, so I take the opportunity to thank the minister for the responses, which indicate that a review of the regulations is to be considered, stakeholders are now being consulted and, in the meantime, matters of public consultation are to be proceeded with, which is welcome. I hope that that will apply to the Drymen practice, because there has been an application for a pharmacy in that area. The answers to the questions that I asked revealed that no board had consulted the Scottish health council about the changes that would occur as a result of the introduction of a pharmacy. In small communities, the introduction of a pharmacy that might destabilise a practice is important—I would regard

it as a significant change—so we need to examine the consultation process carefully.

It is clear that the current regulations lack transparency. Those regulations are pre-devolution; they reflect an older health service and an older system. Given the Government's view of a mutual NHS, I know that the minister will want to make the new regulations transparent and fair to all.

Practices are independent contractors, although not in quite the same way as pharmacists are. Practices plan their business—they plan the buildings and the services that are provided from them, which cannot be changed overnight. John Lamont said that the BMA wants a transition period, but it is more than that. If dispensing facilities in purpose-built premises are closed while rent continues to have to be paid on them, that is an unfair imposition on practices that were, after all, required by the regulations to provide dispensing services. We need a set of regulations that reflects the fact that GPs run businesses. That is important.

I suggest that the effects on a practice of the introduction of a local pharmacist should be independently evaluated. The benefits and risks should be assessed by a health board committee, if that continues, but we need an independent evaluation of whether a practice will be destabilised. I say with due respect to my GP colleagues that, if they say that their practice will be destabilised, it is easy to put together a petition with as many signatures as the number of people who are registered with the practice, because no patient wants to lose their practice. We need independent evaluation that will allow effective consultation.

I have said repeatedly in many debates that pharmacists are highly skilled health professionals. Until recently, their skills were massively underused in the health service. The new contract and the developing role of pharmacists are welcome. In assessing the benefits and risks of a new pharmacy, it is important that we acknowledge that, in their new role, pharmacists provide an extended service that some general practitioners cannot provide.

I welcome the minister's replies to my questions and the review that will be conducted. I ask her to look carefully at all the issues. When she sums up, perhaps she could list all the issues that will be considered and discussed with stakeholders before the review is completed and give us a timetable for completing the review.

17:22

**Liam McArthur (Orkney) (LD):** I, too, congratulate John Lamont on securing the debate.

I was happy to support his motion and I associate myself with his speech. I also acknowledge the amendment that Dr Simpson lodged, which helps by expanding on some key changes that might need to be considered to address the shortcomings in the regulatory environment.

John Lamont set out the concerns in Chirnside about an application to open a community pharmacy there. As Christine Grahame said, such concerns are echoed elsewhere—not least in my constituency of Orkney, where a similar application in Dounby has caused widespread anxiety about the potential impact on primary health care services throughout the west mainland.

I will focus on the situation in Dounby, but I recognise the important role that community pharmacists play in our urban and rural areas. Their expertise and the service that they provide—often alongside GPs and other medical professionals—are highly valued. As Dr Simpson said, following the 2003 OFT report on pharmaceutical services, the Scottish ministers sensibly resisted calls for widespread liberalisation, which would have seriously undermined the position and development of community pharmacies.

The position and development of dispensing GP practices also merit close attention. As members have said, such practices are particularly prevalent in remote and rural areas. That is in no way surprising. In parts of the country where the population's size and dispersal make delivering public services difficult and therefore costly, bringing services together in a single location can be the only way of making them sustainable.

The Dounby GP practice has been built up over three decades from its start as a single-handed practice in cramped premises. The surgery now provides local residents with access to a one-stop shop where patients can see one of two doctors, as well as a nurse, a physiotherapist and a chiropodist, all under the same roof. At a single sitting, patients can pick up any medication that they need, which is often ready by the time they leave the consulting room.

As an integrated primary care team, working closely with the community nurse team that is based at the surgery, the staff understand their patients' social and family relationships; in the case of more dependent patients, they know who the patients' carers are and who supervises their medication.

In no sense has the application to open a community pharmacy in Dounby village, directly opposite the surgery, been driven by demand from patients—quite the contrary. I accept Dr Simpson's remarks about the ease with which

petitions can be struck up, but around 1,500 letters have already been sent to me, from a patient list of 2,300. Petitions have secured even more signatures.

Such concerns are shared by the wider medical community in Orkney. The secretary of the local medical committee wrote in March:

"The resultant substantial and immediate reduction in funding to the Dounby practice, which would occur should this pharmacy application become successful is likely to seriously destabilise it and significantly reduce the service to West Mainland patients which they currently receive".

He went on to ask how provision would be provided to patients in the area if the pharmacy were set up but subsequently failed. A letter in much the same terms was sent by the secretary of the NHS Orkney area medical committee.

I acknowledge and welcome the Government's consultation on the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, which, as Dr Simpson said, predate devolution. However, there appears to be a strong case for suspending consideration of current applications until the consultation process is complete. John Lamont, in his speech, and Dr Simpson, in his amendment to the motion, have highlighted a number of ways in which the consultation could be taken forward and improvements made; I will not repeat those suggestions now.

The Dounby practice has invested heavily in the development and expansion of the services that it offers to patients. As part of that development, it has secured the services of a highly skilled dispensing practitioner. It seems inconceivable that that is being put at risk. I urge the minister to take on board the points that members from all parties have made this evening and to respond positively to their concerns.

17:27

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

I, too, thank John Lamont for securing this debate and for the excellent points that he has made on an issue that affects constituents not only in the Borders but, as Liam McArthur said, in communities across the Highlands and Islands, including Appin, Lismore and Glensanda in Argyll, Dounby in Orkney, Lochaline and many others.

Although the minister has stated that the extra remuneration that GPs receive to cover the dispensing service is not intended to be used to cross-subsidise general medical services and should have no impact on the GP services that are provided, the fact is that additional income from dispensing makes some rural GP practices viable and helps them to exist. One doctor from Argyll stated:

"I can confidently say that 40% of rural practices in remote and rural Scotland would disappear if dispensing income was taken from them".

He continued:

"the reality is that the dispensing income is essential to maintain General Medical Services in many practices in rural Scotland."

I hope that I am not repeating what Liam McArthur has said, but a letter from Dounby states:

"The granting of an application to open a pharmacy would have devastating consequences on the level of service the GP practice provides".

Concerns have also been expressed in Drymen and various other parts of Scotland. The BMA confirms that one dispensing GP has a part-time partner, a half-time nurse and an extra receptionist as a result of dispensing.

For the reasons that I have outlined, I support Richard Simpson's call for the process to include

"independent evaluation on the effects upon the stability and service provisions by that practice",

as well as the other points in his amendment.

Like Christine Grahame, I would like to raise some topical issues relating to the Tobacco and Primary Medical Services (Scotland) Bill that is currently at stage 1 in the Health and Sport Committee. In its written evidence, Community Pharmacy Scotland expresses concerns about whether the current model of GP practices will even be in existence in 10 years' time.

It would appear from the organisation's evidence that community pharmacies would be willing to employ doctors to provide general medical services. In some cases, in particular areas, that might be the best and preferred approach, but I am aware that staff in some newly built and existing health centres who have been working towards providing a one-stop shop for patients to see the doctor, nurse, allied health professionals or mental health staff have found that when they propose the inclusion of a pharmacy the local pharmacist is first in the queue to complain. Like Christine Grahame, I do not want the debate to be a pitch against GPs or pharmacists. Instead of considering only the loss of the dispensing facility to GP practices, the Government might wish to consider the inclusion of dispensing in larger, as well as smaller, health centres and GP practices.

There is no doubt that GP practices in some remote and rural areas are sustainable only as a result of their dispensing facility. Let us look more widely, in this changing environment, to different models that put patients first and foremost and at the heart of the health service rather than have a turf war between pharmacists and GPs.

17:31

**Karen Gillon (Clydesdale) (Lab):** I, too, congratulate John Lamont on securing this important debate on an issue that is of some concern in my constituency, where we have a number of dispensing GP practices.

Last summer, I spent a day with a group of rural GPs who operate three surgeries in rural Clydesdale. They have recently lost the ability to dispense at Coalburn, which directly contributed to their decision not to build a new surgery. The process that led to the removal of dispensing there was without doubt wholly unsatisfactory: it was remote and it did not involve patients in a meaningful way. I and other elected representatives were made aware of the proposal only because of the GPs' lobbying, so we, too, were able to undertake only limited consultation with patients. That is neither open nor transparent.

The practice dispenses at Rigside, too. Like Coalburn, Rigside is a community with many challenges. It is a former mining community, and many residents have diseases such as emphysema, asthma and lung disease. There are higher-than-average rates of heart disease and depression in the area, and there is a high incidence of many cancers. The GPs provide an invaluable local service, delivering a very holistic approach to health care. I witnessed that myself as I sat in on the consultations that took place on the day I spent at the surgery. Surgeries frequently overrun as a result of that, and it is unlikely that a pharmacy would be able to stay open to respond to such changes. However, with local dispensing, people are still able to get their medicine. Similarly, people with long-term conditions can be more easily and carefully monitored by the practice—and there are a lot of people in the communities concerned who have serious, long-term conditions. Patients to whom I have spoken like the service they receive and they have no appetite for change.

I am genuinely concerned that if a pharmacy were to apply to open in Rigside and was successful, the surgery would no longer be viable and the practice would withdraw from both Rigside and Coalburn and operate one surgery from Douglas, which is 4.5 miles away and has very limited access by public transport. That would have a seriously detrimental impact on patients. It is to their advantage to have a local GP surgery in their village.

I have been in discussion with GPs in Carstairs, which is also in my constituency, who have operated a dispensing practice for more than 40 years and are considering purchasing new and improved premises in the village. I am concerned that if that dispensing income were removed, that practice too would no longer be viable.

I appreciate that, when the minister stands up to wind up the debate, she is most likely going to say that dispensing should not be integral to the viability of the practice. That would be the case in an ideal world, but in the real world dispensing allows practices to keep open satellite surgeries, such as we have at Rigside, or to provide additional services such as additional GPs and practice nurses, as happens at Carstairs. If there were no dispensing, such activity would not be viable.

I support amendment S3M-4047.1, which Richard Simpson lodged. We need a balanced debate; this is not about pitting one side against the other, as members have said. GPs, like people in every other sector, are not immune to the temptation to overegg the pudding or to use change as an opportunity to do something that they wanted to do but did not want to take a popularity hit for doing. We need independent evaluation, to ensure that what happens is in the interests of the community.

I passionately believe that access to high-quality local primary care is crucial if we are to end health inequalities in Scotland, treat long-term conditions effectively and reduce the incidence of protracted periods of ill-health in the population. A reduction in access to GPs in communities such as Clydesdale, where rural deprivation is undoubtedly a factor, could only be a backward step in tackling health inequalities.

Mary Scanlon was right to say that we must find a solution that is right for Scotland and for the communities we serve. There should be no reason why we cannot have integrated local health care facilities such as the facility at Lanark, where a pharmacy sits alongside the health centre and the GP practice in a health campus. I urge the minister to do everything she can to ensure that as we develop the right solution we do not lose GPs from fragile rural settings.

17:36

**Iain Smith (North East Fife) (LD):** I congratulate John Lamont on securing the debate. I wanted to speak in the debate because the petition to which the motion refers was submitted by my constituent, Alan Kennedy, from Leuchars.

The petition—PE1220—was lodged as a result of an application to establish a community pharmacy in the post office at Leuchars. Dispensing services are currently provided by a GP practice that covers Leuchars and Balmullo. There was considerable public concern about the application, not because anyone was against the co-location of pharmacies and post offices in principle but for a number of reasons.

Not least of those reasons was concern about the loss of GPs' particular knowledge of patients in dispensing essential drugs and equipment. More significant, there was genuine fear that the loss of income to the GP practice would result in a reduction in the service that the practice could provide. Dispensing income does not go into the GPs' pockets but is ploughed back into services, which allows the GPs to run two surgeries—one in Leuchars and one in Balmullo—and to provide additional nurses and services that they would not otherwise be able to provide, much as happens in practices in Karen Gillon's constituency.

People were also seriously concerned about the adequacy of the proposed premises. The premises are suitable for the purposes of a post office, but in the context of the application there was concern about accessibility, space and, in particular, the ability to provide a confidential consultation area, which is a requirement.

I attended a public meeting in Balmullo hall, which was attended by a large number of patients from the practice. I received a huge number of representations from constituents and it was quite difficult to establish what to do—I hope that the new regulations will set out how decisions are taken. I was eventually able to establish who was the chair of the local pharmacy practices committee, which meant that I could pass on my constituents' concerns. However, the committee could not take account of the wider health care issues that concerned my constituents, such as the potential loss of services. The committee could consider only whether the applicant was a fit person and whether the premises would be fit for purpose.

A decision was taken in December that the premises would not be fit for purpose, for the reasons that I gave. The decision went to appeal, which was not determined until May. At that point there was a collective sigh of relief among constituents in Balmullo and Leuchars, but a couple of weeks ago a fresh application for a pharmacy on the same premises was made under a different name.

I ask the minister to comment on whether there should be a time bar on reapplication where an application fails, unless it fails for a particular reason that is then resolved or the circumstances in the area change significantly. It seems bizarre that a community can campaign successfully to resist the establishment of a pharmacy and be left having to start the process again from scratch just a couple of weeks after a national appeal was rejected.

Will the new regulations allow local pharmacy practices committees to take account of the wider health care issues in an area to ensure that allowing a community pharmacy to open and

removing the dispensing services from a GP will not result in a significant loss of other services that are vital to local communities?

17:40

**James Kelly (Glasgow Rutherglen) (Lab):** I welcome the opportunity to take part in the debate and congratulate John Lamont on securing it. It is clear from the way that he spoke that he has a lot of knowledge about the matter and cares deeply about the needs of his constituents.

I do not want to be drawn into the debate about GPs versus community pharmacists. My concerns are about pharmacy applications and the need to involve the public. From that point of view, I welcome the new regulations that the minister laid before the Parliament, which will come into effect on 1 July and secure greater public involvement. I also welcome the consultation that has been announced, which gives us the opportunity to amend the regulations and make the system fairer and more transparent.

I will relate an instance in my constituency in which an application is subject to appeal. It is an application that I support but do not believe has been treated fairly. Indeed, the applicants are now on their second attempt to set up a pharmacy, having strengthened their original application.

The area where they want to site their pharmacy has a high number of pensioners, a great deal of social housing and a limited number of car owners. The application was originally rejected on the basis that constituents could get to two pharmacies nearby, but a constituent who does not have a car would need to travel by bus to get to them. That situation is unacceptable, as is the reason for the rejection.

I have concerns about the transparency and openness of the process. My constituents, Mr Balmer and Mr Dryden, had difficulty at times acquiring information about the process as their application went through the pharmacy practices committee and the national appeal panel. I have specific concerns about the role of Community Pharmacy Scotland in the application. At the appeal on the original application, the organisation's chairman and a senior member of its executive committee both objected. They have pharmacies locally, but Community Pharmacy Scotland has representation on the national appeal panel and I submit that that is a conflict of interest. In this case, it was not declared. That is a problem, and it must be addressed in the consultation.

Mr Balmer and Mr Dryden have an excellent case for their application. I am running a survey in the area of the constituency that is affected. I have sent 1,200 letters and received more than 440

postcards in return supporting the application. In fact, more people have participated in that survey than voted at the European elections. That demonstrates support for the application and that, were a pharmacy to be set up in the area, it would be economically viable.

The debate has been excellent. Members have brought different views and experiences to it, and I am sure that the minister will reflect on them in her closing speech. We need a process that delivers better outcomes for the public. To achieve that, we need more transparency and greater public involvement.

17:44

**The Minister for Public Health and Sport (Shona Robison):** I thank John Lamont for raising some very important issues.

Members will be aware that, over the past few months, there has been significant interest in the procedures by which decisions are made on applications to open community pharmacies—examples of which have been aired in tonight's debate. The issue is greater in remote and rural areas, where the viability of a community pharmacy might not be guaranteed. In areas where patients might have difficulty in accessing pharmaceutical services through a community pharmacy, an NHS board may require a GP practice in the area to dispense prescribed items for some or all of its patients. I agree with John Lamont that dispensing GP practices have an important role. I know that many patients who collect their prescriptions from their GP practice value the service very much indeed.

Although there are some overlaps in the knowledge and skills of the medical and pharmaceutical professions, their respective education and training complement each other. The best therapeutic outcome for patients comes from both professions working together for the benefit of the patient—a point captured by Christine Grahame—which is very much at the forefront of our thinking on where we want to get to. The Scottish Government will continue to explore innovative ways to allow patients to have access to independent advice on their medicines from pharmacists.

The new community pharmacy contract is designed to build on pharmacists' role in caring for patients by making full use of their clinical skills and expertise. The community pharmacy network across Scotland is well placed to provide accessible services in local communities in a way that enhances patient care and improves health outcomes, as Richard Simpson mentioned. Contracted services already in place include the minor ailment service, the public health service,

and the acute medication service. The chronic medication service, which is currently undergoing early testing in Fife, will be rolled out across Scotland from October this year.

There is, and there will remain, a need for some GP practices to provide a dispensing service for their patients. There will continue to be some marginal cases in which a new pharmacy applies to a health board to open in a particular area. Boards must satisfy themselves that the provision of pharmaceutical services at the premises that are named in an application is necessary or desirable in order to secure provision of pharmaceutical services in the neighbourhood in which the premises are located. Such decisions must be a matter for the board concerned. As John Lamont will know—as the correspondence between us has confirmed—the Scottish Government is not involved in making those decisions.

**John Lamont:** What is the Government's view on whether a dispensing GP practice may be required to cease dispensing when a community pharmacy application has been successful?

**Shona Robison:** I will come on to that point in a moment.

John Lamont is concerned that the application process does not allow the board to hear the views of GPs or of local people who might be affected by the board's decision. I am aware that other members, and members of the public, have raised similar concerns. We have listened carefully to those concerns.

As members will know, we laid replacement regulations on pharmacy applications before the Parliament on 18 May. Subject to approval by Parliament, those regulations will come into force on 1 July this year. The regulations will place a duty on health boards, when applications to the pharmaceutical list are made, to take reasonable steps to consult persons to whom pharmaceutical services might be provided as a result of the application. The regulations will replace the requirement on boards to consult local health councils—which were abolished in 2005—and will ensure that local people are consulted. However, how such local consultation should best be undertaken will remain a matter for boards.

In addition to those amendments, we intend to review the legislation further and to undertake a formal consultation exercise in the autumn. As I announced to Parliament on 21 May, the review process will begin before the summer recess through open discussion with stakeholders, including the BMA's Scottish general practitioners committee and Community Pharmacy Scotland. We will take that forward and complete the process as quickly as possible.

John Lamont's motion calls on the Parliament to be aware of the Public Petitions Committee's inquiry into PE1220. Members should note that the committee has been kept fully informed of our position. Indeed, the Scottish Government wrote to the committee on 21 May to advise it about the replacement regulations and about the review that I have mentioned. At its meeting on 2 June, the committee agreed to reconsider the petition once our review of the relevant legislation is completed, and I look forward to hearing its views at that time.

John Lamont raised the case of the application to open a community pharmacy in Chirnside, in which he has a strong interest and which he has represented extremely well. I am aware of the particular circumstances of the application, although, as he will appreciate, I cannot comment on the decisions that have been taken by the board's pharmacy practices committee or the national appeal panel. Ministers have no involvement in those decisions.

The Scottish Government has been called on—by, for example, the BMA—to suspend decisions on applications until the Public Petitions Committee has completed its consideration of the processes, and Liam McArthur made such a call earlier. As I indicated, the Scottish Government is not involved in those decisions. Moreover, we cannot suspend the operation of the current pharmaceutical services regulations, which are subordinate legislation, nor can we ask NHS boards to suspend their decisions, as that would not be compatible with the regulations.

I turn to the point that John Lamont made in his intervention. It has been claimed that a dispensing GP practice will be required to cease dispensing if an application to open a community pharmacy in the area is approved. I should point out that the relevant legislation does not require the dispensing GP practice to stop dispensing for all patients. Again, that is a decision for boards, which must take local circumstances into consideration. In such cases, boards are required to reconsider whether any patients would have serious difficulty in obtaining prescribed items.

**Liam McArthur:** In many cases, it will demonstrably not be the case that a patient would have "serious difficulty" in obtaining prescribed medications, but it is pretty unrealistic to expect a GP dispensing practice to continue to dispense a small part of what it previously dispensed, given the levels of investment that will have gone into developing the practice as a whole.

**Shona Robison:** I was going to repeat that the extra remuneration that GP practices receive for providing dispensing services is intended only to cover the additional cost of providing those services; it was never intended to cross-subsidise their base general medical services provision.

However, I recognise what has been said in the debate about the realities of the situation in some areas of the country.

I thank John Lamont and other members for raising important issues. I am grateful for the opportunity to reiterate the Scottish Government's position, which is that we take seriously his concerns, those of the Public Petitions Committee and those of the many others who have an interest in the issue. Although the review will be on the control-of-entry arrangements rather than pharmaceutical services as a whole—it is right and proper that we have restricted it in that way—I am confident that most of the issues raised by Richard Simpson, as well as Iain Smith's point about reapplications, will be considered as part of it.

I welcome tonight's input and encourage members to continue to contribute to the review process as we take it forward.

*Meeting closed at 17:53.*



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